

**2014**



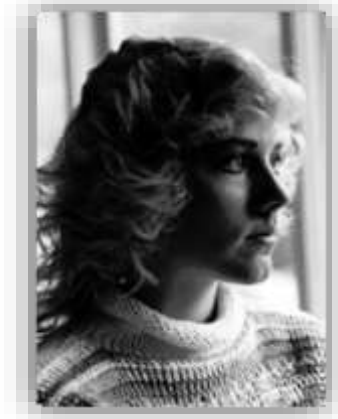
**UNITED TRIBES  
TECHNICAL  
COLLEGE**

**ANNUAL SECURITY &  
FIRE SAFETY REPORT**

## The Clery Act

*The law is named for Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered in her campus residence hall in 1986. Jeanne's parents, Connie and Howard, discovered that students hadn't been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other campus crime victims and persuaded Congress to enact a series of laws in 1990, which were originally known as the "Student Right-to-Know and Campus Security Act" and "Crime Awareness and Campus Security Act".*

*In 1998 "The Crime Awareness and Campus Security Act" was renamed the "The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" in memory of Jeanne Clery.*



*The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to **\$35,000** per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.*

### **ABOUT THE REPORT**

Annual Security Reports Are Published for United Tribes Technical College (UTTC) in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the United Tribes Technical College publishes an annual security report for the campus.

### **HOW THE REPORT IS DISSEMINATED**

The Clery Act stipulates that the college is to notify current and prospective students, faculty and staff of the availability of this report, no later than October 1, 2014. The report may be retrieved from the college's campus security webpage at <http://www.uttc.edu>. An e-mail notification providing the URL address for the report will be sent to current students, faculty and staff at the main campus. Printed copies of the report are available upon request at the UTTC Security Office located in bldg. 63 on Turtle Mountain Rd. Prospective students are notified of the availability of the report in the college's primary admission publication, the "View Book" and UTTC college catalog which prospective students receive upon request. Prospective employees are notified of the availability of the report in the form of an electronic link on the college website.



## CLERY ACT REQUIREMENTS

### **PUBLISH AN ANNUAL SECURITY REPORT (ASR)**

Colleges and Universities must publish a report by October 1, documenting the previous three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed to victims of sexual assault. The law requires that schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the on-line location of the report. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education and submitted online within 15 days after the Oct 1st publishing on the Department of Education reporting website.

### **MAINTAIN A PUBLIC CRIME LOG**

Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for 60 days and, subsequently, made available within two business days upon request.

### **DISCLOSE CRIME STATISTICS**

Institutions must disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities, including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:

1. Criminal Homicide
  - a. Murder & Non-negligent manslaughter
  - b. Negligent manslaughter
2. Sex Offenses
  - a. Forcible
  - b. Non-Forcible
3. Robbery
4. Aggravated Assault
5. Burglary, where:
  1. There is evidence of unlawful entry (trespass), which may be either forcible or not involve force.
    - a. Unlawful entry must be of a structure - having four walls, a roof, and a door.
    - b. There is evidence that the entry was made in order to commit a felony or theft.
6. Motor Vehicle Theft
7. Arson



Definitions of the crimes categories can be found in Appendix A of 34 CFR 668 Crime Definitions and Background information on these crime categories can be found in:

- FBI's 2004 Universal Crime Reporting Handbook (UCR)
- 2013 UCR National Incident-Based Reporting System (NIBRS)

Institutions are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

1. Liquor Law Violations
2. Drug Law Violations
3. Illegal Weapons Possession

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property

Background information on Hate Crime Classifications can be found in the 2012 UCR Hate Crime Data Collection Guidelines and Training Manual.

#### **ISSUE TIMELY WARNINGS ABOUT CLERY ACT CRIMES WHICH POSE A SERIOUS OR ONGOING THREAT TO STUDENTS AND EMPLOYEES.**

Institutions must provide timely warnings in a manner likely to reach all members of the campus community. This mandate has been part of the Clery Act since its inception in 1990. Timely warnings are limited to those crimes an institution is required to report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

#### **DEVISE AN EMERGENCY RESPONSE, NOTIFICATION AND TESTING POLICY.**

Institutions are required to inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus." An emergency response expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.



