

## **Welcome!**

Turtle Mountain Community College places a high priority on creating a safe learning and working environment for the campus community. Our office works closely with local law enforcement agencies and other community safety groups to ensure we are proactive in reducing crime on our campus. Safety and security is a shared responsibility and we ask all community members to be observant and report any safety related issues to our department.

The Annual Security Report provides a detailed summary of Turtle Mountain Community College's proactive efforts to keep our campus as safe as possible. The information in the Annual Security Report provides detailed information regarding safety on the campuses of Turtle Mountain Community College for the last three years. It also provides a listing of safety related community resources available to students, staff, and faculty both on and off campus.

If you have any questions or suggestions regarding this publication, please contact the Safety Compliance/Campus Security Office at: (701)477-7814.

Sincerely,

Cory M Poitra  
TMCC Safety Compliance Officer

## **Campus Security Report**

The Safety Compliance Officer and Dean of Student Services, located at The Turtle Mountain Community College's main campus building, prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crimes Statistics Act of 1998. This report is prepared in cooperation with local law enforcement agencies responsible for our campus locations. Internally, departments such as Campus Security, Student Services, Academic Affairs, Human Resources, and others provide information to comply with the Act. Campus crime, arrest and referral statistics include those reported to Turtle Mountain Community College's Safety Compliance Officer, campus security, designated campus officials, and local law enforcement agencies.

Pursuant to the *Student Right to Know* and Campus Security Act, Turtle Mountain Community College monitors criminal activity, publishes this report, and maintains a three-year statistical history on the main campus and at off campus property locations or facilities owned or used by Turtle Mountain Community College.

The annual report includes reported crimes alleged to have occurred on the campus, at facilities owned or used by Turtle Mountain Community College and/or recognized student organizations/clubs and the immediately adjacent surrounding public area. The Safety Compliance Officer/Campus Security serves as the primary liaison between the Turtle Mountain Community College and all law enforcement agencies. In order to accurately report crimes alleged to have occurred on public areas immediately adjacent to the campus, the Safety Compliance Officer/Campus Security annually requests crime statistics from local law enforcement agencies. A record of these inquiries is housed in the Safety Compliance/Campus Security Office.

The annual report includes the following reports of crime:

- Murder and non-negligent manslaughter
- Negligent Manslaughter
- Sex offenses o Forcible o Non-Forcible
- Robbery
- Aggravated Assault
- Burglary
- Arson
- Motor Vehicle Theft

The report also includes arrests or persons referred for campus disciplinary action for the following:

- Liquor law violations
- Drug abuse violations
- Weapons possession
- Hate crimes
- Prejudice
- National origin

- Gender identity
- Non-prejudice
- Domestic violence
- Dating violence
- Stalking

In addition to the crimes described above, other reported crimes involving bodily injury to any person, and reported crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim must be reported as hate crime statistics, and are recorded as such in this report whether it is an on or off campus crime.

Turtle Mountain Community College will notify employees, current students and prospective students of the availability of this report and will provide a copy of the report upon request.

Printed copies of the report are available on campus in the Turtle Mountain Community College Library, President’s Office, Dean of Students Office, Faculty Administration Office, Campus Security Office, Human Resources Office and at the Registrar’s Desk. It can be obtained online at the College’s webpage: [www.tm.edu](http://www.tm.edu).

**To report a crime**

Contact Cory M Poitra, Safety Compliance Officer, located at Turtle Mountain Community College Main Campus, or via telephone at (701) 477-7814. You may also file a report electronically at the College’s webpage: [www.tm.edu](http://www.tm.edu) Go to Departments, click Human Resources, click Forms, and click Incident Report Form.

Everyone on campus is encouraged to immediately report any criminal activity to the Campus Department and/or the Police Department. Please notify Safety Compliance Officer anytime 911 services are requested (fire, police or ambulance) on campus.

**In addition to the Safety Compliance Officer, you may also report crimes to the following individuals:**

- TMCC President: Dr. Donna Brown (701)477-7865
- TMCC Facilities Manager: Kevin Morin (701)477-7853
- TMCC Dean of Student Services: Dr. Wanda Laducer (701)477-7875
- TMCC Human Resource Manager: Holly Cahill (701)477-7938
- TMCC IT Director: Chad Davis (701)477-7847
- TMCC CTE Director: Sheila Trottier (701)477-7879
- TMCC Comptroller: Tracy Azure (701)477-7809
- TMCC Anishinabe Campus Director: Mark Hamley (701)477-7834
- TMCC Adult Ed. Director (South Campus): Sandi LaRocque (701)477-7913

**Local Law Enforcement:**

Belcourt B.I.A. Law Enforcement Center  
(701)477-6134

Rolette County Sheriff's Office  
(701)477-5623

**Campus Security Report Compliance Officer**

Cory Poitra, Safety Compliance Officer (701)477-7814 or ext. 1225 [www.cpoitra1@tm.edu](mailto:www.cpoitra1@tm.edu)

**Maintenance of Daily Crime Log**

Turtle Mountain Community College campus security will keep and maintain an easily understood crime log, recording all crimes reported to the Turtle Mountain Community College Campus Security. The crime log will include information such as the nature, date, time, and general location of each crime on Turtle Mountain Community College campus property, and the disposition of the complaint if known. The crime report log will include reported crimes that occurred on campus property.

All entries shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection during normal business hours. 8-4:30 P.M. Monday -Friday

The campus crime report log is available upon request. Any portion of the on campus housing crime report log older than sixty (60) days must be available within two (2) business days of the initial report being made to the Safety Compliance Officer/Campus Security. If new information regarding a log entry becomes available to the Safety Compliance Officer/Campus Security, the log entry will be updated accordingly to reflect the most current information available.

The campus crime report log is located in the Safety Compliance/Campus Security office, located at Turtle Mountain Community College Main Campus building, and may be requested for review at any time during regular business office hours Monday through Friday 8 a.m. to 4:30 p.m.

**Emergency Response and Timely Warnings**

In the event of an emergency incident affecting campus, Turtle Mountain Community College will, without delay and taking into account campus safety, make the best effort possible to assist victims or contain/respond/mitigate the emergency. A small group consisting of two or more of the TMCC Safety Committee (listed on pg. 88) will quickly confer in person or via technology to assess the situation and determine a timely and appropriate action, including if an emergency alert will be distributed. The small group of designees will determine the method of communication depending on the immediacy/severity of the current situation. Delivery methods

can be but not limited to a written notice, campus email messages, notice on college web site, or initiating an emergency alert using the Blackboard Connect Campus Alert System.

Upon determining the need to issue an emergency alert, this group will identify the content of the notification (i.e. weather conditions cause campus closing; person with weapon on campus, etc.) and then will share that information with all of the TMCC Safety Committee, who will then use the order of designee responsibility to initiate and distribute the emergency alert message in a timely manner.

### **Emergency Alert System**

The Blackboard Connect Campus Alert System is the emergency notification messaging system used by Turtle Mountain Community College. The system uses text, voice, and email messaging to notify students and employees of campus-related emergencies.

The Blackboard Connect Campus Alert System is an opt-in system and students and employees must register in order to receive emergency alerts. In the event of an emergency, a text and/or voice message will be sent to the phone number and/or an email will be sent to the email address provided.

Turtle Mountain Community College students are asked to sign-up for the Campus Alert System during new student orientation and employees are asked to register during new employee orientation and/or staff duty day meetings.

In the event of an actual emergency the campus community will be notified through phone, email, and the Turtle Mountain Community College website. Students should take responsibility for regularly checking their e-mail. In order to receive campus wide email announcements, students must have a college email account, which may be obtained from the TMCC Information Technology (IT) Department, on the second floor of the college.

The emergency alert system will be used only when necessary in emergency situations affecting the campus, including:

- campus closure due to weather
- campus closure due to building infrastructure issue (no water, no electricity, etc.)
- tornado warning issued for Belcourt area
- crisis situations on campus (person with weapon, violence/riot, chemical hazard, etc.) • other emergency situations deemed appropriate by the college president and designees.

The emergency alert system will not be used for general announcements such as daily class cancellations or specific event cancellation, slippery roads/current weather conditions, campus news updates, or other information not vital to the immediate safety of students and employees.

### **Emergency Alert Designees**

The following employees are designated as administrators of the Blackboard Connect Campus Alert System and have access to sending emergency alerts. The information technology director is the primary person who will send alerts as directed. The following order of responsibility lists

who will send an emergency alert, based on availability/access to technology/situational presence factors:

1. Chad Davis, TMCC Information Technology Director
2. Jaelyn De Los Santos, TMCC Database Report Writer Trainer
3. Angel Gladue, TMCC Registrar
4. Robyn Poitra, TMCC Board of Director's Secretary (Acting)

The Safety Compliance Officer is responsible to issue a timely warning, or "Crime Alert" to members of the campus community in cases of reported immediate threat such as; murder, nonnegligent manslaughter, negligent manslaughter, sex offenses (forcible or non-forcible), robbery, aggravated assault, burglary, arson, motor vehicle theft and any bias-motivated crimes, where the President (or designee) determines there is a serious or continuing threat to the College Community.

Timely Warnings or "Crime Alerts" are used to inform the community that an incident has been reported. Crime Alerts will contain general information about the incident and how incidents of a similar nature might be prevented.

In such cases warranting a timely warning, the campus community will be made aware of the crime via "Crime Alerts" which will be sent out via campus email. The identity of the victim will be withheld to ensure confidentiality.

In the instance of an immediate threat to campus, requiring an urgent timely warning, Crime Alerts will be distributed utilizing the emergency notification system, Campus Alert System. The Campus Alert System (Blackboard Connect) can send phone, email, and SMS Text messages to up to five different points of contact for every individual in the system. All campus community members can choose to enroll in the Blackboard Connect Campus Alert System. Additionally, if deemed prudent and necessary, the college may utilize other methods of communication such as the campus website, campus social media pages, and campus email system to expedite the communication process.

Records of all timely warnings issued will be maintained by the Safety Compliance Officer (or designee).

The Blackboard Connect Campus Alert System operation is verified at the beginning of each semester.

### **Emergency Response and Evacuation Procedures**

The Turtle Mountain Community College campus is comprised of three main locations; the Main Campus, Anishinabe Campus, and South Campus.

The TMCC Safety Committee is the main resource responsible for emergency response and evacuation procedures. The TMCC Safety Committee may be augmented by other areas or groups.

The TMCC Safety Committee is comprised of senior leadership of the College campus, facilities, campus security, IT, and various staff as needed. The TMCC Safety Committee was created to assist incident response and if appropriate, initiate the emergency notification system and begin the transition to emergency operations.

### **Procedures**

Contact the Safety Compliance Officer/Campus Security (701)477-7814 (ext. 1225, 1226, or 1040 if using a campus phone) or TMCC Operator (701)477-7862 (or dial 1000 if using campus phone) immediately whenever an emergency occurs on campus.

Upon arrival, the Campus Security and/or administrators will confirm the reported incident, assess the situation and determine if additional resources are necessary to resolve the situation.

If the incident is determined to be a significant emergency that will impact the campus community, the Administrative Team will be activated to respond. Without delay Turtle Mountain Community College will, at the determination of the President of TMCC (or the designee), notify the campus community when a significant emergency or dangerous situation occurs involving an immediate threat to the health and safety of the campus community.

If deemed prudent, the campus emergency notification system will be utilized to inform the greater campus community of a continued or on-going emergency.

Information regarding the emergency may also be posted on the Turtle Mountain Community College website and/or through the TMCC Administration office as appropriate to inform the larger community.

The President of TMCC (or designee), along with other lead administrators, will determine which information must be included in the notification to ensure that the campus community is adequately informed of the incident. If certain information will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency, the notification may be delayed.

### **Emergency response exercises are conducted annually**

All faculty, staff and students should learn the evacuation routes and stairwell locations for all campus buildings they frequently occupy. Evacuation maps and information are posted throughout the campus. Emergency response and evacuation procedures will be disseminated as appropriate prior to or after any drill events. Drills may cover a range of scenarios including, fire, severe weather, active shooter, bomb threat, etc. If public safety, law enforcement or fire department personnel are on scene, follow their directions. Documentation of such drill activity will be maintained by the Safety Compliance Officer and Facilities Manager.

In most emergencies the campus will use the campus emergency notification system and campus public announcement (P.A.) system to provide instructions to individuals on campus on proper emergency protocol.

Special instructions for evacuation of students with disabilities who are known to need assistance with evacuation are available.

**Fire Evacuation Procedures**

- Flashing strobe lights and emergency sirens will sound in the event of a fire.
- Calmly exit the building via the nearest exit



- Do not use elevators
- Administration and assigned staff will provide direction and assistance
- Evacuate to a safe distance and remain outside until the all-clear message is given.

### **Severe Weather Shelter Procedures**

- Calmly proceed to the designated severe weather shelter area in your building.
- Administration and assigned staff will provide direction and assistance
- Remain in the Severe Weather Shelter area until the all clear message is delivered.

### **Campus Lockdown Procedure**

- In the event of an emergency or incident which has the potential for direct or immediate harm to the campus community, the TMCC Safety Committee or the Police Department may lockdown the campus.
- Administration will issue alerts via the campus emergency notification system and/or the campus P.A. system to advise the campus of the lockdown.
- Proceed to the nearest classroom or enclosed area and secure yourself inside
- Shut off all sources of light (i.e. lights, computer monitors, television screens, etc.)
- Stay away from windows and doors
- Remain calm and quiet
- Wait for instructions from law enforcement

If you require additional information about the plan or an explanation of duties, please contact TMCC President, at (701)477-7865 or TMCC Safety Compliance Officer, at (701)477-7814.

### **Emergency response and evacuation plan review**

Emergency response and evacuation plans are maintained as long as Turtle Mountain Community College conducts business that may be adversely affected by emergency conditions or situations. This plan should be considered dynamic and under continual review. Review of the written procedures will be completed annually. Superseded copies of this plan will be retained for five years as required by the records retention schedule. Copies of this plan will be maintained in the Safety Compliance Officer office and Facilities Manager Office. The Campus Safety Committee is responsible for this plan.

As a result of this review and evaluation, Turtle Mountain Community College will amend this plan periodically to include updated controls and technology. The plan will also be revised after significant incidents by incorporating: (1) the details of the event, (2) an evaluation of the cause of the event, and (3) corrective actions implemented necessary to prevent a recurring event. A material change in the structure of the plan will require full management review.

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## **Emergency response notification**

**In case of an emergency**, dangerous situation, Fire or to report suspicious activity, do not hesitate to **call 911 first** and then notify a campus official.

- Non-Emergency: (701)477-6134 (Belcourt Police Department Office)
- TMCC Operator: (701)477-7862 (dial 1000 from campus phone)  
TMCC President: (701)477-7865 (Dr. Donna Brown)
- Safety Compliance Officer: (701)477-7814 (Christopher M. Parisien)
- Student Services: (701)477-7875 (Dr. Wanda Laducer, Dean of Students)
- Facilities Department: (701)477-7853 (Wes Davis Facilities Manager)
- Campus Security: (701)477-7862 ext. 1226/1040 (Dustin Davis/Ervin Charette) •  
Poison Control Center: 1-800-222-1222 (National Number)

## **Content of Emergency notification**

It is always the College's intent to be forthright and timely in its communications with the college community, the media, and the public at large. Decisions regarding this communication will be guided by due concern for the right to privacy, personal security, legal liability, and the public's legitimate right to be informed. All media inquiries will be referred without comment to the TMCC President's office. The official spokesperson for the college is the college President. Only the official spokesperson (President) and the designated alternate (as named/ identified by the President) will articulate the college's position upon authorization of and as directed by the President by communicating through news outlets in the local area.

## **TMCC Evacuation Policy**

**Evacuation Procedures – General Evacuation Procedures** When evacuating your building or work area:

- Stay calm; do not rush or panic.
- Gather your personal belongings, if it is safe to do so.
- Close your office doors and windows, but **DO NOT LOCK THEM**.
- Use the nearest safe stairs (as designed on attached maps) and proceed to the nearest exit.  
Do not use the elevator. Once outside, stay at least 30 feet from the furthest door.
- Wait for any instructions from emergency officials.
- Do not re-enter the building or work area until you have been instructed to do so by emergency officials or have received a Blackboard Connect Campus Alert System message that it is safe to do so.

## **Evacuation Procedures – Disabled Individuals**

- The rescue of disabled persons who are unable to evacuate themselves will be an initial priority.
- Co-workers may assist evacuating disabled persons only if this places them in no personal danger.

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- Never use elevators.
- Always ask someone with a disability how you can help before attempting any rescue technique or giving assistance.
- Mobility impaired persons in wheelchairs on non-ground level floors should proceed to nearest enclosed stairwells (**designated areas of refuge**) and wait for the Fire Department to arrive. Rescue assistance communication is available in each stairwell. Someone should stay with the disabled person, if it does not place them in additional danger.
- Visually impaired persons should have a sighted assistant to guide them to safety. Individually inform hearing-impaired persons of the emergency. Do not assume they know what is happening by watching others.

### **Zone Leaders Duties**

- Clear your zone. If you are not in your zone when the evacuation begins, you will need to return there to help ensure that your zone area is cleared.
- Check all rooms.
- Notify Safety Manager or President (or designee) when zone is clear. (Safety Manager and President (or designee) will be located at the center of College / Medicine Wheel or front of building).

### **Zone Leader List**

#### **Zone Leader List for Fire/Evacuation Procedures**

#### **Zone 1 Section 1A Science/Math Area**

Primary designee: Sheila Trottier  
 2<sup>nd</sup> designee: Katrina Delorme  
 3<sup>rd</sup> designee: Mica Belgarde

#### **Zone 1 Section 1A Student Union**

Primary designee: Rhonda Gustafson  
 2<sup>nd</sup> designee: Jenna Parisien  
 3<sup>rd</sup> designee: Philip Brien  
 Security will assist when 2<sup>nd</sup> and 3<sup>rd</sup> designee are not available

#### **Zone 2 Section 1B Student Services/Business Office/Cafeteria/Computer Lab**

Primary designee: Dr. Wanda Laducer  
 2<sup>nd</sup> designee: Angel Gladue  
 3<sup>rd</sup> designee: Tracy Azure

#### **Zone 2 Section 1B Project GOAL Offices/Auditorium/Music/Art**

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Primary designee: Security

**Zone 2 Section 1B Basement**

Primary designee: Security

**Zone 3 Section 1C Gym/Kitchen/Bookstore Primary**

designee: Cory Poitra

2<sup>nd</sup> designee: Anthony Desjarlais

3<sup>rd</sup> designee: Diana Poitra

**Zone 4 Section 2A Library**

Primary designee: Laisee Allery

2<sup>nd</sup> designee: Harvey LaRocque

3<sup>rd</sup> designee: Nicole Pound

**Zone 4 Section 2A Administration/CTE Classrooms**

Primary designee: Robyn Poitra  
2<sup>nd</sup> designee: Nicole Pound  
3<sup>rd</sup> designee: Ace Charette

**Zone 5 Section 2B IT Department/Board Room/Terrace Primary**

designee: Chad Davis  
2<sup>nd</sup> designee: Jackie De Los Santos  
3<sup>rd</sup> designee: Mike Poitra

**Zone 6 Section 2C Education Halls/Track Primary**

designee: Dave Wibe  
2<sup>nd</sup> designee: Cathie Gladue  
3<sup>rd</sup> designee: Kathy Henry

**Zone 6 Section 2C Faculty Offices/Social Science Classrooms**

Primary designee: Security

**Zone 7 CTE Building**

Primary designee: Luke Baker  
2<sup>nd</sup> designee: Ron Parisien  
3<sup>rd</sup> designee: Wayne Sande

**Allied Health Building**

Primary designee: Marilyn Delorme  
2<sup>nd</sup> designee: Tyler Parisien  
3<sup>rd</sup> designee: Dorothy Hoffer

**Anishinabe Campus**

Primary designee: Mark Hamley  
2<sup>nd</sup> designee: Michelle Short-Azure  
3<sup>rd</sup> designee: Jeff Grant

**South Campus GED Building**

Primary designee: Sandi LaRocque  
2<sup>nd</sup> designee: Jesse Chase

**South Campus Vocation Rehab Building**

Primary designee: Donna Thomas  
2<sup>nd</sup> designee: James Lindgren

**South Campus CNA Section**

Primary designee: To be assigned

2<sup>nd</sup> designee: To be assigned

3<sup>rd</sup> designee: To be assigned

### **Welding Shop**

Primary designee: Carl Eller

2<sup>nd</sup> designee: Carl Bercier

### **Plumbing/HVAC Building**

Primary designee: Richard Jay

### **Arrowhead Printing**

Primary designee: Charles Okerson

2<sup>nd</sup> designee: Jessica Laducer

3<sup>rd</sup> designee: Jennifer Davis

Available security will double-check behind zone leaders (one security per floor) and stairwells at main campus. Other campuses will use the 2<sup>nd</sup> or 3<sup>rd</sup> designee (whoever is available) to double-check behind primary.

Zone Leaders will meet TMCC President outside in front of the main building to sign off their zone is clear.

### **Aftermath Plans**

Once the emergency has passed, the President will determine when it is safe to return to campus. Post-emergency response teams will inspect all buildings, grounds, and utilities for damages.

#### **If the college is deemed safe:**

The critical emergency personnel member who is residing with the students in the emergency shelter will announce a departure time and designated loading area to the sheltered students.

- All students will receive an emergency text, email and update via website via the Campus Emergency Alert System that it is safe to return to campus.

**If the college is deemed unsafe and/or will be closed for a prolonged period:** Students, staff, and faculty will be kept informed on the status of the college through campus email accounts or the Campus Emergency Alert System with texts, emails and vice messages; and via appropriate web site updates.

#### **Notification to the Turtle Mountain Community College Community at large of a Threat**

If TMCC confirms there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the community, the TMCC Administration Office will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the community or the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

The TMCC Administration Office will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including but not limited to: Belcourt Police and/or Belcourt Fire and Emergency Medical Services) compromise the efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the TMCC community, the college has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the TMCC campus community. These methods of communications include email, emergency texts messages and emergency messages through the Campus Alert System. The college will post updates during a critical incident on the TMCC website at [www.tm.edu](http://www.tm.edu). Individuals can call the college for updates at (701)477-7862.

## **Responsibilities**

### **The employee is responsible for:**

- Reporting any emergency situation to an administrator immediately
- Being aware of their primary and secondary emergency exits
- Reading and understanding these procedures
- Asking questions when any information is unclear or not understood • Understanding the proper operation of emergency evacuation equipment
- Informing supervisor of special emergency evacuation needs.

### **The supervisor/administration is responsible for:**

- Providing staff, students, and visitors emergency response information and training
- Identifying mobility impaired employees who might need assistance during evacuation
- Providing opportunity for employees to ask questions
- Assembling with evacuated personnel at a predetermined location (at least 300 feet away from the building) to identify missing staff, students, or visitors
- Reporting missing staff, students, or visitors to the emergency evacuation coordinator, or the on-scene commander.

## **Fire**

Employees should become familiar with the location of fire alarm pull stations near their work area and the proper operation of that pull station. Supervisors are responsible for knowing pull station locations in their work area and advising personnel of their locations.

College buildings will be immediately and totally evacuated, **using the above mentioned Evacuation Procedures**, whenever building fire alarms are sounding.

- If you see or suspect a fire; remain calm and activate fire alarms.
- Call 911 from any on-campus, off-campus, or cell phone.
- Give as much specific information as possible when emergency operators answer. Do not hang up unless it is unsafe or calls are released by emergency operators.

- Report all fires, even if extinguished or found subsequent to being extinguished.
- Report all fire alarms, even if they are suspected to be false or accidental.
- Evacuate at once using nearest exits or stairways. Do not attempt to fight fires.
- Close doors and windows, if time permits. **DO NOT LOCK** doors.
- Do not use elevators.
- Do not open doors before feeling the doors and doorknobs.
- Crawl if there is smoke.
- Use secondary exits if primary exits are blocked.

**If you are trapped:**

- Block cracks around doors to keep out as much heat and smoke as possible.
- Go to windows and signal for help by hanging a flag, sheet, jacket, etc., out of windows.
- Use available telephones to call 911 and let them know your exact location. Dial 0 to request help.
- Do not attempt to jump from multi-story buildings.
- Do not re-enter buildings for any reason until fire or police officials say it is safe to do so.
- Try to determine who is in the area and report missing or unaccounted for individuals to emergency officials.

The TMCC Zone Leaders (designees) and TMCC Campus Security will ensure all employees and students are safely evacuated from the building in emergencies requiring evacuation. Employees who have been evacuated because of fire, tornado, or other emergency will return to the appropriate work areas only upon issuance of an all clear signal issued by an emergency evacuation coordination team member.

**Special considerations**

- If you are outside when the alarm sounds, stay outside and assemble with your work group.
- If your clothing is on fire, drop to the ground and roll to extinguish the flame.
- If you are injured by smoke or fire, inform a coworker or your supervisor, and seek medical attention immediately.
- Do not attempt to extinguish a fire unless it is blocking your egress path or you are properly trained and equipped. Use common sense.

**Mobility-impaired employees, students, or guests**

If an employee, student, or guest needs assistance in evacuating the building, notify a TMCC Zone Leader (designee) and/or Campus Security member immediately upon your exit from the building. Follow the established procedures outlined elsewhere in this document.

The non-ground level stairwell landings (with the exception of the Medicine Wheel stairwell) are **designated areas of refuge**. If an employee, student, or guest cannot evacuate safely using the stairwells, they are advised to stay in these areas and wait for assistance from emergency personnel (Fire, EMS, Law Enforcement). If waiting in an area of refuge puts a person in



imminent danger of physical harm or loss of life, they will immediately be evacuated, safely using any means necessary, with the assistance of TMCC Safety Committee and/or volunteers.

### **Missing employee(s)**

- Check the evacuation assembly area to ensure the employee(s) are not with another group.
- Notify the nearest firefighter and inform them so a check can be made.
- Provide a description of the missing employee(s) and where they were last seen.

### **Severe weather (tornado, thunderstorm, lightning)**

Severe weather watch means atmospheric conditions favor development of severe weather.

Severe weather warning means severe weather has been sighted or reported in the local area.

- Inform your emergency evacuation coordinator or supervisor of the emergency.
- Take shelter in the basement, or alternate safety areas, stay away from windows.
- Wait for the all clear signal before returning to work area.
- If you are on the top floor of a building, use interior stairwell to move down to the basement.
- If you are outside, take shelter indoors immediately.

### **Medical emergency**

- Call 911 for assistance.
- If necessary, administer first aid/CPR if properly trained and qualified.
- Avoid moving injured persons unless it is absolutely necessary for safety reasons.
- Try to find out what happened and check for medical identification tags.
- Follow universal precautions: treat all blood and body fluids as if they are infectious.
- Use a first aid kit, if available.
- AED stations are located in:
  - TMCC Main Campus
    - Medicine Wheel
    - Gym
    - Allied Health Building
    - CTE Building
  - TMCC Anishinabe Campus
    - Main Building
  - TMCC South Campus
    - Main Building

### **Suspicious Person**

If an individual's appearance or actions arouse your suspicion:

- If warranted, immediately call 911 and state your emergency.
- If the person is requesting to see a particular employee, be polite.
- Ask the person to be seated.
- If possible, call a co-worker and report as much as allowed.

## **Training**

New Employee and new faculty orientation emergency response procedure and notification training is conducted for all employees during employee orientation or new faculty orientation in accordance with TMCC policy. Records of this training are maintained by the Human Resources Department.

General compliance training, periodic or refresher training on emergency response procedures, is conducted during the general safety and compliance training. This training is conducted for all employees annually.

The TMCC Safety Committee and Zone Leaders (designees) receives specialized training necessary to assist in the event of an orderly evacuation. Records of this training are maintained by the Safety Compliance Office and Facilities Department.

## **Campus Security Policies**

Turtle Mountain Community College has a variety of policies and procedures relating to campus security, and it expressly reserves the right to modify or adopt additional policies or procedures at any time without notice. Such changes may appear in successive issues of this report.

Turtle Mountain Community College encourages all students and college community members to be fully aware of the safety issues on the campus and to take action to prevent and to report illegal and inappropriate activities. Personal awareness and applying personal safety practices are the foundation of a safe community.

### **To report a crime**

Contact Cory Poitra, Safety Compliance Officer, located at TMCC Main Campus building, via telephone at (701)477-7814, ext. 1225, email [www.cpoitra1@tm.edu](mailto:www.cpoitra1@tm.edu) or dial **911 (emergencies only)**.

You may also file a report electronically at [www.tm.edu](http://www.tm.edu). This form can be found on the Turtle Mountain Community College website under Departments, click Human Resources, click Forms, click Incident Report Form.

#### 1) Suspicious activity:

- a. If you see any suspicious activity on or near campus, call Campus Security immediately. Do not assume that what you observe is an innocent event or that it has already been reported.
- b. Do not assume the person is a visitor or college employee that you have not seen before. 2) Suspicious people may be:
  - a. Loitering about at unusual hours and locations; running, especially if something of value is being carried, going from room to room trying door handles.
  - b. Exhibiting unusual mental or physical symptoms. Person(s) could be under the influence of drugs or otherwise needing medical or psychiatric assistance.

Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around buildings should be reported. In addition, you may report a crime to the following:

Cory M Poitra, Safety Compliance Officer: (701)477-7814 or ext. 1225

Kevin Morin, Facilities Manager: (701)477-7853 or ext. 1221

Campus Security: (701)477-7862 ext. 1226/1040 (Dustin Davis and Ervin Charette)

**All Campus Security Authorities throughout campus:**

TMCC President: Dr. Donna Brown

Dean of Academics: Dr. LaVonne Fox

Dean of Student Services: Dr. Wanda Laducer Human

Resource Manager: Holly Cahill

Information Technology Director: Chad Davis

CTE Director: Sheila Trottier

Comptroller: Tracy Azure

Anishinabe Campus Director: Mark Hamley

Adult Education Director, South Campus: Sandi LaRocque

Men's Basketball Coach: Mike Vandal

Women's Basketball Coach: Pete Davis

**Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the Turtle Mountain Community College campus or law enforcement, you may still want to consider making a confidential report. With your permission, the above listed employees or local law enforcement can file a report on the details of the incident without revealing your identity. The purpose of this report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, TMCC can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

To confidentially report a crime, go to the college website [www.tm.edu](http://www.tm.edu) or report immediately to Safety Compliance Officer/Campus Security, in person at TMCC Main Campus building, by telephone at (701)477-7814, ext. 1225, via email at [cparisien@tm.edu](mailto:cparisien@tm.edu) and/or to the appropriate law enforcement agency.

The Safety Compliance Officer/Campus Security can assist the complainant in completing reports. These reports may be forwarded to the appropriate police department. Reports will also be shared with other departments on campus as appropriate. Safety Compliance Officer/Campus Security will assist police department(s) with investigations as required. Depending on many factors of crime reporting TMCC may be required by law to release information based on the events or nature of the crime.

## **Campus Security and Access**

During business hours, Turtle Mountain Community College will be open to students, parents, employees, contractors, guests, and invitees. Access to campus buildings is limited to normal business hours. Normal campus hours are 8:00 a.m. to 8:00 p.m. Mondays through Thursdays and 8:00 a.m. to 6:00 p.m. on Fridays.

During non-business hours, access to all college facilities is by key, if issued, or by admittance via Campus Security, the Maintenance Office, or Administration. In the case of periods of extended closing, the college will admit only those with prior approval to all facilities.

Emergencies may necessitate changes or alterations to any posted schedules. Administrators, Maintenance, Campus Security and others will review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year the Director of Facilities Management, Safety Compliance Officer, and Administration meet weekly to discuss issues of concern. Facilities and grounds are routinely inspected to ensure all security related equipment is in good working order.

Annual inspections and testing are performed on all systems required for code compliance. Security needs are addressed in all phases of construction planning and development. Public access to buildings is only available during normal hours of operation. Keyed access is available to administration, staff, and faculty with prior authorization. The campus provides video surveillance and is maintained by authorized personnel. The Safety Committee meets as required to plan, address and review safety/security. The Turtle Mountain Community College campus is for the use of the students, faculty, staff, visitors and those on official business with Turtle Mountain Community College. All others are subject to being charged with trespassing.

Department labs, facilities, classrooms or suites will not be opened for unknown individuals without prior written approval from the department supervisor.

Keys are issued to authorized faculty and staff. Exterior building doors must not be blocked open when the doors are locked

Individual classrooms are available during normal business hours for scheduled classes and scheduled special events. Room reservations can be made by contacting the TMCC Operator/Administrative Assistant.

No students are allowed in any building after business hours. Personnel, other than Facilities, must vacate the campus no later than the designated closing times noted, as a standard safety measure, except for previously authorized events scheduled through the TMCC President (or designee).

Faculty or staff members who believe they are the last persons in a building should ask unauthorized people to leave the premises. If a problem arises regarding people in the buildings after hours dial 911 to report.

Employees must secure all required areas upon departure.

### **Law Enforcement Authority**

Campus Security are employees of Turtle Mountain Community College; they are not certified or sworn peace officers.

TMCC Safety Compliance Officer/Campus Security works closely with the Belcourt Police Department, Rolette County Sheriff's Department, and State and Federal law enforcement agencies to track and respond to on-campus or near-campus criminal activity. The Belcourt Police Department regularly communicates crimes occurring around campus through telephone communication.

Turtle Mountain Community College recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of the college. All persons on campus are subject to these laws and rules at all times. Additionally, law enforcement officers are invited to patrol the campus to assist in deterring crime. All law enforcement agencies are expected to contact Administration and/or Campus Security when on campus.

Turtle Mountain Community College enjoys an especially good relationship with the Belcourt Police Department. The response time of the police department to campus averages 3 to 5 minutes. All Belcourt Police have law enforcement and arrest authority on campus.

As noted in the introduction and the emergency policies, Belcourt Police Department is notified of all serious crime on campus, and is immediately notified of major crimes via the telephone. All victims are offered an opportunity to report crimes to Belcourt Police Department where appropriate.

Annually, the Belcourt Police Department provides TMCC with a summary for the year of all crime occurring on campus. Frequent meeting or telephone conversations between the Belcourt Police Department and the Safety Compliance Officer allow for exchanges of routine information on a timely basis. Additionally, special needs are communicated between the parties as they occur. Instances where federal law enforcement resources are needed are determined jointly between the Chief of Police and Administration. Crimes committed at off campus facilities under the control of TMCC will be disclosed in these statistics.