**COMPILE AND REPORT FIRE DATA TO THE FEDERAL GOVERNMENT AND PUBLISH AN ANNUAL FIRE SAFETY REPORT.**

Similar to the ASR and the current crime log, institutions with on-campus housing must report fires that occur in on-campus housing, generate both an annual fire report and maintain a fire log that is accessible to the public. The security and fire report can be combined into one report for ease of reporting as long as the report states this in the title and all supporting crime/fire logs and data are available in the report. The notification must also specify the inclusion of the information of the fire reporting requirements.

**ENACT POLICIES AND PROCEDURES TO HANDLE REPORTS OF MISSING STUDENTS.**

This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it's believed that student has been missing for 24 hours.

**2013 UPDATES TO CLERY ACT REQUIREMENTS: VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA) OF 2013**

On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4). Among other provisions, this law amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Clery Act. These statutory changes require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of sexual assault, domestic violence, dating violence, and stalking. Additionally, institutions will be required to include certain policies, procedures, and programs pertaining to these crimes in their Annual Security Reports.

Under section 304(b) of VAWA, the changes made by the new law "take effect with respect to the annual security report . . . prepared by an institution of higher education one calendar year after the date of enactment" of VAWA. Thus, the first Annual Security Report that must include the new required information is the report that must be issued by each institution by October 1, 2014. This report would include crime statistics from calendar years 2011, 2012, and 2013. These crime statistics would also be reported to the Department through the web-based data collection in October 2014.

Final regulations to implement the statutory changes to the Clery Act will not be effective until after the Department completes the rulemaking process. Until those regulations are issued, UTTC will make a good faith effort to comply with the statutory requirements in accordance with the statutory effective date. UTTC will include statistics for the new crime categories for calendar year 2013 in the Annual Security Report due in October of 2014.



## GEOGRAPHY

### **CAMPUS**

The Clery regulations found in 34 CFR 668.46 defines Campus (“On-Campus”) property in the following manner:

*“Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).”*

### **NON-CAMPUS PROPERTY**

The Clery regulations found in 34 CFR 668.46 defines Non-Campus property in the following manner:

*“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**

The Clery regulations found in 34 CFR 668.46 defines public property in the following manner:

*“All Public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.”*

## CAMPUS SECURITY INFORMATION

### Campus Security



The vice president of student and campus services is responsible for campus security. The college maintains a security department to provide services on the campus. The vice president's office is located in building 1B. Office hours are Monday – Friday from 8:00 A.M. to 5:00 P.M. and office phone is (701) 255-3285 extension 1260.

Uniformed security officers are on campus 24 hours a day, seven days a week. The security office is located in building 63. Members of the community who need assistance may call by dialing (701) **255-3285** ext. **1200**.

### How to Report an Emergency

Emergency police, fire and medical services for Burleigh County and the City of Bismarck are dispatched from a combined city-county 911 service center. To summon emergency assistance:

- Dial **9-1-1**

As soon as it is safe to do so, please report the emergency to campus security by dialing 255-3285 ext. 1200. The hotlines below may also be helpful for specific emergency situations:

- Abuse Hotline: 1-800-472-2121
- Abused Adult Resource Center in Bismarck: 222-8370
- Community Social Service Referral Line: 2-1-1
- Poison Hotline: 1-800-222-1222
- Suicide Prevention Hotline: 1-800-273-8255



### How to Contact Local Fire Services

UTTC contracts Fire Services including suppression, emergency medical, and inspections with the Bismarck Fire Department (BFD). BFD provides fire services for Washington Courts. Contact information for the Fire Department is:



3315 University Drive  
Bismarck, North Dakota 58504

701.255.3285  
[www.uttc.edu](http://www.uttc.edu)

### **Bismarck Fire Department**

**1020 East Central Avenue, Bismarck, ND 58501-1936**

**Emergency Service: 911**

**Non-Emergency Phone: 250-7671**

UTTC has a signed Memorandum of Understanding (MOU) signed with BFD. In the event of a fire at UTTC, BFD will respond to provide emergency assistance.