### **Prompt and Accurate Crime Reporting**

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to Campus Security and/or local law enforcement in a timely manner.

To report a crime or an emergency on campus, call the Belcourt Police Department at (701) 4776134 or 911. To report a non-emergency security or public safety matter call the Safety Compliance Officer/Campus Security at (701)477-7814 or ext. 1225.

Contact local law enforcement to report a crime or an emergency concerning an off-campus activity/event. Turtle Mountain Community College Administration looks to local law enforcement to report to the college all off campus crime, emergency or safety issues concerning TMCC students.

### **Monitoring and Recording Activity at Off-Campus Locations**

Local police departments will share crime information with Turtle Mountain Community College. Turtle Mountain Community College includes off-campus student organizations' events/activities reported crime statistics in its annual security report. Students are subject to the Student Code of Conduct while participating in school sponsored activities at off campus locations — any violations of the Student Code of Conduct while participating in any such activities will be investigated by the Dean of Students.

The Student Services Department maintains contact with recognized student clubs and organization. Criminal activity at recognized student clubs and organizations' events/activities off-campus is monitored by appropriate local law enforcement. Turtle Mountain Community College enjoys a close working relationship with Belcourt Police Department when violations of federal or tribal laws surface. This cooperative team approach addresses situations as they arise as well as future concerns.

### **If you are a victim of a crime or witness a crime:**

Call the Safety Compliance Officer/Campus Security (701)477-7814, ext. 1225, or 911 for any emergency assistance, fires, suspicious people or activities, crime reports, traffic accidents, or other illegal activities. You can report a crime at the following link: [www.tm.edu](http://www.tm.edu)

When reporting a crime or other incident in progress, be sure to provide the dispatcher with the following information:

- the nature of the criminal activity or incident
- the location of the criminal activity or incident and how many people are involved
- a description of the offender(s), including sex, approximate age, race, height/ weight, hair color/style, facial hair, attire color/style/logos, other distinguishing features such as scars/tattoos, vehicle description year/make/model/license plate number/state/note the direction taken by offender.

Preserve the crime scene:

- Do not touch any items involved in the incident.
- Close off the area of the incident and do not allow anyone in the crime area until the Safety Compliance Officer/Campus Security and/or police arrive.

## **Mandatory Reporting**

All employees who become aware of an allegation or violation of college policy, student code of conduct, civil or criminal law should report the allegation to their supervisor and to the Safety Compliance Officer/Campus Security. Campus Security Authority must report potential criminal activity of which they are aware to the Safety Compliance Officer/Campus Security. These individuals should not attempt to investigate, but should instead report the allegations to the Safety Compliance Officer/Campus Security and allow the Safety Compliance Officer/Campus Security to investigate. Campus Security Authority can receive incident reports of crimes on and off campus and is defined as:

- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department. The Safety Compliance Officer notifies campus security authorities on an annual basis of their reporting requirements and documents such notification in the Safety Compliance/Campus Security Office. Individuals considered to be Campus Security authorities include:
  - Campus Security, Dean of Student Services, Coaches, Facilities Manager, Club/Organization Advisors
  - An official of the college who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings.
  - If such an official is a spiritual advisor or professional counselor, the official is not considered a campus security authority when acting as a spiritual advisor or professional counselor. As a result of the negotiated rule making process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Spiritual Advisor” (pastoral counselors), when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. Counselors are asked to provide information relating to crimes on campus but may continue to honor the confidentiality of victim.

## **Personal Safety and Security**

Turtle Mountain Community College encourages students and employees to be responsible for their own security and the security of others.

## **A. Personal Security Recommendations:**

- (1) Campus staff are available to assist you in protecting yourself by providing regular foot and/or vehicle patrols, safety and security programs, as well as various safety and security posters and brochures. However, only you can protect yourself by being aware of your surroundings and taking appropriate steps in preventing crime from happening.
- (2) Protect yourself! Never walk alone at night; always walk in well-lit areas; always have keys in hand when approaching your car; always have gas in your car. Refrain from taking shortcuts, walk where there is plenty of light and traffic.
- (3) Protect your automobile: Always lock your car doors and never leave your keys in the vehicle. Try to park your car in a well-lit area. Avoid leaving property where it is visible in your car.
- (4) Protect yourself when walking and jogging: Avoid walking and jogging alone after dark. Use well-lit routes. Be alert to your surroundings, if you suspect that you are being followed, run in a different direction, go to the other side of the street and yell for help, head quickly for a lighted area or a group of people. Have your keys ready when returning to your vehicle, and keep your personal or valuable items concealed and close to your body.
- (5) Help us protect you:
  - Watch for suspicious people in and around campus buildings and in parking lots. Do not pursue them.
  - If you see any suspicious activity or persons on or near campus, immediately call 911. If the Safety Compliance Officer/Campus Security is not available, go to the college's front office and request to see an administrator. After 4:30 p.m. call 911 (emergency only) or Belcourt Police at (701)477-6134 (non-emergency).
  - Do not assume that what you observe is an innocent activity or that it has already been reported.
  - Do not assume that the person is a visitor or TMCC staff member that you have not seen before. Suspicious persons may be: Loitering about at unusual hours and locations; running, especially if something of value is being carried. Exhibiting unusual mental or physical symptoms. The person could be under the influence of drugs or otherwise needing medical or psychiatric assistance. Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles.
  - Report all thefts and property loss immediately to the Safety Compliance Officer/Campus Security.
  - Be security conscious at all times.
- (6) Security considerations of campus facilities:
  - Building access and maintenance: The TMCC campus is for the use of the students, faculty, staff, and their escorted guests and those on official business



with TMCC. Access to campus buildings is limited to normal business hours. Students, faculty, staff, and visitors are encouraged to report needed repairs to the maintenance department for all academic areas.

- Policies & procedures for safe access to buildings: Keys are issued to authorized faculty and staff. Exterior building doors should not be blocked open when the doors are locked. Building evacuation is mandatory for all fire alarms. The academic building is normally open from 7:00 a.m. until evening classes end (8:00 p.m.) and for scheduled weekend classes and special events. Employees and students in buildings after normal working hours should have a campus ID in their possession and present the ID when requested. Faculty or staff who appear to be the last person(s) in a building should ask unauthorized persons to leave the premises or contact Campus Security. The building should be secured when the last employee departs. In buildings that have outside windows, employees should close and lock the windows before leaving the building. Problems related to people in buildings after hours should be reported. Call the Belcourt Police Department, (701)477-6134.

### **Security Awareness Programs for Students and Employees**

Safety Compliance/Campus Security, in cooperation with the other departments, provides assistance in presenting programs on campus security and public safety at least once each year. Educational programs are presented in the area of crime prevention, sexual assault awareness, personal safety, protection against theft and other subject areas. The Safety Compliance Officer will invite various speakers, including members of tribal, state, and federal law enforcement agencies to discuss public safety and the prevention of crime. All members of the Turtle Mountain Community College community are encouraged to attend. Program dates and times will be announced in the on the college webpage and via email.

During orientation in August students are informed of services offered by Turtle Mountain Community College and area resources. Presentations cover ways to maintain personal safety and security. Students are told about crime on-campus and in the community. Similar information is made available to new employees by the Human Resources Director.

Periodically during the academic year the college organizations and departments present crime prevention/awareness sessions on sexual assault (rape, harassment, crime prevention, bystander training, drug/alcohol abuse prevention as well as personal safety).

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

In addition to presentation, information is disseminated to students and employees through packets, posters, displays, videos, articles, and webpage throughout the campus.

When time is of the essence, information is released to the college community through alerts posted prominently throughout campus, voluntary text alerts, and campus computer email system.

### **Crime Prevention Programming**

Crime Prevention Programs on personal safety and theft prevention are presented by Safety Compliance Officer throughout the year. Staff and faculty facilitate programs for student, parent, faculty and new employee orientations, student organizations and clubs to provide a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes.

### **Crime Prevention Tips**

#### **Personal Security Recommendations:**

Safety Compliance Office/Campus Security staff helps to ensure the safety and security of the campus community by conducting regular safety and security programs, and by offering safety and security brochures. However, the best protection against crime is by taking appropriate steps in preventing crime from happening.

#### **Protect your property:**

- a. Personal property (purses, briefcases, calculators, etc.) should never be left unattended.
- b. Take such items with you if you are leaving the office or classroom.
- c. Lock your door whenever you leave your room or office.
- d. Take valuables home with you.
- e. Maintain a record of serial numbers for valuable items such as laptop computers, tablets, cell phones, etc.

#### **Protect your automobile:**

- Always lock your car doors and never leave your keys or valuable items such as cameras, wallets, etc. in plain sight or on the seats in the vehicle.
- Try to park your car in a well-lit area.

#### **Protect yourself at night:**

- Avoid walking alone at night.
- Refrain from taking shortcuts; walk where there is plenty of light and traffic.

#### **Protect yourself walking and jogging:**

- Avoid walking and jogging alone after dark. If you must travel alone at night.
- Walk along well-lit routes.
- Be alert to your surroundings. If you suspect you are being followed, run in a different direction, go to the other side of the street and yell for help, or head quickly for a lighted area or a group of people.
- Have your keys ready when returning to your vehicle and keep your personal or valuable items concealed and close to your body.

**Help us protect you:**

- Watch for suspicious persons in and around college buildings and in parking lots. Do not pursue them. Call 911 first and then report to Safety Compliance Officer/Campus Security
1. Suspicious activity:
    - a. If you see any suspicious activity or people on or near campus, call law enforcement. Do not assume that what you observe is an innocent activity or that it has already been reported.
    - b. Do not assume the person is a visitor or college staff member that you have not seen before.
  2. Suspicious people may be:
    - a. Loitering about at unusual hours and locations; running, especially if something of value is being carried.
    - b. unusual mental or physical symptoms. Person(s) could be under the influence of drugs or otherwise needing medical or psychiatric assistance.
    - c. Carrying property that might be suspicious, depending on the circumstances, going from room to room trying door handles.
- Report all thefts and property loss immediately to the Safety Compliance Officer/Campus Security.
  - Be security conscious at all times.

**Illegality of Alcoholic Beverages on Campus and Enforcement of Under-Age Drinking Laws**

Turtle Mountain Community College forbids the use (consumption), possession, manufacture, sale, transportation or furnishing of alcoholic beverages on campus. Turtle Mountain Community College also forbids the maintenance of unlawful drinking places on campus. This prohibition of possession or consumption of alcoholic beverages on campus applies regardless of age.

Turtle Mountain Community College enforces the Turtle Mountain Band of Chippewa Tribal Code drinking laws, including the prohibition of use by persons less than 21 years of age. Possession or consumption of alcohol on campus is prohibited by Turtle Mountain Community College and may result in a student/employee disciplinary complaint. If the accused is not cooperative or is underage, the Belcourt Police may be called to assist

**Illegality of Drugs on Campus and the Enforcement of Federal and State Drug Laws**

Turtle Mountain Community College forbids the possession, use, or sale of illegal drugs on campus. This includes but is not limited to possession, sale, use, growing, manufacturing and making of narcotic drugs. Exceptions would be drugs prescribed by a doctor's order.

Turtle Mountain Community College enforces both Turtle Mountain Band of Chippewa Tribal Code and Federal drug laws regarding the use, possession, and sale of illegal drugs. Turtle Mountain Community College has been designated “Drug Free”. The possession, sale, manufacture or distribution of any controlled substance is illegal under both tribal and federal laws. Such laws are strictly enforced by the Belcourt Police Department. Violators are subject to college disciplinary action, criminal prosecution, fine and imprisonment.

### **Drug and Alcohol Abuse Education Programs**

The purpose of this policy is to set forth the College's policy regarding alcohol and other drug use, including unlawful drug use or abuse in the workplace in accordance with the Drug Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101- 226). A copy of the Drug Free Schools and Workplace information appears elsewhere in this publication. The possession, sale or the furnishing of alcohol on the TMCC campus is governed by TMCC alcohol policy and Turtle Mountain Band of Chippewa Tribal Code. Laws regarding the possession, sale, consumption or furnishing of alcohol is determined by tribal and federal laws. However, the enforcement of alcohol laws on campus is the primary responsibility of the Safety Compliance Officer/Campus Security, Dean of Students, and Belcourt Police Department. The TMCC campus has been designated “Drug free”. The possession, sale, manufacture or distribution of any controlled substance is illegal under both tribal and federal laws. Such laws are strictly enforced by Belcourt Police Department. Violators are subject to college disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the TMCC Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the college.

The College recognizes the reality of chemical dependency and is aware of its occasional presence in the College community. The College encourages and provides reasonable assistance to any student, faculty or staff member who seeks information on chemical dependency or treatment for chemical dependency. Various offices, including Counseling and Human Resources, provide information and referral to prevention programs for those seeking help with substance abuse.

**Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses** Turtle Mountain Community College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by Turtle Mountain Community College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Turtle Mountain Community College will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

### **Sexual Assault and Related Offenses**

**Turtle Mountain Community College Policy Sexual Violence Policy:**

Sexual Violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Turtle Mountain Community College. Turtle Mountain Community College is committed to eliminating sexual violence in all forms and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. A violation of this policy could result in institutional disciplinary actions such as suspension or expulsion from the college. Acts of sexual violence may also constitute violations of criminal or civil law, or other Turtle Mountain Community College board policies, that may require separate proceedings. To further its commitment against sexual violence, Turtle Mountain Community College provides reporting options, internal mechanisms for dispute resolution, and prevention training or other related services as appropriate.

The college educates the student community about sexual assaults and date rape through orientations each fall.

Area organizations offer sexual assault education and information programs to TMCC students and employees upon request. Literature on date rape education, risk reduction, and sexual violence is available through TMCC Counseling Offices.

If you are a victim of sexual assault at TMCC your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. TMCC strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the Belcourt Police Department, Safety Compliance Officer/Title IX Coordinator, a Deputy Title IX Coordinator, or a Campus Security Authority. Filing a police report with a college representative will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from staff or faculty of TMCC.

Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- Assure the victim has access to confidential counseling and support services from professionals specifically training in the area of sexual assault crisis intervention

### **If You Are the Victim of a Sexual Assault:**

Go to a safe place.

If you are on campus contact Safety Compliance Officer/Campus Security (701) 477-7814 or ext. 1225, or the TMCC counselor at (701) 477-7947. You may also report the incident to any college employee. All college employees have a duty to report knowledge of incidents of sexual violence. You may file a report at the following: [www.tm.edu](http://www.tm.edu).

Timely and prompt reporting of a sexual assault within 72 hours is critical in preserving evidence important in proving a criminal case against the assailant or may be helpful in obtaining a protection order. Do not bathe, douche, use the toilet, or change clothing.

If you have been the victim of a sexual assault, you should seek medical attention immediately regardless of whether you report the matter to the police.

Quentin N. Burdick Memorial Hospital  
Indian Health Services  
Hospital Road  
Belcourt ND 58316  
(701)477-6111

You are not required, but you may file a police report with the appropriate law enforcement agency. TMCC staff will be available to assist you in this process per your request. For offcampus incidents contact the Belcourt Police Department by calling (701)477-6134 or 911.

Turtle Mountain Community College has counselors available in the Student Union to assist in filing a police report.

Turtle Mountain Community College will provide you with written notification of your rights through this process.

In order to reduce contact between the survivor and the alleged assailant, TMCC will provide written options, at the request of the survivor, attempt to provide a change in classes or working arrangements, as applicable and take other appropriate remedial measures. These options are available to victims regardless of whether the victim chooses to report the crime to law enforcement or campus authorities.

You have the right to petition for a Protection Order or a Restraining Order through Turtle Mountain Band of Chippewa Tribal Court. TMCC Safety Compliance Officer and TMCC Counseling Services has information available on how to file for and request a Protection Order or Restraining Order. Turtle Mountain Community College may take actions it deems necessary in response to all Protection Orders, Restraining Orders, or non-contact orders.

You may contact the Turtle Mountain Band of Chippewa Tribal Victims of Crime Assistance Office at (701)477-5614 for further assistance in obtaining Protection Orders.

Turtle Mountain Community College has counselors available in its Student Union area.

Mental health professionals are also available at the following community resources:

- Belcourt Human Services (I.H.S. Mental Health)  
Hospital Road, Belcourt ND 58316  
(701) 477-8658/8659
- Seven Stone Center for Behavioral Health and Healing  
1015 Hospital Road Suite A (inside Belcourt Mall) Belcourt ND 58316

When a sexual assault victim (TMCC student) contacts the Belcourt Police Department, the TMCC Administration and Title IX Coordinator will be notified as well and a counselor of TMCC will be notified. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and TMCC as well or only the latter. A college representative will guide the victim through the available options and support the victim in his or her decision.

TMCC disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct are detailed in the **TMCC Student Handbook** ([Student Handbook](#)) and the **TMCC Policy Manual** ([Policy Manual](#)). The **TMCC Student Handbook** and **TMCC Policy Manual** is located online on the TMCC website. The **TMCC Student Handbook** and **TMCC Policy Manual** provides, in part, that the accused and the victim will each be allowed to choose to have an attorney present or one person who has had no formal legal training to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing. A student found guilty of violating the college sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the college for the first offense. Student victims have the option to change their academic and or on-campus living situation after an alleged sexual assault, if such changes are reasonably available.

### **Education and Resources**

Turtle Mountain Community College educates the campus community staff, student and faculty about sexual assaults, relationship violence, bystander intervention, and stalking through presentations during new student orientation and various college-wide presentations given throughout the course of the academic year in addition to informational posters and syllabus violence prevention policy statement. The Turtle Mountain Community College designated investigator and decision maker for sexual violence receive annual training. Informational brochures regarding sexual violence are available through the counseling offices in the Student Union.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some of the ways to be an active bystander. If you or someone else is in immediate danger, call 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.

4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in the Annual Security Report or other resources for support in health, counseling, or with legal assistance.

### **Reducing the Risk of Sexual Assault:**

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas, it is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as you can appear more vulnerable.
6. Make sure your cell phone is with you and charged.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (call 911)
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink unattended, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come and get you or make up an excuse for you to leave.



- d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgement before doing anything you may regret later.

### **Application of policy to students, employees, and others.**

This policy applies to all Turtle Mountain Community College students and employees and to others, as appropriate, where alleged incidents of sexual violence have occurred on Turtle Mountain Community College property. Incidents of sexual violence, dating violence, domestic violence, sexual assault, and stalking alleged to have been committed by a student at a location other than on Turtle Mountain Community College property are covered by this policy. Incidents of sexual violence alleged to have been committed by a Turtle Mountain Community College employee at a location other than Turtle Mountain Community College property are covered by this policy.

Individuals alleged to have committed acts of sexual violence on Turtle Mountain Community College property who are not students or employees are subject to appropriate actions by Turtle Mountain Community College, including, but not limited to, pursuing criminal or civil action against them.

Allegations of discrimination and harassment are governed by Turtle Mountain Community College Policy and Procedure.

### **Sex Offender Policy**

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

Registry information shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular.

Unlawful use of the information for purposes of intimidating or harassing another may be a crime and punishable by law. The North Dakota Sex Offender website is available via Internet pursuant to North Dakota Century Code section 12.1-32-15.

The North Dakota Office of Attorney General is responsible for maintaining the following:

- North Dakota Sex Offender website: <http://www.sexoffender.nd.gov>
- Turtle Mountain Band of Chippewa Sex Offender website: <http://tmbci.nsopw.gov>

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies (in North Dakota, it is the North Dakota Bureau of Criminal Investigations) to provide TMCC with a list of registered sex offenders who have indicated that they are either enrolled, employed or carrying on a vocation at TMCC.

This information is provided in compliance with the Campus Sex Crimes Prevention Act of 2000 and the North Dakota Offender Registration requirements established by the North Dakota Century Code, Section 12.1-32-15. This information also complies with the Jeanne Clery Act, 20 U.S.C. Section 1092.

**Turtle Mountain Community College property.**

“Turtle Mountain Community College property” means the facilities and land owned, leased, or under the primary control of Turtle Mountain Community College.

**Employee.** “Employee” means any individual employed by Turtle Mountain Community College including, but not limited to; staff, faculty, adjunct faculty, and student workers.

**Student.** The term “student” includes all persons who:

- Are enrolled in one or more courses, either credit or non-credit, through TMCC; Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
- Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or

**On-Campus**—Defined as

- 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 and
- Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property**—Defined as

- 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.

### **Public Property-Defined as**

- all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

### **Definitions.**

#### **Murder and Non-Negligent Manslaughter**

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

As a general rule, any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified as Murder and Non-Negligent Manslaughter (1a).

#### **Criminal Homicide – Negligent Manslaughter**

The killing of another person through gross negligence.

As a general rule, any death caused by the gross negligence of another is classified as Criminal Homicide—Manslaughter by Negligence (b).

#### **Sexual Assault (Sex Offenses)**

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

Reported offenses may include:

- **Rape** - The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Note: Forcible Fondling includes Indecent Liberties and Child Molesting. Because Forcible Fondling is an element of Forcible Rape, Forcible Sodomy, and Sexual Assault with an Object, it should be reported only if it is the sole Forcible Sex Offense committed against a victim.
- **Incest** - non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - non-forcible sexual intercourse with a person who is under the statutory age of consent. Note: If force was used or threatened, or if the victim was incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity, then the offense should be classified as forcible rape, not statutory rape.

### **Dating and Relationship Violence**

violence committed by a person who is or has been in a social relationship of a 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 interaction between the persons involved in the relationship. For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** a felony or misdemeanor crime of violence committed—

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

To categorize an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

### **Stalking**

engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition—

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

### **Robbery**

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

#### **Elements of a Robbery:**

- Committed in the presence of a victim (usually the owner or person having custody of the property).
- Victim is directly confronted by the perpetrator.
- Victim is threatened with force or put in fear that force will be used.
- Involves a Theft or Larceny

### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

### **Burglary**

The unlawful entry of a structure with the intent to commit a felony or theft.

#### **Burglary Classifications:**

- **Forcible Entry:** All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony.
- **Unlawful Entry–No Force:** The entry of a structure in this situation is achieved by use of an unlocked door or window.
- **Attempted Forcible Entry:** A situation where a forcible entry into a locked structure is attempted but not completed. **Three Conditions of Burglary**
  1. There must be evidence of unlawful entry (trespass). This means that the person did not have the right to be in the structure at the time the incident occurred.
  2. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
    - The UCR definition of a structure includes:

- Apartment, barn, cabin, church, condominium, dwelling house, factory, garage, house trailer or houseboat (if used as a permanent dwelling), mill, office, other building, outbuilding, public building, railroad car, room, school, stable, storage facility, vessel (ship) and warehouse.
  - Any house trailer or other mobile unit that is permanently fixed as an office, residence or storehouse.
3. The structure was unlawfully entered to commit a felony or a theft. If the intent was not to commit a felony or a theft, the incident is not a Burglary. For example, if a homeless student unlawfully entered a structure to sleep, do not include the incident as a Burglary.

### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

#### **Motor Vehicle Theft Classification:**

- Theft of any self-propelled vehicle that runs on land surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs.

### **Arson**

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

### **Liquor law violations**

the violation of tribal laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

### **Drug law violations**

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

### **Weapons law violations**

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

or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

### **Larceny-theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

- **Constructive possession** is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

### **Simple Assault**

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

### **Intimidation**

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

### **Destruction/Damage/Vandalism of Property**

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

### **TMCC Procedures for Campus Disciplinary Action for Sex Offenses:**

Sexual harassment is a form of sex discrimination, which is prohibited by law. It is the policy of the College that sexual harassment is unacceptable, shall not be tolerated, and that no member of the College community may sexually harass another.

Sexual harassment is unwelcome sexual conduct that is either implicitly or explicitly a term or condition of employment or academic advancement. There are two types of sexual harassment, “quid pro quo” and “environmental”.

**Quid pro quo harassment** - occurs when submission to or rejection of unwelcome sexual conduct by an individual is used as the basis for employment decisions or academic decisions that affect such individuals.

**Environmental sexual harassment** - is unwelcome sexual conduct that unreasonably interferes with an individual’s job or academic performance or creates an intimidating, hostile, or offensive working or academic environment, even if it leads to no tangible or economic job consequences.

**Consent-** Consent is clear, knowing, meaningful, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Students should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

**Conduct is considered “without consent” if no clear consent, verbal or nonverbal, is given.**

An individual is "unable to freely give consent" when the individual is incapacitated (arising, for example, from the use of alcohol or other drugs or when the individual is passed out, asleep, unconscious, or mentally or physically impaired). An individual is "unable to freely give consent" when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.

The perspective of a reasonable person will be the basis for determining whether a respondent knew, or reasonably should have known, whether a complainant was able to freely give consent and whether consent was given. Additionally, being intoxicated or incapacitated does not diminish one’s responsibility to obtain consent and will not be an excuse for sexual misconduct.

**Turtle Mountain Band of Chippewa Tribal Code Definition:**

“**LACK OF CONSENT**” means the acts must be committed either by threat, force and intimidation or through the use of the victim’s mental or physical disabilities which can include when the victim is physically or mentally incapacitated by alcohol or drugs. (This is the only definition of “consent” in Tribal Code).

**Information for Complainants**

Complainants will be treated with respect before, during, and after the disciplinary process. During an initial meeting, the TMCC Title IX Office will inform the complainant of the college’s disciplinary process and possible outcomes. The TMCC Title IX Office will communicate substantive and, when warranted, procedural developments regarding an investigation. The alleged conduct may also be criminal in nature, and complainants have the right to report—or not to report—the conduct to Belcourt B.I.A. Police Department or other appropriate law enforcement agency. A criminal report does not preclude college disciplinary action.

Complainants are strongly encouraged to seek counseling and support available through resources such as TMCC counseling services or Belcourt Human Services, or other college and local resources.

Regardless of whether a complainant pursues a criminal complaint and/or the college’s complaint process through this policy, the college may investigate the incident(s) in question and will take appropriate responsive action to ensure that the educational environment is free of harassment and to prevent the recurrence of a hostile environment—and, if appropriate, remedy the effects of the alleged harassment on the complainant. As discussed later in the policy, remedies available to a complainant may include, but are not limited to: reasonable academic accommodations, a “no



contact” directive between the respondent and the complainant, and disciplinary action against the respondent as determined through the disciplinary process outlined in the TMCC Title IX policy. Mediation is not appropriate for any allegation of sexual violence.

A complainant may request or the college may issue administrative actions and supports such as a “no contact” directive and changes to academic situations through the TMCC Title IX Office regardless of whether a complainant files a formal report. A complainant will be notified as to what changes are reasonably available and/or are being implemented.

### **Information for Respondents**

Respondents will be treated with respect before, during, and after the disciplinary process. During an initial meeting, the TMCC Title IX Office will inform the respondent of the college’s disciplinary process and possible outcomes. The TMCC Title IX Office will communicate substantive and, when warranted, procedural developments regarding an investigation. Note that alleged behavior may also be criminal in nature, and a respondent may be subject to a criminal investigation by the appropriate law enforcement agency at the same time as an investigation by the college under the TMCC Title IX policy; the respondent may wish to consult with a criminal lawyer as the TMCC Title IX Office does not provide advice as to the criminal process. Respondents are entitled to a presumption of innocence throughout the disciplinary process unless and until they are found responsible for a violation of this policy.

Respondents have the right to (and are strongly encouraged to seek) counseling and support available through resources such as TMCC Counseling Services, Belcourt Human Services, or other college and local resources.

A respondent may request, or the TMCC Title IX Office may change, academic situations and will be notified as to what changes are reasonably available and/or are being implemented.

### **Retaliation**

Retaliation is prohibited under Title IX and the TMCC Title IX policy and is adjudicated under this policy and procedures. Retaliation is defined as words or acts taken in response to good-faith reporting of sexual misconduct, or to an individual or group's participation in TMCC’s complaint process or the follow up to a complaint. Retaliation also includes opposing what the individual reasonably believes to be sexual misconduct. Retaliation will be a violation of this policy when it is sufficiently serious (e.g., severe, persistent, and/or pervasive) to discourage a reasonable person from further such activity. The protection against retaliation applies to both parties and to all witnesses. All persons who believe they have been subjected to misconduct under this policy are encouraged and have the option to seek support, utilize available resources, and come forward with their concern or complaint.

Fear of retaliation should never be an obstacle to reporting an incident of alleged sex/gender based harassment, sexual/gender violence, sexual exploitation, relationship violence, or stalking.

### **Reporting**

Students and Employees are encouraged to report violations of the TMCC Title IX policy to the

TMCC Title IX Office, which consists of TMCC Title IX Coordinator, TMCC Dean of Student Services, and TMCC Human Resources Manager

**Cory M Poitra**  
**TMCC Safety Compliance Officer/  
TMCC Title IX Coordinator**  
**(701)477-7814**  
[cpoitra1@tm.edu](mailto:cpoitra1@tm.edu)

**Dr. Wanda Laducer**  
**TMCC Dean of Student Services/  
TMCC Deputy Title IX Coordinator**  
**(701)477-7875**  
[wladucer@tm.edu](mailto:wladucer@tm.edu)

**Holly Cahill**  
**TMCC Human Resources Manager/  
TMCC Deputy Title IX Coordinator**  
**(701)477-7838**  
[hcahill@tm.edu](mailto:hcahill@tm.edu)

Once a report is received, an investigation and possible immediate and/or interim measures may occur, including adjudication through the disciplinary process described below, administrative actions (e.g., a “no contact” directive, trespass from campus, interim suspension), reasonable academic modifications, or other measures designed to reasonably minimize the possible recurrence of, and mitigate the effects of, the alleged conduct.

Reports involving an alleged student respondent may be filed at any time while the respondent remains a student at TMCC; prompt reporting can aid an investigation.

A complainant may request that the TMCC Title IX Office not reveal the complainant's identity in responding to a report. (In some situations, it may be possible to proceed fully with an investigation without disclosing the name of the complainant.) A complainant may also request that the college take limited or no action in response to a report.

A request to preserve the confidentiality of any party involved in a report or that no action be taken should be made to either the TMCC Title IX Coordinator, TMCC Dean of Student Services, or TMCC Human Resource Director. TMCC Title IX Office will confer about the request and inform the party of the extent to which confidentiality may be maintained. The college will attempt to preserve the confidentiality of the complainant and/or respect a request for limited or no action in response to a report except when, in the college's judgment, doing so would jeopardize the safety of members of the college community (including the complainant) or where the college is required by law to disclose the information (such as in response to a legal process).

### **Immediate and/or Interim Measures**

The TMCC Title IX Office, may issue administrative actions immediately and/or on an interim basis as deemed appropriate, including but not limited to restrictions on contact between the complainant, the respondent, and/or other involved parties; exclusion from areas of campus;

change of class schedule; change in transportation (if both parties use the same mode of public transportation); and suspension from TMCC clubs/organizations. The Dean of Student Services Office adjudicates alleged violation of such through its policies and procedures. The TMCC Vice President, or designee, may impose an interim suspension.

### **Time Frames**

The TMCC Title IX Office seeks to resolve complaints under this policy within 60 business days from receipt of a report, excluding days classes are not in session. An investigation typically takes 21 to 45 business days to complete. Generally, within 15 business days after completion of an investigation, an administrative or panel hearing, if applicable, is scheduled. During this time, staff in the administrative or hearing panel may seek clarifying information and/or meet with a complainant, respondent, investigator, or others.

Circumstances may require the college to extend this overall time frame or any individual time frame discussed in this policy. Examples of reasons why time frames may need to be extended include the complexity of the case, delays due to fall/spring/summer/holiday breaks, inclement weather, and other extenuating circumstances. Exceptions to these time frames will be communicated to the complainant and respondent.

### **Advisors**

Complainants and respondents may consult with anyone they wish (including an attorney) during any stage of this process. One advisor of the complainant's/respondent's choice may accompany the complainant/respondent to any meeting with TMCC Title IX Office, the investigator, or to a hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant or respondent through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel. An advisor may not also be a witness.

### **Investigation**

After it receives a report, the TMCC Title IX Office typically meets with a complainant and respondent separately in order to review the disciplinary process and to hear an overview of each party's account of the incident. Immediate, interim, and/or long-term measures may also be discussed. The TMCC Title IX Office may use any information gleaned through this and/or subsequent meetings with the complainant/respondent in the disciplinary process.

If the TMCC Title IX Office determines further investigation is warranted, a full investigation will be conducted concerning the reported incident. The TMCC Title IX Coordinator, in conjunction with a TMCC Deputy Title IX Coordinator, will act as the investigators. The investigators interview witnesses, collect additional information, and submit a written report of relevant information to the TMCC Vice President. The TMCC Vice President will review the report for completeness and relevance (as that term is defined in Section VI), and direct further investigation as necessary before the report is shared with the complainant and respondent. The investigator's final report will be shared with the complainant and respondent, who then have five business days to respond in writing to the report with any clarifications, witness statements, or other information. The complainant and respondent must also submit in writing

by that time the names of any material witnesses the complainant/respondent wishes to testify (should the matter proceed to a hearing) and a summary of information each witness would provide through his/her testimony. (Character witnesses are not permitted.) Names of witnesses provided by the complainant/respondent will be shared with the other party. After the five business-day deadline, the complainant and respondent may not provide any additional information for the hearing packet (defined below) and may not produce any additional material at the hearing, unless that information was not reasonably available prior to the closing of the five-day window. The hearing panel or the TMCC Title IX Office, as appropriate, determines whether to grant exceptions to this five-day deadline.

The TMCC Title IX Office, in conjunction with TMCC Vice President, will determine what, if any, changes or additions are made to the investigator's report based upon its review of the report and feedback as described above from the complainant and respondent.

The TMCC Title IX Office will determine whether to proceed to a hearing based on its assessment of whether there is sufficient information to believe that a policy violation may have occurred. The TMCC Title IX Office will convey this decision in writing to the complainant and respondent as applicable, who may ask that the TMCC Title IX Office reconsider its decision.

### **Hearing Procedure**

When the TMCC Title IX Office decides that a case should proceed to a hearing, the case may be resolved either through an administrative resolution or a hearing panel.

Under both types of proceedings, the College will use a **“preponderance of the evidence” standard**.