### **The Importance of Reporting Criminal Activity**

United Tribes does not have its own police department. Students, faculty, staff and guests are strongly encouraged to promptly report criminal or suspicious activity to both the local law enforcement and campus security.

Prompt reporting of criminal activity enables the college and local law enforcement officials to more effectively protect the safety of the entire community. No matter how insignificant an incident might seem the information you provide may be helpful to the college and/or local law enforcement officials.

### **How to Report a Crime to Local Law Enforcement Agencies**

The college's main campus is located outside the city limits of Bismarck, in rural Burleigh County within the jurisdiction of the Burleigh County Sheriff's Department. Contact information for the Sheriff's Department is:

#### **Burleigh County Sheriff's Department**

**Burleigh County Court House, 514 East Thayer Avenue,  
Bismarck, ND 58501**

**Emergency Service: 911**

**Non-Emergency Phone: 222-6651**

**Web page: [www.burleighsd.com](http://www.burleighsd.com)**



After a report of criminal activity, the Burleigh County Sheriff's Department (BCSD) will assign investigative staff to the case. The Sheriff's Department generally notifies the college when it is investigating an incident on the campus. At the end of each calendar year, the Sheriff's Department provides the college with statistical information about crimes occurring on campus and reported to them. The information is included in the college's annual disclosure of crime statistics.

UTTC has a signed Memorandum of Understanding (MOU) signed with BCSD. In the event UTTC determines that a criminal offense may have been committed on United Tribes Technical College Campus





3315 University Drive  
Bismarck, North Dakota 58504

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[www.uttc.edu](http://www.uttc.edu)

that needs to be investigated, BCSD will be notified. If the BCSD suspects a criminal violation is occurring or has occurred on UTTC campus UTTC shall cooperate in any investigation.

Washington Courts is located inside the city limits of Bismarck within the jurisdiction of the Bismarck Police Department. Contact information for the department is:

**Bismarck Police Department**

**700 South Ninth Street, Bismarck, ND 58504-5899**

**Emergency Service: 911**

**Non-Emergency Phone: 223-1212**

**Web page: [www.bismarck.org](http://www.bismarck.org)**

After a report of criminal activity to the Bismarck Police Department (BPD), investigative staff is assigned to the case. The Department generally notifies the college when it is investigating an incident at Washington Courts.

UTTC has a signed Memorandum of Understanding (MOU) with BPD. In the event UTTC determines that a criminal offense likely has been committed at Washington Courts that needs to be investigated, BPD will be notified. If the BPD suspects a criminal violation is occurring or has occurred at Washington Courts UTTC shall cooperate in any investigation.

**How to Report a Crime to the College**

If you are a victim of a crime, or if you feel threatened by suspicious activity, your first priority should be to get to a safe place. If you encounter a crime scene (as in the case when your car or your apartment has been broken into) you may be in danger because the perpetrator may still be in close proximity. Do not enter the crime scene! Instead, go to a safe place and call 911.

Suspicious activity or strangers observed on the grounds of the college, in the parking lots, inside buildings, in or around the residence halls should be reported to security officers.

**Pastoral and Professional Counselors**

As a result of the negotiated rule making process which followed the signing into law, the 1998 amendments to the Clery Act, 20 U.S.C. Section 1092 (f) clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional 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 confidential basis for inclusion into the annual crime statistics.



The rule making committee defines counselors as:

***Pastoral Counselor***

An employee of an institution, who is associated with a religious order or denomination, recognized by the religious order or denomination as someone who provides confidential counseling and who is functioning with the scope of that recognition as a pastoral counselor.

***Professional Counselor***

An employee of an institution, whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

**Legally Mandated Reporting**

There are instances when the college official taking a report of a crime may be legally mandated to report the incident to law enforcement officials. Examples include:

- Health care practitioners are legally mandated to report any incident where they provide treatment to an individual suffering from wounds inflicted by a firearm or resulting from an assault or abuse.
- Educational administrators, teachers, counselors and clergy are required by law to make a report anytime they become aware of any abuse being perpetrated on a minor child.
- If during the course of receiving a criminal report, the college officials become aware that there is an imminent threat to someone's safety, he/she must take appropriate steps to protect that person which may include making a report to appropriate law enforcement officials.