### **Administrative Hearing**

At the discretion of the TMCC Title IX Office, and with the agreement of both the complainant and respondent, a report may be resolved through an administrative hearing. The parties will be notified (typically via email) of the specific violations of the Student Sexual Misconduct Policy under consideration in advance of an administrative hearing. A designee of the TMCC Title IX Office will review the information gathered during the investigation separately and in private with each party and give each party an opportunity to respond. The designee will determine if the respondent is responsible for the alleged policy violation(s), and, if so, issue (an) appropriate sanction(s). The parties will be notified in writing of the outcomes concurrently. If the respondent or complainant does not accept the administrative hearing resolution, either party may request by the stated deadline (typically 72 hours after notification of the outcome) a hearing before a hearing panel, as described below. If such a request is made, the TMCC Title IX Office will then proceed in scheduling a hearing panel. The proposed outcome from the administrative hearing will not be disclosed to the hearing panel unless the complainant or respondent shares such information.

### **Hearing Panel**

If the TMCC Title IX Office decides the case should be resolved through a hearing panel, the TMCC Title IX Office will appoint a specially trained three-person hearing panel (typically

including two faculty or staff members, and when possible, at least one representative of the complainant's and respondent's school[s]) to resolve a complaint under this policy. If both parties are from TMCC, all three members of the hearing panel will be from TMCC. A finding of responsibility must be based on a unanimous vote. Sanctions of suspension or expulsion must also be supported by a unanimous vote. A majority vote is required for all other sanctions.

The staff and faculty members who are appointed to preside over the hearing will have undergone annual training to meet the Title IX requirements to sit on the hearing panel. This training will include, but is not limited to, issues related to dating violence, domestic violence, sexual assault, and stalking. The hearing panel members will also have training on the Title IX investigation process and the Title IX hearing process.

There will also be a representative of the TMCC Title IX Office present at the hearing, as a nonvoting hearing facilitator. This representative will also meet the training requirements described above.

**The following procedures apply to a complaint that proceeds to a hearing panel:**

- **Notice.** Both the complainant and the respondent will be notified at least 120 hours in advance of the date and time of the hearing and the names of the hearing panelists.
- **Hearing Packet.** In advance of the hearing, the TMCC Title IX Office finalizes a packet with information it deems relevant to the case to be shared with the hearing panel. The hearing packet typically includes the investigator's report (if applicable). The TMCC Title IX Office will share a copy of that packet with both the complainant and the respondent at least 120 hours in advance of the hearing.
- **Conflict of Interest.** A complainant and/or respondent may challenge the participation of a panelist because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the TMCC Title IX Office at least 72 hours prior to the commencement of the hearing. At its discretion, the TMCC Title IX Office will determine whether such a conflict of interest exists and whether a panelist should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.
- **Witnesses.** The hearing panel may, at its discretion, exclude witnesses or witness testimony the panel considers irrelevant or duplicative.
- **Electronic Devices.** A respondent, complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the hearing panel. The TMCC Title IX Office will make an audio recording of the hearing to be kept on file for three years. Reasonable care will be taken to create a quality audio recording and minimize technical problems; however, technical problems that result in no recording or an inaudible one will not be a valid argument for appeal.
- **Hearing Procedure.** A hearing panel has general authority over the conduct of the hearing (e.g., it may set time frames for witness testimony and it may limit

opening/closing statements or their length, etc.). The general course of procedure for a panel hearing is as follows: introductions; respondent's statement accepting or denying responsibility; opening comments from the complainant; opening comments from the respondent; questions from the panel; testimony/questions of other material witnesses (if applicable); closing comments from the complainant; and, closing comments from the respondent. A complainant or respondent may not question each other or other witnesses directly, but may raise questions to be asked of that party through the hearing panel, which will determine whether to ask them. The hearing panel determines the relevancy of any information presented/submitted at the hearing and can exclude irrelevant information.

- **Hearing Facilitator.** A staff member from the TMCC Title IX Office will serve as the non-voting hearing facilitator.
- **Relevance.**
  - In evaluating the relevance of information, the TMCC Title IX Office or the hearing panel, as appropriate, considers, among other things, whether the information bears on a fact at issue in the case, is more prejudicial than probative, or is duplicative.
  - A complainant's or respondent's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence when the previous or subsequent behavior was substantially similar to the conduct at issue or indicates a pattern of behavior and substantial conformity with that pattern.

The complainant and respondent will receive verbal notification of the decision of a hearing panel no later than five business days after the hearing. Notification will be individually given to the respondent and complainant at approximately the same time. A written hearing report outlining the decision and rationale of the hearing panel will be delivered to the respondent and the complainant within 10 business days of the hearing panel's decision.

## **Appeal**

### **Filing an appeal**

The complainant or the respondent may appeal the decision of the decision maker. An appeal must be filed in writing with the president or designee within ten (10) business days after notification of the decision. The appeal must state specific reasons why the complainant or respondent believes the decision was improper.

### **Effect of review**

For employees represented by a collective bargaining agreement, an appeal under this procedure is separate and distinct from, and is not in any way related to, any contractual protections or procedures. During the pendency of the appeal disciplinary or corrective action taken as a result of the decision shall be enforced.

### **Appeal process**

The president or designee shall review the record and determine whether to affirm or modify the decision. The president or designee may receive additional information if the president or designee believes such information would aid in the consideration of the appeal. The decision on appeal shall be made within a reasonable time and the complainant, respondent and designated officer shall be notified in writing of the decision, consistent with applicable state and federal data privacy laws. The decision on appeal exhausts the complainant's and respondent's administrative remedies under this procedure except as provided herein.

### **Education and training**

The College shall provide education and training programs to promote awareness and prevent discrimination/harassment, such as educational seminars, peer-to-peer counseling, and informational resources. Education and training programs should include education about Turtle Mountain Community College Title IX Policy and this procedure.

### **Distribution**

Information regarding Turtle Mountain Community College Title IX Policy and this procedure shall, at a minimum, be distributed to students at the time of registration and to employees at the beginning of employment. Distribution may be accomplished by posting on an internet website, provided all students and employees are directly notified of how to access the policy and procedure by an exact address, and that they may request a paper copy. Copies of the policy and procedure shall be conspicuously posted at appropriate locations on the College campus at all times and shall include the designated officers' names, locations and telephone numbers.

Designated officers also must be identified by name, location and phone number in informational publications such as student catalogs, student and employee handbooks, bulletin boards, campus websites and other appropriate public announcements.

### **Maintenance of report/complaint procedure documentation**

During and upon the completion of the complaint process, the complaint file shall be maintained in a secure location in the office of the designated officer for the college in accordance with the applicable records retention schedule. Access to the data shall be in accordance with the respective collective bargaining agreement or personnel plan, the Family Educational Rights and Privacy Act or other applicable law.

### **SANCTIONS**

The following sanctions may be imposed upon any member of the community found to have violated the Gender-based Misconduct Policy (also see ranges above for violations of the sexual misconduct policy). Factors considered in sanctioning are defined in [reference or link to Student Handbook, Faculty Handbook, Staff Handbook]. The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

#### **Student Sanctions (listed below and defined in [Student Handbook])**

- Warning

- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Organizational Sanctions
- Other Actions

**Employee Sanctions (listed below and defined in [Employee Handbook])**

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of Annual Pay Increase
- Suspension without Pay
- Suspension with Pay
- Revocation of Tenure
- Termination

**Confidentiality and Reporting of Offenses Under This Policy**

All TMCC employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them. The following describes the two reporting options at university:

**Confidential Reporting**



If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors,
- Off-campus: ○ Licensed Professional Counselors ○ Local rape crisis counselors ○ Domestic violence resources, ○ Local or state assistance agencies,
- [On or off-campus Spiritual Leaders]

All of the above employees will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors [and/or the Employee Assistance Program] are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit [timely, quarterly, semesterly, yearly] anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

### **Formal Reporting Options**

All TMCC employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Otherwise, employees must share all details of the reports they receive. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law.

In cases indicating pattern, predation, threat, weapons and/or violence, TMCC will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow TMCC to honor that request, TMCC will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by TMCC when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: TMCC Title IX Office, TMCC President and TMCC Vice President. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy. Reports to the Title IX Coordinator can be made via email, phone or in person at the contact information below:

**Cory M Poitra**

**TMCC Title IX Coordinator/Safety Compliance Officer**  
**TMCC Main Campus**  
**10145 BIA Road 7**  
**P.O. Box 340**  
**Belcourt, ND 58316 Phone**  
**#: (701) 477-7814**  
[cpoitra1@tm.edu](mailto:cpoitra1@tm.edu)

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of university policy and is subject to disciplinary action ranging from a warning up to and including termination of employment.

## Crime Statistics for 2019-2021

### TMCC Main Campus

This institution does not provide On-Campus Student Housing Facilities.

Criminal Offenses On campus	2019	2020	2021
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Sexual Assault (forcible)	0	0	0
Sexual Assault (non-forcible)	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	1	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0

	0	0	0
Race (Hate Crime)			
Religion (Hate Crime)	0	0	0
Sexual Orientation (Hate Crime)	0	0	0
Gender Identity (Hate Crime)	0	0	0
Disability (Hate Crime)	0	0	0
Ethnicity (Hate Crime)	0	0	0
National Origin (Hate Crime)	0	0	0
Arrest: Weapons: Carrying, Possessing, etc.	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

### TMCC Main Campus

This institution does not provide On-Campus

Criminal Offenses Public Property	2019	2020	2021
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0

Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Sexual Assault (forcible)	0	0	0
Sexual Assault (non-forcible)	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0
Race (Hate Crime)	0	0	0
Religion (Hate Crime)	0	0	0
Sexual Orientation (Hate Crime)	0	0	0
Gender Identity (Hate Crime)	0	0	0
Disability (Hate Crime)	0	0	0
Ethnicity (Hate Crime)	0	0	0

National Origin (Hate Crime)	0	0	0
Arrest: Weapons: Carrying, Possessing, etc.	0	0	0
Disciplinary Referrals: Weapons: Carrying,	0	0	0

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Possessing, etc.

Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

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### TMCC South Campus

This institution does not provide On-Campus Student Housing Facilities.

Criminal Offenses On campus	2019	2020	2021
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Sexual Assault (forcible)	0	0	0
Sexual Assault (non-forcible)	0	0	0

Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	6	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0
Race (Hate Crime)	0	0	0
Religion (Hate Crime)	0	0	0
Sexual Orientation (Hate Crime)	0	0	0
Gender Identity (Hate Crime)	0	0	0
Disability (Hate Crime)	0	0	0
Ethnicity (Hate Crime)	0	0	0
National Origin (Hate Crime)	0	0	0
Arrest: Weapons: Carrying, Possessing, etc.	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0

Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

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### TMCC South Campus

This institution does not provide On-Campus Student Housing Facilities.

Criminal Offenses Public Property	2019	2020	2021
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Sexual Assault (forcible)	0	0	0
Sexual Assault (non-forcible)	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0



Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0
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Race (Hate Crime)	0	0	0
Religion (Hate Crime)	0	0	0
Sexual Orientation (Hate Crime)	0	0	0
Gender Identity (Hate Crime)	0	0	0
Disability (Hate Crime)	0	0	0
Ethnicity (Hate Crime)	0	0	0
National Origin (Hate Crime)	0	0	0
Arrest: Weapons: Carrying, Possessing, etc.	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0

Arrests: Drug Abuse Violations                    0                    0                    0

Disciplinary Referrals: Drug Abuse Violations

Arrests: Liquor Law Violations                    0                    0                    0

Disciplinary Referrals: Liquor Law Violations



### **TMCC Anishinabe Campus**

This institution does not provide On-Campus Student Housing Facilities.

<b>Criminal Offenses On campus</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Sexual Assault (forcible)	0	0	0
Sexual Assault (non-forcible)	0	0	0
Domestic Violence	0	0	0

Dating Violence	0	0	0
Stalking	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0
Race (Hate Crime)	0	0	0

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Religion (Hate Crime)	0	0	0
Sexual Orientation (Hate Crime)	0	0	0
Gender Identity (Hate Crime)	0	0	0
Disability (Hate Crime)	0	0	0
Ethnicity (Hate Crime)	0	0	0
National Origin (Hate Crime)	0	0	0
Arrest: Weapons: Carrying, Possessing, etc.	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0

Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

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### TMCC Anishinabe Campus

This institution does not provide On-Campus Student Housing Facilities.

Criminal Offenses Public Property	2019	2020	2021
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Sexual Assault (forcible)	0	0	0
Sexual Assault (non-forcible)	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0

Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0
Race (Hate Crime)	0	0	0
Religion (Hate Crime)	0	0	0
Sexual Orientation (Hate Crime)	0	0	0
Gender Identity (Hate Crime)	0	0	0
Disability (Hate Crime)	0	0	0
Ethnicity (Hate Crime)	0	0	0
National Origin (Hate Crime)	0	0	0
Arrest: Weapons: Carrying, Possessing, etc.	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0
Arrests: Drug Abuse Violations	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0
Arrests: Liquor Law Violations	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0

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## **Drug and Alcohol-Free Campus Policy for Students and Employees**

### **Student Drug and Alcohol Abuse Policy**

TMCC adopted the following policy in an effort to inform faculty, staff, and students of the adverse effects of drug and alcohol abuse, standards of conduct, disciplinary and legal sanctions related to such use or abuse, and to advise those concerned of available counseling and rehabilitation services.

### **Standards of Conduct**

All students are prohibited from the possession, use, or distribution of illicit drugs and alcohol on College property or at College functions.

### **Sanctions**

The following disciplinary sanctions, which are consistent with tribal, state, and federal laws, will be imposed for violation of the Standards of Conduct cited in this policy:

- Warning; Loss of Privileges; Mandatory participation in an approved drug and/or alcohol abuse treatment, rehabilitation, and/or re-entry programs; Probation; Suspension; and Dismissal.
- Where appropriate, referral for prosecution may be made. One or more sanctions may be imposed. A complete description of the applicable legal sanctions under tribal, state, and federal laws for unlawful possession or distribution of illicit drugs and alcohol is included in the Student Conduct Code.

### **Student Referral**

The College has designated a member of its professional counseling staff to provide referral assistance to a student with problems and/or concerns related to the use and/or abuse of drugs and/or alcohol. The student who seeks assistance will be referred to an appropriate community agency or health facility for more in-depth assessment and long-term treatment. Because TMCC is a non-residential/commuter institution, students represent a broad geographical service region. The College is in continuous contact with counseling agencies and health facilities that serve this broad region.

### **Counseling, Treatment, Rehabilitation or Re-Entry Programs**

Consistent with its educational mission, TMCC is committed to providing education about the effects of drugs and alcohol and to furthering efforts to prohibit possession, use, or abuse. The community does provide periodic workshops and seminars about health risks and legal sanctions related to the use, manufacture, sale, and/or distribution of drugs and alcohol. In addition, materials are placed in various locations at the College. TMCC offers referral services to all new, current and prospective students. See the TMCC referral guide at [www.tm.edu](http://www.tm.edu) for more information. Please contact the TMCC College Counselor at 477-7947 with any questions or concerns. You are also welcome to stop by the Counselors office which is located in the Student Union.

## **On-site Supports:**

TMCC Counselor

**Joseph Lafountain**

(701)477-7862 or ext. 1036

**Dave Garcia**

TMCC Substance Abuse Prevention

Turtle Mountain Community College South Campus

office: (701)477-7917 or ext. 3803 email:

[dgarcia@tm.edu](mailto:dgarcia@tm.edu)

## **Local Supports:**

### **Fifth Generation Healing Center**

1105 BIA RD 7

Belcourt, ND 58316 **Phone:**

(701)477-3121

### **Lake Region Outreach Office, Rolla ND**

1102 Main Avenue West, Rolla, ND, 58367

**Phone:** (701)477-9050

**Intake Line:** (701)477-8272

### **QNBMHCF PHS Indian Hospital - Behavioral Health/Human Services 1300**

Hospital Loop Belcourt ND, 58316

**Phone:** (701)477-8658/8659

### **Seven Stone Center for Behavioral Health and Healing**

1015 Hospital Rd. Suite A (0.23 mi)

Belcourt, ND 58316

**Phone:** (701)477-0428/0458

### **Victims of Crime (Victim Assistance)**

BIA Building 155

Belcourt, ND 58316

**Phone:** (701)477-5614

### **Hearts of Hope Domestic Abuse Shelter**

Belcourt, ND58316

**Phone:** (701)477-0002/0168

## **DRUG AND ALCOHOL POLICY**

### **A. General Policy--Drugs and Alcohol**

The Turtle Mountain Community College is a drug-free workplace. Any unlawful or

unauthorized transfer, sale, distribution, manufacture, possession or use of a controlled substance (schedule I thru V of Controlled Substance Act), or alcohol by a Turtle Mountain Community College employee on the job, in the workplace, or where the business of Turtle Mountain Community College is performed, will subject that employee to disciplinary action including termination.

While the Turtle Mountain Community College does not wish to intrude into the private lives of its employees, it recognizes that employee's off the job and on the job involvement with illegal drugs can have an impact on the workplace, guests, and other employees.

All employees have an obligation to be in suitable mental and physical condition at work, performing their jobs satisfactorily, and behaving appropriately. Employees are expected to report to work free of alcohol or drugs. Achieving this goal is necessary to maintain safety and integrity of our business and safety and health of all employees, students, guests, and general public.

Following is the adopted Drug and Alcohol Policy. The Turtle Mountain Community College has implemented a drug free awareness program that provides information on the dangers and effects of substance abuse in the workplace. Resources are available to employees. Consequences for violations of this policy are outlined.

The Turtle Mountain Community College reserves the right to administer alcohol and drug testing on employees in accordance with this policy. Violations of the policy, including a positive drug test, may lead to disciplinary action and immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences. TMCC employees are required to report any and all offenses or charges for any act that would constitute a violation of this policy from all jurisdictions including tribal, state, and federal, to TMCC within 15 days of the TMCC employee receiving notice of any offense or charge.

The intention of this policy is to clarify the standard of conduct expected of all employees in the performance of their job duties. Compliance with this policy is a condition of continued employment for all present and future Turtle Mountain Community College employees.

#### **B. Employee Assistance--Alcohol/Drug Abuse**

The Turtle Mountain Community College is prepared to assist and support all employees requesting assistance. For this purpose, the Turtle Mountain Community College maintains an Employee Assistance Program (EAP) that provides confidential services to employees seeking assistance in dealing with alcohol and/or drug abuse or for personnel matters requiring confidential counseling.

#### **C. Employee Assistance Program Related Leave of Absence**



The Turtle Mountain Community College considers Drug and Alcohol abuse as treatable illnesses. Employees having these illnesses will be given the same consideration and offered assistance presently extended to employees having any other illness.

Employees who have been diagnosed with an alcohol or drug problem are encouraged to seek confidential counseling or to schedule a referral with personnel in the Employee Assistance Program.

After evaluation by a certified counselor, an employee who needs inpatient treatment for drug or alcohol abuse will be allowed to use accrued sick leave or annual leave. The remainder of the treatment time will be without pay; this leave may run concurrently with Family and Medical Leave Act (FMLA). The employee will be allowed the amount of time needed to complete treatment programs for thirty (30) to 180 days without loss or interruption of his or her employment status under the following conditions:

1. Arrangements must be stated in writing, indicating starting date and approximate projected ending dates of leave.
2. Notification must be provided in writing to the Program Director/Immediate Supervisor and HR.
3. At the end of the granted leave, if the employee does not return to work within (1) week after the treatment ending date the employment of the employee automatically terminates, without any further action.

Upon a timely return from the leave, the employee who has complied with this policy will be reinstated to the position which they held at the commencement of leave or will be placed in a position comparable to the position held at the commencement of leave.

#### **D. Alcohol and Drug Free Awareness Program**

The Turtle Mountain Community College will implement and maintain an Alcohol and Drug Free Awareness Program to inform employees about;

- The dangers of alcohol and drug use in the workplace.
- The policy of maintaining a drug free workplace.
- The sanctions that may be imposed upon employees for violations of the Turtle Mountain Community College drug free workplace policy.

The Turtle Mountain Community College will use its drug free awareness program in an ongoing effort to prevent and eliminate drug use that may affect the workplace.

#### **E. Definitions**

For the purpose of this policy, the following definitions apply:

1. **Illegal Drugs:** All forms of narcotics, hallucinogens, controlled substances (including cannabis), depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law. Drugs prescribed by physicians, dentists, or other authorized health professionals and used in accordance with their instructions are not subject to the restrictions of this policy.

2. Legal Drugs: Prescribed and over-the-counter drugs, which have been obtained and are being used for the purpose for which they were prescribed or manufactured.
3. Reasonable Suspicion: Means circumstances or behavior indicating alcohol or drug use. Reasonable Suspicion includes, but is not limited to the following circumstances:
  - a. Observable conduct, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of alcohol or drugs;
  - b. A pattern of abnormal conduct, incoherent mental state, or erratic behavior that is otherwise unexplained;
  - c. Physical impairment, e.g. staggering, slurred speech, sleeping on the job, inability to concentrate or memory loss;
  - d. Other actions and conduct that provides sufficient knowledge to believe that the employee is under the influence; and
  - e. Involvement in any work-related, reportable accident.
4. Reportable Accident: An accident at the job site that requires medical attention and/or an incident/accident report.
5. Impairment: For the purpose of this policy, impairment is the inability to perform one's job in the manner prescribed for that function or in accordance with established practice. Impairment may include the inability to use or operate equipment properly; to communicate clearly; to exercise reasonable judgment in making decisions; to interact with other employees, guests, or business contacts in an appropriate manner; or other inappropriate behavior. Such impairment, when caused by alcohol and drug abuse, is a violation of this policy.
6. Alcohol: A liquor or brew containing alcohol as the active agent; "alcohol (or drink), any of a series of volatile hydroxyl compounds that are made from hydrocarbons by distillation. The fluid essence or pure spirit obtained by distillation. The spirituous or intoxicating element of fermented or distilled liquors or more loosely a liquid containing it in considerable quantity. An impalpable powder. A class of compounds analogous to vinic alcohol in constitution. An organic chemical containing one or more hydroxyl groups. Also, an ingredient in a variety of beverages including beer, liqueurs, cordials, and mixed drinks."

#### **F. Drugs in the Work Place**

The Turtle Mountain Community College prohibits the use, possession, exchange, delivery, manufacture, distribution, sale, or purchase of any illegal drug, or any prescription drug without a valid prescription on

Turtle Mountain Community College Properties (including Turtle Mountain Community College motor vehicles) and Turtle Mountain Community College sponsored functions.

#### **G. Alcohol in the Workplace**

The Turtle Mountain Community College prohibits employee use/abuse of alcohol within their work time and during meal breaks. This policy also prohibits employee use of alcohol, whether in connection with business or personal time, within 6 hours before the employee begins work.

#### **H. Impairment Related to Alcohol or Drug Use**

Employees who are in a condition that impairs their ability to perform their job and endangers the safety of themselves or others will not be allowed to continue working or remain in the workplace. Employees who are prescribed medication by a licensed health physician that may impair their judgment or their ability to perform their job must report it to their supervisor immediately upon receipt of the medication and a copy of the prescription will be placed in the employee's personnel file.

### **I. Sanctions for Violations of the Drug and Alcohol Policy**

If an employee is found to be in violation of the policy, they will be immediately suspended without pay. The employee will also be given an escort to their place of residence if necessary. Further disciplinary action may be imposed including discharge. The Turtle Mountain Community College may also submit evidence (excluding test results) to law enforcement agencies, when it is appropriate to do so.

### **J. Alcohol and Drug Testing Program**

To ensure an alcohol and drug free work place and to eliminate alcohol/drug use and abuse by employees at Turtle Mountain Community College, the following procedures will be used for drug testing. The drug testing will take place in a designated area by the Human Resources Department utilizing designated bathrooms. Participants will be required to take the drug test using the drug testing kit provided to them by the confidential tester. The tester and the employee will read the results together.

If the test shows positive, this test will then be sent to the Drug Check Lab for further analysis. If the employee is on a prescription medication, they are required to submit evidence of the prescription to the Turtle Mountain Community College. The Turtle Mountain Community College will then send the prescription to the Drug Check Lab for its determination on whether that medication or other drugs were present in the sample.

### **Employment Testing**

Upon implementation of this Drug Policy in 2006, all Turtle Mountain Community College employees will be given drug tests. All employees of the Turtle Mountain Community College will submit to alcohol and drug testing whenever required under this policy as a condition of continued employment with the Turtle Mountain Community College.

### **Random Drug and Alcohol Testing**

The Turtle Mountain Community College reserves the right to conduct random, unannounced alcohol and drug tests on any and all employees including any business who is directly housed on Turtle Mountain Community College premises. Random drug tests will be conducted at least quarterly. The number of employees to be tested each quarter will be determined by the Administration of the Turtle Mountain Community College. The names of the employees to be tested randomly will be selected by a computerized program. Employees selected by random with the computer program will be notified by the HR Manager.

### **Pre-Employment Drug Testing**

All persons selected for hire will be required to take a drug test at a time and place designated by the HR Manager. Each person selected for hire will also be required to sign the "Drug Testing Form." Failure to sign the form will result in discharge of the remainder of the pre-employment process.

Those persons who test positive will not be hired, but will be eligible to reapply after six (6) months. Individuals who fail to show up for their scheduled test will not be hired and will be considered unqualified for employment and will not be eligible to apply for employment until after six (6) months.

### **Post-Accident Testing**

All employees involved in, or contributing to a "reportable accident", or who cannot be completely discounted as being a contributing factor to an accident, may be required to have an alcohol or drug test immediately after. Use of alcohol by the employee is prohibited following the accident until the post alcohol and drug testing is completed. Violation of this may jeopardize employment.

### **Reasonable Suspicion Testing**

Reasonable suspicion testing is required whenever a supervisor, management employee, or other employee reasonably suspects an employee or business held on the Turtle Mountain Community College premises are under the influence of alcohol or drugs. Reasonable suspicion test referrals are to be based on documented objective facts, circumstances, or physical evidence, physical signs, symptoms, or a pattern of behavior.

Reasonable suspicion must be documented by the person observing the behavior or activity and signed by the individual writing and observing the behavior.

Whenever an employee is to be tested because of reasonable suspicion, the employee will not be permitted to return to work until the results of the test are received from the Drug Check Lab. In the event that the results are negative for the presence of prohibited level of alcohol or other drug, and the employee has not violated any work rules, the employee will be paid for time the employee is absent while awaiting the test results.

The Turtle Mountain Community College reserves the right to require that an entire department be tested any time that it has a reasonable suspicion that alcohol or drugs use or activity is affecting the work of the department or there is evidence of drug usage in the work area if there is insufficient information to determine which employee(s) are involved in the usage of illegal drugs.

### **Additional Testing**

The Turtle Mountain Community College may require additional drug and alcohol tests during the following drug and alcohol treatment to ensure compliance with a treatment plan. These tests may be done for up to one year after completion of treatment without prior notice.

### **Positive Test Results--Procedures**

In the event of a confirmed positive test for alcohol or drugs, the following procedure will apply:

Before Administration decides upon the final course of actions, including potential discipline to be taken in the event of a positive test result, the test will be sent to the Drug Check Lab for further analysis. If the employee is on a prescription medication, they will then have 24 hours to obtain a copy of the prescription, and provide it to the HR Manager. The HR Manager will then send the prescription to the Drug Check Lab for its determination on whether that medication or other drugs were present in the sample.

Upon written request, the Turtle Mountain Community College HR Manager will provide the affected employee with a copy of the confirmed positive test result.

### **K. Goals**

The goals of the Turtle Mountain Community College Drug and Alcohol Policy are to:

- Educate employees about the dangers and problems associated with substance abuse;
- Facilitate the prevention of substance abuse;
- Identify any employee who may be engaging in substance abuse;
- Provide for opportunities for counseling and treatment for any employee abusing drugs and/or alcohol;
- Protect the public and co-workers from those employees abusing drugs and/or alcohol;
- Develop a drug free workplace; and
- Make provisions for employees undergoing treatment to continue to work or return to work with same benefit/same pay/same position as soon as possible consistent with their prescribed treatment program.

### **L. Applicability**

The policy applies to all current and future Turtle Mountain Community College employees.

### **M. Prohibited Conduct**

- Manufacture, trafficking, possession, and use of prohibited substances. Employees are prohibited from engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances on Turtle Mountain Community College property, in College vehicles or while on College business. Additionally, law enforcement and/or funding agency will be notified, as appropriate, when criminal activity is suspected.

- Intoxication. All Turtle Mountain Community College employees who are suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty will be disciplined pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug and alcohol test will be removed from duty and subject to corrective action. A drug or alcohol test is considered positive if the individual is found to have a presence of a prohibited substance in the body. Turtle Mountain Community College or Human Resources will have local law enforcement and/or licensed medical facility conduct testing.
- Alcohol Use: No Turtle Mountain Community College employee will report for duty or remain on duty when their ability to perform assigned duties is adversely affected by alcohol, or when their breath alcohol concentration is measurable. No employee will use alcohol while on Turtle Mountain Community College premises or during the hours they are at work.

**N. Prohibited Substance** Prohibited substances include:

- Any alcoholic beverage;
- Any prescribed drug not being used for legal purposes; and
- Controlled substance in Schedule I through V of the Controlled Substance Act.

**O. Drug Testing**

**Applicants:** All applicants will be provided a summary of the drug testing policy. Applicants who have received conditional offers of employment with the Turtle Mountain Community College or subsidiaries, must submit to testing for evidence of improper drug use and/or where indicated, to test for the presence of alcohol. If the tests are positive, the applicant will be refused employment and may not reapply for at least 6 months.

**Employees:** All employees of TMCC and subsidiaries will be subject to random, unannounced testing using a valid method that ensures that each employee will have an equal chance of being selected each time testing is conducted. This random testing will be conducted throughout the year.

**All current employees** whose position require them to perform safety sensitive duties, and/or require a commercial driver's license may be subject to random drug testing at a higher incident than other employees per the regulations of the **Federal Transit Authority (FTA) (49 CFR Parts 653 and 654), and per the regulations of the U.S. Department of Transportation (DOT) (49 CFR Part 40).**

**Reasonable Suspicion Referrals:** Reasonable suspicion referrals for testing will be made on the basis of documented objective facts and circumstances consistent with the short-term effects of substance abuse. Written reasonable suspicion referrals will be made by the appropriate supervisors. Reasonable suspicion means any circumstance or behavior indicating alcohol or drug use. It includes, but is not limited to: Observable conduct, such a direct observation of

alcohol or drug use and/or the physical symptoms of being under the influence; a pattern of abnormal conduct, incoherent mental state, or erratic behavior that is otherwise unexplained; physical impairment, such as staggering, slurred speech, sleeping on the job, inability to concentrate, memory loss, etc.; other actions such as conduct that provides sufficient knowledge that the employee is under the influence; involvement in any work related, reportable accident, etc.

**Reasonable Suspicion Searches:** Turtle Mountain Community College reserves the right to search the employee's desk, locker, or other Turtle Mountain Community College property. Turtle Mountain Community College reserves the right to request law enforcement to conduct searches in the presence of appropriate Turtle Mountain Community College officials and to document their findings.

**Failure to Submit to Drug/Alcohol Testing:** All employees of TMCC and subsidiaries will be subject to drug testing and alcohol testing as a condition of employment. Persons seeking employment who refuse to submit to drug testing will not be eligible for employment by the Turtle Mountain Community College. Turtle Mountain Community College employees who refuse to submit to random, reasonable suspicion or post on-the-job accident drug/alcohol testing may be subject to termination. Refusal can include an inability to provide a sufficient specimen or sample without a valid medical explanation, as well as verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, alteration, or substitution will be required to undergo an observed collection. Verification that the employee has provided false information or has falsified tests will result in the employee's termination.

Employees on authorized leave that are selected for the random sampling will be rescheduled to be included in the next random sample.

**Confidentiality:** Turtle Mountain Community College will use reasonable precaution to ensure and maintain accuracy and confidentiality of the test results. Only persons authorized by the Chain of Command will view the results of the testing.

#### **P. Education and Training**

As part of the orientation process, employees will be given information on where to access the Turtle Mountain Community College Policy and Procedure Manual, inclusive of the Alcohol and Drug policies. Training will be provided periodically on the consequences of prohibited alcohol/drug use and abuse.

Additionally, supervisors will be required to participate in training on the signs and symptoms of alcohol/drug misuse. The Human Resources Department or designated personnel staff will ensure this policy is followed/adhered to.

### **Q. Voluntary Admission of Drug/Alcohol Use**

Any employee, who voluntarily and without reasonable suspicion of supervisors, identifies themselves as having a problem with alcohol or drug abuse, will be referred for assessment and treatment and will follow the same positive drug testing procedures as a positive tested employee. If the employee is unable to perform work duties, the employee may use accrued sick or annual leave or be placed on leave without pay status until the employee can return to work. Employees seeking such assistance should see their supervisor or the Human Resource Department.

### **R. Consequences of a Positive Drug or Alcohol Test**

Pre-employment: Applicant will be refused employment and will not be allowed to reapply for 6 months.

**Random, Reasonable Suspicion or Post-Accident Test.** Employees and subsidiaries of TMCC will be subject to immediate corrective action after a positive random test, a positive test based on reasonable suspicion, or a positive test after an accident, a citation by law enforcement or loss of license or credentials necessary to complete employee's job duties.

**Initial Positive Test.** The first time an employee of TMCC or its subsidiaries is confirmed to have tested positive, they will be referred to TMCC's Employee Assistance Program (EAP) for an evaluation at the employee's expense and may be suspended without pay. Employees must schedule an appointment with the designated agency within five (5) working days or they will be terminated. Evaluation and recommendation will be adhered to and the employee will be required to complete the recommended treatment/counseling prior to returning to work. Employees will be required to have a negative drug test conducted by Turtle Mountain Community College before returning to work. The employee can use accrued sick or annual leave or can take leave without pay to complete the recommended counseling/treatment. Employees refusing to submit to an evaluation and recommended counseling/treatment will be terminated. Employees who report to work under the influence of drugs or alcohol will not be allowed to drive themselves home or elsewhere (appropriate arrangements will be made). Refusal to comply with this rule may result in immediate termination.

**Employees Requiring Counseling/Treatment.** If the evaluating agency concludes that an employee should receive further counseling or treatment for substance abuse, the employee must meet with the Human Resources Department to discuss available counseling and treatment options and available coverage. The employee will be required to complete and comply with all the conditions set forth by the Turtle Mountain Community College and chosen program. This can include returning to work immediately upon completion of the five (5) working day suspension or leave of absence. Employees refusing to comply with the recommendations of counseling/treatment will be terminated.

**Employees Not Requiring Counseling or Treatment:** If the evaluating agency concludes that an employee who is confirmed to have tested positive does not require counseling or treatment at this time, or is able to work during treatment, such employee will return to work upon



completion of the five (5) working day suspension. Such employee must enter into an agreement with Turtle Mountain Community College and will then be subject to unannounced drug/alcohol testing for up to 12 months. If any of these unannounced tests are positive, the employee will be terminated.

Counseling and treatment will be at the expense of the employee.

### **S. Agreement**

Employees who return to work following suspension due to positive drug or alcohol test results must agree to the following:

- Employees must provide a release to work from the evaluation or counseling program indicating successful completion.
- A negative test for drugs or alcohol.
- An agreement to frequent follow-up test for a period of 12 months.
- An agreement to follow specific after care requirements with the understanding the violation of the agreement is grounds for corrective action and possible termination.

Employees will be allowed to use their own accrued leave or utilize leave without pay to complete aftercare requirements.

### **T. Second Failure**

If the employee tests positive a second time, the employee will be terminated and will not be considered for employment by the Turtle Mountain Community College for a period of (12) months.

**All Employees are asked to acknowledge that they have read the Alcohol and Drug Policy of the Turtle Mountain Community College and agree to abide by it in all respects. By policy, this acknowledgment is required of you as a condition of employment.**

### **Turtle Mountain Band of Chippewa Tribal Drug Code**

#### **26.1701 Marijuana**

Means all parts of the plant of a species of the genus Cannabis, including all agronomic varieties, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture, or preparation of such plant, its seeds or resin. Any person who shall manufacture or have in their possession marijuana or any derivative there of shall be charged with a Class 4 Offense under 26.1701.01 or 26.1701.02.

#### **1. Unlawful sale of marijuana.**

- a. Sale Crime. It is unlawful for any person to sell less than one ounce of one or more mixtures containing marijuana Tetrahydrocannabinols whether sold in bulk or package for sale shall be charged with a Class2 Offense.

- b. Sale Crime One Ounce or More. It is unlawful for any person to sell one ounce or more of one or more mixtures containing marijuana or Tetrahydrocannabinols whether sold in bulk or package for sale will be charged with a Class 3 Offense.
- c. Sale Crime One Pound or More. It is unlawful for any person to sell one pound or more of one or more mixtures containing marijuana or Tetrahydrocannabinols whether sold in bulk or package for sale will be charged with a Class 4 Offense.

## **2. Unlawful possession of marijuana.**

- a. Possession Crime. It is unlawful for any person to possess one ounce or less of one or more mixtures containing marijuana or Tetrahydrocannabinols will be charged with a Class 1 Offense.
- b. Possession Crime One Ounce or More. It is unlawful for any person to possess one ounce or more of one or more mixtures containing marijuana or Tetrahydrocannabinols whether in bulk or packaged for sale will be charged with a Class 3 Offense.
- c. Possession Crime One Pound or More. It is unlawful for any person to possess one pound or more of one or more mixtures containing marijuana or Tetrahydrocannabinols whether in bulk or packaged for sale will be charged with a Class 4 Offense.

## **3. Unlawful delivery of marijuana.**

Delivery Crime. It is unlawful for any person to deliver less than one ounce, one ounce or more, or one pound or more of one or more mixtures containing marijuana or Tetrahydrocannabinols whether in bulk or packaged for sale will be charged with a Class 4 Offense.

## **4. Unlawful Ingestion of Controlled Substances.**

Ingestion Crime. It is unlawful for any person, who has been prescribed a controlled substance, to ingest any amount of one or more mixtures from the Controlled Substance List (26.1702) and will be charged with a Class 3 Offense from Schedule V; a Class 4 Offense from Schedule IV, a Class 4 Offense from Schedule III; a Class 4 Offense from Schedule II; a Class 4 Offense from Schedule 1. This is relative to which drug has been illegally ingested. If a law enforcement officer has probable cause to believe a person has illegally ingested a controlled substance, a urinalysis test or blood test can be requested from that person. A refusal to submit to a urinalysis or blood test can be requested from that person. A refusal to submit to a urinalysis or blood test may constitute an admission of ingestion.

## **5. Unlawful Inhalation of Volatile Chemicals.**

Inhalation Crime. It is unlawful for any person who willfully, knowingly or purposefully inhales the vapors of a volatile chemical in a manner designed to affect the person's central nervous system to create or induce a condition of intoxication will be charged with a Class 2 Offense. A law enforcement officer's observation of one or more of the following conditions of inhalant use will be the determination of an inhalant crime. Conditions could be one or more of the following:

if a person appears drunk, dazed, dizzy, has a drowsy appearance, give the impression of anxiousness, excitability, irritability and has a red, runny nose, spots, sores or rash around the mouth or nose, traces of paint on mouth, nose or hands, chemical breath odor, nausea or drooling.

## **26.1702 Narcotics and dangerous drugs.**

### **1. Any person who knowingly possesses, sells, trades, transports, gives away, uses or manufactures:**

- a. any opium, cocaine, coca leaves, morphine, codeine, heroin, or any derivative thereof, or
- b. any drugs known as hallucinogenic, psychotomimetic, or psychedelics including lysergic acid diethylamide (LSD), mescaline, psilocybin, dimethyltryptamine (DMT), and methyldimethoxy methylphenylethylamine (STP), or
- c. Any drug scheduled as a "controlled substance: under the provision of as amended to the date when the offense was committed; along with amendments to Chapter 26.17 section 26.1702 shall be guilty of a Class 4 offense, and is subject to confiscation and seizure of all property used in furtherance of the offense or purchased with proceeds from any drug tested in this section or section 26.1701.

### **2. Controlled Substance List.**

Five schedules. There are established five schedules of controlled substances, to be known as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section by whatever official name, common or usual name, chemical name, or trade name designated. **For full schedule list, see Turtle Mountain Band of Chippewa Tribal Code 26.1702 (2).**

### **3. Unlawful sale of controlled substances.**

Section 1. Sale Crime It is unlawful to sell, arrange for sale, solicit for sale, barter, give away, lend, exchange, deliver, or distribute any amount of: cocaine; crank, crack, heroin; methamphetamine, phencyclidine, or hallucinogen including a narcotic or non-narcotic controlled substance in Schedules I through V whether in bulk or packaged for individual sale and will be charged with a Class 4 Offense.

### **4. Unlawful possession of controlled substances.**

- a. Possession Crime. It is unlawful to possess any amount of: cocaine; heroin; methamphetamine, phencyclidine, or hallucinogen listed in Schedule's I through V and will be charged with a Class 4 Offense.
- b. Possession Crime. It is unlawful to possess any amount of prescription medication except for the person for whom it was prescribed, listed in Schedule's I through V will be charged with a Class 4 Offense.
- c. Possession Crime. It is unlawful for a person to possess more than one immediate precursor of a controlled substance with the intent to adulterate that substance for

the manufacturing of a controlled substance and will be charged with a Class 4 Offense.

**5. Unlawful administration of a controlled substance.**

Someone who knowingly, willfully or purposefully administers a controlled substance with the intent to stupefy, intoxicate, sedate or restrain another person in order to facilitate sexual contact, penetration or causes bodily physical harm, will be charged with a Class 4 Offense.

**6. Unlawful manufacture of controlled substances.**

Manufacture. Any person who willfully, attempts or, intends to manufacture or is in the process of manufacturing any amount of methamphetamine or any controlled substance will be charged with a Class 4 Offense.

**7. Unlawful transportation of a controlled substance.**

Transportation Crime. It is unlawful for a person to transport, carry, deliver any amount of cocaine; crank, crack, heroin; methamphetamine, phencyclidine, or hallucinogen, including any controlled substance in Schedules I through V and will be charged with a Class 4 Offense.

**8. Unlawful possession of drug paraphernalia.**

It is unlawful for any person to knowingly or intentionally use, possess, trade, give away, sell or offer for sale any drug paraphernalia and will be charged with a Class 2 Offense if the paraphernalia has tested positive for any drug from Schedules I through V.

**9. Child endangered by prohibited drug activity.**

Any person who knowingly causes or permits a child to be present where a person is using, selling, manufacturing, delivering, transporting, misusing a prescription drug, possessing an immediate precursor or chemical substance with which to manufacture, use or possess a controlled substance is guilty of child endangerment by prohibited drug activity and will be charged with a Class 4 Offense.

**10. Endangering an unborn fetus.**

- a. Any pregnant female who has consumed alcohol with a SAC of .02% or higher shall be guilty of a Class 4 offense. If a law enforcement officer has probable cause to believe a pregnant female has consumed any alcohol, a breathalyzer can be requested from that person. A refusal to submit to a breathalyzer test may constitute an admission of guilt.
- b. Any pregnant female, who has not been prescribed a controlled substance from Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V misuses a prescription drug, uses inhalants and is found through blood or urine testing to be under the influence of an illegal controlled substance or inhalant will be charged with a Class 4 Offense. A refusal to submit to a blood or urine test may constitute an admission of guilt.

**11. Counterfeit substance.**

It is unlawful for any person to willfully (Chapter 26.04) create, deliver, possess or misrepresent a controlled substance from Schedules I through V and will be charged with a Class Four Offense.

### **12. Prescription drug.**

It is unlawful for a person who is not a licensed practitioner or pharmacist to willfully change, sell, barter, give away, deliver or exchange a prescription drug from Schedule's I to V and will be charged with a Class Four Offense.

### **13. Misuse of prescription drug.**

- a. Even though a prescription drug has been legally prescribed, it is unlawful for a person to misuse or abuse the prescribed drug and will be charged with a Class Four Offense.
- b. The willful overmedicating of oneself by not following a licensed practitioner or pharmacist's orders or directions or not following the over the counter drug instructions will be charged with a Class Four Offense.

### **Health Risks**

***Associated with the use/abuse of alcohol:*** malnutrition; lowered resistance to disease; irreversible brain or nervous system damage; gastrointestinal irritation; damage to liver; heart and pancreas; addiction/alcoholism; coma; death from overdose, injury or accident; fetal alcohol syndrome.

***Associated with the use/abuse of controlled substances:*** damage to heart, lungs, brain and nerve cells; lung cancer; memory disorders; interference with psychological maturation; temporary loss of fertility in both men and women; psychological dependence; bronchitis, infections, colds and other viruses; stroke, liver problems, seizures; heart and respiratory failure; psychosis, convulsions; sexual dysfunction. For users who share/use unsterile needles: tetanus; hepatitis; tuberculosis; HIV/AIDS. For pregnant women: miscarriage; stillbirths; premature labor or delivery; hemorrhaging. For cocaine babies: irritability; unresponsiveness; stroke; malformed kidneys and genitals; seizures; SIDS.

A description of procedures, if any, will be available that encourages pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

### **Campus Resources:**

TMCC Counselor (currently vacant)  
Room 101S, Student Union Turtle  
Mountain Community College  
office: (701)477-7947 or ext. 2915  
FAX: (701)477-7892

**Dave Garcia**

TMCC Substance Abuse Prevention  
Turtle Mountain Community College South Campus  
office: (701)477-7917 or ext. 3803 email:  
[dgarcia@tm.edu](mailto:dgarcia@tm.edu)

**Community Resources:**

**Fifth Generation Healing Center**

1105 BIA RD 7  
Belcourt, ND 58316  
**Phone:** (701)477-3121

**Lake Region Outreach Office, Rolla ND**

1102 Main Avenue West, Rolla, ND, 58367  
**Phone:** (701)477-9050  
**Intake Line:** (701)477-8272

**QNBMHCF PHS Indian Hospital - Behavioral Health/Human Services**

1300 Hospital Loop Belcourt ND, 58316  
**Phone:** (701)477-8658/8659

**Seven Stone Center for Behavioral Health and Healing**

1015 Hospital Rd. Suite A (0.23 mi)  
Belcourt, ND 58316  
**Phone:** (701)477-0428/0458

**Victims of Crime (Victim Assistance)**

BIA Building 155  
Belcourt, ND 58316  
**Phone:** (701)477-5614

**Hearts of Hope Domestic Abuse Shelter**

Belcourt, ND58316  
**Phone:** (701)477-0002/0168

**Discrimination and Harassment Reporting Process (College Policy)**

**5.0.0020 EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY**

The College is an Equal Opportunity Employer, which abides by the policy of providing equal employment opportunities without discrimination to all applicants and employees regardless of race, religion, color, national origin, age, gender, disabilities, sexual orientation or marital status, except as allowed by the Indian Preference provision of the Indian Civil Rights Act of 1964, as amended. In adhering to this policy, the College abides by the Title IX requirements.

## **5.28.0000 HARASSMENT POLICY**

The College will not tolerate harassment of its employees. Any form of harassment related to an employee's race, color, gender, religion, national origin, sexual orientation, age, or disabilities is a violation of this policy and will be treated as a disciplinary matter. For these purposes, the term "harassment" includes, but is not necessarily limited to: slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, gender, religion, national origin, sexual orientation, age, or disability. Harassment will also include unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature.

Violation of this policy by an employee shall subject that employee to disciplinary action, up to and including dismissal. If an employee feels that they have been harassed by any other employee or student and vice versa because of race, color, gender, religion, national origin, sexual orientation, age or disabilities, the employee should immediately report this to his or her immediate supervisor. The supervisor will promptly notify the Human Resource Manager, who will take steps to investigate the matter and where appropriate, and recommend to the President disciplinary action. If the employee does not feel the matter can be discussed with the supervisor, the employee should arrange for a conference with the Human Resource Manager to discuss the complaint. Harassment of employees in connection with their work by non-employees will also be a violation of this policy. Any employee who becomes aware of any harassment of an employee by a non-employee or non-employee by employee should report such harassment to his or her supervisor or to the Human Resource Manager, who is responsible for investigating all such incidents. Appropriate action will be taken against any nonemployee who violates this policy. All incidents shall be reported to the President.

Consequences for false reporting/accusing an individual of sexual or other forms of harassment will include disciplinary action, up to and including dismissal/termination according to the report/accusation and conclusion. Legal actions will be taken against non-employees.

### **College Policy**

#### **Student Code of Conduct**

College students are expected to be mature individuals. Their conduct both in and out of college is expected to be that of any other responsible adult. Under these circumstances, it is expected that the student will at all times remember the reputation of this institution is affected by his or her conduct.

Student conduct regulations apply to actions on college premises and at college sponsored activities off campus. In addition, students must also abide by tribal, state and federal laws. Failure to meet the following standards of conduct may result in disciplinary action. However, the regulations do not define misconduct in every circumstance.

**Academic Misconduct** TMCC students are expected to be honest in their endeavor to attain a college education. Academic misconduct includes:

- knowingly using, buying, selling, transporting, or soliciting the contents of an unadministered test;

- copying from another student's test;
- possessing unauthorized test material during a test; and getting help from another student during a test without permission;
- plagiarism- when a student steals and uses the ideas or writings of another as one's own;
- unauthorized alteration or use of any college documents is prohibited;
- Any violation will be reported to the Dean of Students.

### **Social Misconduct**

- Use of tobacco, except as permitted in authorized areas; (See Smoking Policy page 11 TMCC Student Handbook);
- Disruptive behavior in the classroom; and
- Disruptive behavior while representing the College on/off campus activities; (See Conduct On/Off Campus Activities page 12 TMCC Student Handbook).
- Possession of any firearms or other weapons except as permitted by law.
- Assaulting, threatening, harassing, or endangering the health or safety of any individual.
- Use, possession, or being under the influence of any illegal drugs or alcoholic beverages; (see Drug Free Policy, page 11 TMCC Student Handbook).
- Theft or damage of public or private property on college premises.
- Unauthorized presence in or use of college premises, facilities, or properties.
- Refusing to comply with college officials performing their duties.
- Any violation will be reported to Law Enforcement

Penalties Any student who is guilty of any of the above infractions may be suspended. Any student who is suspended will not be allowed to register for one academic year. An academic year consists of the next two semesters not including summer school. Upon returning to TMCC, students must show proof of resolution. The Dean of Students may place students on suspension regarding this policy.

### **Student Activities Policies**

#### **Student Activities**

Social activities are an integral part of a college education. The student is given an opportunity to interact with other students as well as develop an informal contact with faculty and staff. Activities such as social gatherings, field trips, and intramural sports help to foster strong social relationships. TMCC encourages student participation in all extra-curricular activities sponsored by the College.

#### **All Out-Of-Town Activities**

To qualify for out-of-town trips, a student must have a cumulative GPA of 2.0 (except first semester students). A student must also be making satisfactory academic progress for the current term and have good attendance. Students are not allowed to bring their children to college sponsored out-of-town activities. Students will be required to sign a travel contract prior to attending any out-of-town activities (See Appendix B)



### **Conduct On/Off Campus Activities**

A student who is participating in College-sponsored activities (on/off campus) is expected to abide by the policies of the College. A student who violates student conduct: Parts A) Academic Misconduct and B) Social Misconduct during their participation in college-sponsored activities will be suspended immediately and will continue to be suspended for one academic year, (two semesters following incident, excluding summer session).

### **AIHEC Student Eligibility**

Any student attending AIHEC must be in compliance with AIHEC competition policies and procedures.

### **Class Field Trips**

Every student may attend their class sponsored field trips.

### **All Other Social Gatherings**

Any student enrolled at TMCC either full-time or part-time will be eligible to participate in social gatherings.

### **TMCC Student Complaint/Grievance Procedure**

TMCC students have the right to express their concerns if they believe they have been treated unfairly, subjected to harassment, or been the victim of discrimination. The procedures for Student Complaints/Grievances provides a means for students to express complaints/grievances, to request a form of relief, and to receive an objective hearing. Students are reminded that filing a false complaint/grievance is in violation of the Student Code of Conduct. The TMCC Dean of Students is available to assist students who are considering filing a complaint/grievance. All required forms are located in appendix “A” of this handbook.

#### **A. Academic Decision complaint/grievance procedure**

*The following procedure provides the steps for a student to file a complaint/grievance concerning a faculty member's academic decision. An example of an academic complaint is a final grade appeal.*

1. The student wishing to file a complaint/grievance about a matter pertaining to an academic decision made by a faculty member may discuss the matter first with the faculty member whose action has caused him/her to consider filing the complaint/grievance in an effort to resolve the situation informally. This meeting must take place within 14 college days of the date of the action.
2. If not resolved through informal discussion and over a period not to exceed seven college days, the student may complete a Student Academic Decision Complaint/Grievance. The form is submitted to the Dean of Academics.
3. Within the next seven college days, the Dean of Academics schedules a meeting with the student to attempt to resolve the concern. The person whose action caused the

complaint/grievance may be invited by either the student or the Dean of Academics to attend the meeting.

4. Resolution of Complaints:
  - A. The Dean of Academics must make a decision in relation to the complaint and must communicate his or her decision to the parties, in writing, within twentyeight calendar days of receiving the complaint.
  - B. If the complaint involves a college policy or procedure and if, in the opinion of the Dean of Academics must arrange for the relevant policy or procedure to be reviewed, with a view to preventing a recurrence and ensuring continued improvement.
  - C. If the resolution of the complaint involves potential disciplinary action for an employee, the Dean of Academics must follow the appropriate disciplinary procedures for employees. If the Dean of Academics does not have authority over the employee. He/she will forward a recommendation for disciplinary action to the appropriate supervisor.

### **Appeal Procedure**

5. If the student is not satisfied with the Dean of Academics written response, she/he has five college days to request in writing that a grievance committee hear the matter. This request is given to the TMCC Vice President. A hearing will be scheduled within five college days. The recommendations of the grievance committee will be provided to the TMCC Vice President within five college days of the hearing. The Vice President in conference with the President will have seven college days to decide whether to accept the recommendation of the committee or to render a different decision. The TMCC Vice President will notify the student in writing within that period. The President's decision is final and cannot be appealed. In cases where the appeal involves the Vice Presidents, the President will hear the appeal. In cases where the appeal involves the TMCC President, the Board of Directors will hear the appeal.

#### *Special Note Regarding Safe Practice*

If a question of safe practice is an issue, the student may not be allowed to continue in the course or program until the appeal process is concluded. While every effort will be made to expedite the appeal process, there is a possibility that the grievance may delay the grievant completion of a course or program.

### **B. Non-Academic complaint/grievance procedure**

*The following procedure provides the steps for a student to file a complaint/grievance about the conduct of a faculty member, other TMCC employee, student, or auxiliary service personnel about a matter unrelated to academic decisions. Example of a non-academic complaint/grievance student to student argument, fighting, or threatening contact.*

1. The student wishing to file a complaint/grievance about a matter not related to academic decisions may discuss the matter with the person responsible for the work area of the person who is the subject of the complaint/grievance in an effort to resolve the situation informally. This meeting must take place within 14 days of the date of the action.

2. If not resolved through informal discussion and over a period not to exceed seven days, the student may complete a Non-Academic Complaint Form within seven days of speaking with the individual who the complaint/grievance is against.
3. The form is submitted to the Dean of Students
4. Within the next seven days, the Dean of Students schedules a meeting with the student to attempt to resolve the concern. The person whose action caused the complaint/grievance may be invited by either the student or the Dean of Students to attend the meeting.
5. **Resolution of Complaints:**
  - A. The Dean of Students must make a decision in relation to the complaint and must communicate his or her decision to the parties, in writing, within twenty-eight calendar days of receiving the complaint.
  - B. If the complaint involves a college policy or procedure and if, in the opinion of the Dean of Students, the complaint has substance, the Dean of Students must arrange for the relevant policy or procedure to be reviewed, with a view to preventing a recurrence and ensuring continued improvement.
  - C. If the resolution of the complaint involves potential disciplinary action for an employee, the Dean of Students does not have authority over the employee, then he/she will forward a recommendation for disciplinary action to the appropriate supervisor.

#### *Appeal Procedure*

1. If the student is not satisfied with the Dean of Students written response, she/he has five college days to request in writing that a grievance committee hear the matter. This request is given to the TMCC Vice President. A hearing will be scheduled within five college days. The recommendations of the grievance committee will be provided to the TMCC Vice President within five college days of the hearing. The Vice President in conference with the President will have seven college days to decide whether to accept the recommendation of the committee or to render a different decision. The TMCC Vice President will notify the student in writing within that period. The President's decision is final and cannot be appealed. In cases where the appeal involves the TMCC Vice President, the President will hear the appeal. In cases where the appeal involves the TMCC President, the Board of Directors will hear the appeal.

#### **C. Discrimination or harassment complaint/grievance procedure**

*The following procedure provides the steps for a student to file a complaint/grievance about the conduct of a faculty member, other TMCC employee, or student, about a matter that is related to the discrimination or harassment of the student based on the student's race, color, religion, gender, national origin, age, disability, or veteran's status relative to employment.*

1. The student first contacts the Dean of Students, Safety & Compliance Officer, or Human Resource Manager to provide a written description of the discrimination or harassment activity causing the complaint/grievance. This contact must take place within fourteen days of the date of the action.

2. The Dean of Students, Safety & Compliance Office, or Human Resource Manager will meet with the person who is the subject of the complaint/grievance to document, in written form, information about the incident. This meeting must take place within seven college days of the filing of the complaint/grievance.
3. Additional persons who may be witnesses or observers of any information about the complaint/grievance may be interviewed by the Dean of Students, Safety & Compliance Officer, or Human Resource Manager to provide written accounts of any activities relative to the issue.
4. After a review of all the documentation by the Dean of Students, Safety & Compliance Officer, and Human Resource Manager, a decision will be written and provided to the student and the person who is being accused of discrimination or harassment. If the investigation confirms that discrimination or harassment occurred, the college will take corrective action including discipline up to and including immediate dismissal, as appropriate. Discipline may include verbal and written reprimand, reassignment, suspension, counseling, termination, or any combination of these actions. A decision must be made within 30 days of receiving documentation. Confidentiality of all parties involved will be respected to the extent of the law; retaliation against anyone reporting discrimination or harassment is prohibited. Similarly, filing a false complaint will result in serious consequences.
5. If the student is not satisfied with the written response, he/she has five college days to request in writing that a grievance committee hear the matter. This request is given to the TMCC Vice President. A hearing will be scheduled within five college days. The recommendations of the grievance committee will be provided to the TMCC Vice President within five college days of the hearing. The Vice President in conference with the President will have seven college days to decide whether to accept the recommendation of the committee or to render a different decision. The TMCC Vice President will notify the student in writing within that period. The President's decision is final and cannot be appealed. In cases where the complaint involves the Vice President, the President will hear the complaint/grievance. In cases where the complaint/grievance involves the TMCC President, the Board of Directors will hear the complaint/grievance.

## **TMCC Employee Code of Conduct**

### **5.4.0020 CODE OF CONDUCT**

**1. INTRODUCTION** The Turtle Mountain Community College (TMCC) is committed to ethical and professional conduct. The College's leadership expects that each individual performing any activities on behalf of the College will adhere to those standards in the performance of their duties.

It is the responsibility of each individual faculty, staff member, or student employee acting on behalf of the College to comply with legal and regulatory requirements, policies, and procedures that apply to their particular duties. In addition, it is the responsibility of supervisors to adequately train individuals and to monitor their compliance.

There may be instances when a policy or regulation appears difficult to interpret or to apply, in those cases, clarification should be sought through the normal supervisory channels. If necessary, further questions should be directed to the administrative office that has responsibility for the oversight of that policy.

To maintain the highest standards of business conduct, the College depends on each individual to report known or suspected violations relative to the business of the College. Violations may include but are not limited to such subjects as: applicable federal, state, and tribal laws; regulations; government contract and grant requirements; College policies and procedures; or this Code of Conduct. Failure to report known or suspected violations is in itself a breach of College ethical standards and can lead to discipline, up to and including separation from the College. In addition, making an intentionally false report of a violation will result in disciplinary action.

Individuals should understand that the College expects reporting of violations and makes available numerous options for reporting. Individuals are encouraged to report violations to their immediate supervisor, but may also report to the administration. College policy states that all reports will be investigated.

Reports of suspected violations may be made confidentially or anonymously. However, the more information given, the easier it is to investigate the suspected violation. The College will take all appropriate steps to ensure the level of confidentiality desired; however, sometimes the College's legal obligations to investigate or address a violation will override the individual's wish for confidentiality.

In addition to this Code of Conduct, there are multiple College policies and procedures that apply to individuals at the College which also expects reporting. They can be found on the college website, student handbook and in the catalog.

1. The College's policy and procedures regarding harassment or discrimination (See 5.30.000 HARASSMENT POLICY).
2. The College's policy regarding Ethical Conduct in Research, Scholarship, and Creative Activity (See 5.31.0000 COPYRIGHT AND ROYALTY PROCEDURES).
3. The College's policy regarding Student Financial Aid Statement of Ethical Principles and Code of Conduct (See [www.tm.edu](http://www.tm.edu)).
4. The College's policy regarding Employee Responsibilities and Activities: Theft and Fraud (See 5.4.0080 CODE OF CONDUCT).
5. The College's policy on Conflict of Interest (See 4.9.000 Fiscal Policy: CONFLICT OF INTEREST).
6. IT Appropriate Use policy (See [www.tm.edu](http://www.tm.edu)).
7. The Student Handbook (See [www.tm.edu](http://www.tm.edu)).
8. The Personnel Policies (See [www.tm.edu](http://www.tm.edu)).

Reports of conduct/inconsistent with the Code of Conduct will be investigated following the procedures set forth in the above policies.

It is expected that all employees comply with this Code. It is expected that employees will use good judgment and best efforts to spend the College's funds including reimbursable expenses. It is expected that employees will not make any false record or communication of any kind. It is expected that all employees will make every effort to communicate completely, accurately, and in a timely manner. It is expected that all employees will only collect personal information necessary for the College's business. It is expected that all employees will retain customer information for only as long as required by the College's record retention schedule. It is expected that access to information will be limited to those with a legitimate business reason to have access.

If it is determined that this Code of Conduct or other policies, regulations, laws, grants, or contracts referenced above have been violated, the offender will be disciplined with penalties up to and including possible termination of employment. In some circumstances, individuals may be subject to civil and criminal charges and penalties.

Administration shall reserve the right to make inquiry into any employee's connection with any group or organization which advocates the overthrow of the local or U.S. Government by force of violence.

The College prohibits retaliation against those who participate in reporting or investigating conduct contrary to law and policy. Further, College policies and grievance procedures also prohibit retaliation.

Each new employee will review the College's Code of Conduct and sign a statement certifying that the employee has read and agrees to comply with the Code.

The College's policies or documents emphasize the Turtle Mountain Community College's commitment to ethical and professional conduct.

1. This policy will outline employment conduct responsibilities and requirements of personnel of the College. Every employee shall conduct him/herself in a manner to further the College's mission of providing high quality, professional, courteous, and efficient customer services to all community members.
2. Employees of the College are expected to perform the duties and responsibilities in their position in a manner that upholds the public's trust and reflects the highest ethical standards.
3. Any employee whose actions violate the College's Code of Conduct or these procedures may be subject to disciplinary action.
4. The philosophical foundation of the College is embedded in the system of values that stem from the heritage and culture of the Anishinabe people and expressed in the Seven Teachings of the Tribe.

### **Student Rights and Responsibilities**

TMCC recognizes the basic rights and responsibilities of the members of the College and accepts its obligation to preserve and to protect these rights and responsibilities. Further, the College must provide for its members that which best serves the nature of the educational process.

Each student should realize that TMCC's primary mission is to meet the needs of the community and of the individuals who make up the community. Public opinions may be easily formulated as a result of the actions of any single individual. With this in mind, it is expected that each student and staff member will do his or her part to represent the College and to project its name in a positive manner, thereby enabling it to fulfill its mission of service in the tradition of excellence.

Students at TMCC will be responsible for familiarizing themselves with the contents of the TMCC catalog and student handbook.

### **Right to Higher Education**

TMCC is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, sexual orientation, national origin, or disability. In adhering to this policy, the College abides by the requirements of Title IV and VII of the 1964 Civil Rights Act and Title IX of the Education Amendments of 1972, by sections 503 and 504 of the Rehabilitation Act of 1973, and by other applicable statutes and regulations relating to equality of opportunity.

- Right to a quality educational environment, that allows learning and growth to take place.
- Right to freedom of speech and expression.
- Right to freedom from unreasonable search and seizure.
- Right to freedom of religion and culture.
- Right of academic freedom.
- Right to make his or her own decisions when applicable.
- Right to a safe and secure environment.
- Right to a grievance procedure or due process as stated in this handbook.
- Right to a reasonable degree of privacy.
- Right to freedom of discrimination.
- Right to freedom of harassment based on gender.
- Right to respect and fair treatment from fellow students and TMCC faculty, staff and administration.

### **Student Responsibilities**

- A student has the responsibility to abide by the rules, acceptable student conduct, regulations, and policies of TMCC.
- A student has the responsibility to treat TMCC employees, facilities, equipment, and other students with courtesy and respect.
- A student has the responsibility to uphold the school's standard of student conduct relating to academic honesty.
- A student has the responsibility to assume full responsibility for the content and integrity of the academic work they submit.
- A student has the responsibility for submitting accurate information.
- A student has the responsibility for discharging all legal obligations.

- A student has the responsibility for completing all class assignments.

### **Student Records and Information**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives students certain rights with respect to their education records.

Eligible students have the right to inspect and review their education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for eligible students to review the records. Schools may charge a fee for copies.

- Eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies;
  - and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information. TMCC considers the following as "directory" information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Major field of study
- Degrees, honors, and awards received
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- The most recent educational agency or institution attended

Schools must tell eligible students about directory information and allow eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.



For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may use the Federal Relay Service.

Or you may contact the Family Policy Compliance Office at the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8500

### **TMCC Safety Committee Contact List:**

**Cory M Poitra**  
TMCC Safety Compliance Officer  
(701)477-7814  
[cpoitra1@tm.edu](mailto:cpoitra1@tm.edu)

**Dr. Wanda Laducer**  
TMCC Dean of Student Services  
(701)477-7875  
[wladucer@tm.edu](mailto:wladucer@tm.edu)

**Holly Cahill**  
TMCC Human Resources Manager  
(701)477-7838  
[hcahill@tm.edu](mailto:hcahill@tm.edu)

**Chad Davis**  
TMCC IT Director  
(701)477-7847  
[cdavis@tm.edu](mailto:cdavis@tm.edu)

**Kevin Morin**  
TMCC Facilities Manager  
(701)477-7853  
[kmorin@tm.edu](mailto:kmorin@tm.edu)

**Sheila Trottier**  
TMCC CTE Director  
(701)477-79  
[strottier@tm.edu](mailto:strottier@tm.edu)

**Tracy Azure**  
TMCC Comptroller  
(701)477-7865 [tazure@tm.edu](mailto:tazure@tm.edu)

**Dr. Donna Brown**  
TMCC President (701)477-7809  
[dbrown@tm.edu](mailto:dbrown@tm.edu)

### **Community Resources:**

**Victims of Crime (701)477-5614 (Victim Assistance)**

**Hearts of Hope (701)477-0002/0168  
(Domestic Violence Shelter)**

**Quentin N. Burdick Memorial Health Care Facility (I.H.S.)  
(701)477-6111**

**Belcourt Human Services (I.H.S. Mental Health)**  
**(701)477-8658/8659**

**Fifth Generation Healing Center**  
**(701)477-3121**

**Seven Stone Center for Behavioral Health and Healing**  
**(701)477-0428/0458**

**Presentation Medical Center (Rolla)**  
**(701)477-3161**

**Lake Region Outreach (Rolla)**  
**(701)477-9050/8272**

**Belcourt B.I.A. Law Enforcement Center**  
**(701)477-6134**

**Rolette County Sheriff's Office**  
**(701)477-5623**

**Related Links:**

TMCC Student Handbook: [Student Handbook](#)

TMCC Employee Policy Manual: [Policy Manual](#)

TMCC Title IX Policy: [Title IX Policy](#)

TMCC Title IX Website Page: [Title IX Webpage](#)

TMCC Emergency Management Plan: [Emergency Plan](#)

# TMCC Main Campus Map



**TMCC Anishinabe Campus Map**





**TMCC South Campus Map**



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