**Off-Campus Safety Risks and Criminal Activity**

UTTC cooperates with law enforcement agencies to monitor any off-campus criminal activity that may jeopardize the safety and security of the college community. Campus officials meet and communicate regularly with officials from both the Burleigh County Sheriff's Department and the Bismarck Police Department. Both of these agencies provide timely notification to college officials of safety or security risks in the community and when appropriate, the college will employ its emergency notification and security advisory procedures to alert students, faculty and staff to the risk that exists. Both agencies also inform college officials of any criminal activity occurring in the community that involves UTTC students.



### **Policy on Alcohol**

In North Dakota, it is illegal for anyone under the age of 21 to consume or be in possession of alcohol. It is also illegal for anyone to sell, furnish or provide alcohol to a person under the age of 21. Anyone in violation of these laws is subject to criminal prosecution.

Alcohol abuse, like illegal drugs, is harmful to the mind and body. UTTC does not permit the use of alcohol, any other intoxicating substance, or any illegal drug by students, their guests, or employees when present on UTTC's campus, and also reserves the right not to permit any intoxicated persons on campus. A student found to be under the influence of or in possession of any alcoholic beverage or any illegal drug while on UTTC's campus is subject to immediate termination or other appropriate discipline, and the case shall be investigated by appropriate personnel at UTTC.

Any student found to be under the influence of an alcoholic beverage or any other intoxicating substance, which is a threat to him or herself or others, may be taken immediately by a UTTC security officer to an appropriate detoxification facility. Any guest of a student using an intoxicating substance, or under the influence of any illegal drug, or in possession of any alcoholic beverage or any illegal drug while on campus, may be immediately escorted off campus, and may be reported to the appropriate authority. Illegal drugs include, but are not limited to, marijuana in any form, LSD, speed, methamphetamine, cocaine, heroin, and most other mind-altering drugs that have not been lawfully prescribed by a medical doctor for use by a student or a guest on campus.

### **Policy on Illegal Drugs**

Use and possession is prohibited.

### **Firearms and Other Dangerous Weapons**

Possession of firearms and other dangerous weapons is prohibited. Weapons will be confiscated. Other dangerous weapons include, but are not limited to, explosives of any kind, brass knuckles, clubs, knives with blades longer than four inches (other than kitchen knives), and switchblade knives.

### **Physical and Domestic Violence**

Violence of any kind is prohibited. This includes but is not limited to:

- a. Physical Violence
- b. Domestic Violence
- c. Child Neglect or Abuse



## Sexual Assault and Rape

1. UTTC has an active, ongoing training program for its security guards and personnel. In particular, security guards and any administrative or teaching personnel are specifically cautioned to be alert for incidents of rape, acquaintance or “date” rape, and other forcible and non-forcible sex offenses and to report them immediately to the proper authorities.
2. Each student is provided a copy of this policy and is encouraged to promptly report incidents of rape, acquaintance (or “date”) rape, or other forcible and non-forcible sex offenses to which they are witness or of which they are a victim. Students are encouraged to provide suggestions to improve campus awareness of the problems associated with sexual offenses. Recommendations may be referred to appropriate administration officials, including the President of the College, the Vice President of Student and Campus Services, Security Officers or Counseling Department. Incidents of a sensitive nature may be referred to a member of the counseling department.
3. Procedures for reporting a sexual assault or other sexual offense:
  - a. Any student, administrator, faculty member or other employee of UTTC who witnesses or is a victim of any sex related offense, including any such offense involving a child, is requested to immediately report such incident to the Burleigh County Sheriff’s Office, or dial 911 and request assistance, or to call Campus Security ext. 1200 or 1300, who will assist in notifying the appropriate authorities.
  - b. Any student, administrator, faculty member or other employee of UTTC who is a victim of a sexual assault is encouraged to use the services of the Rape-Incest Crisis Center, in Bismarck, whose telephone number is 222-8370.
  - c. Any person who is the victim of a sexual assault is urged to be careful to preserve evidence of the sexual assault for use by any criminal investigator or police officer in the prosecution of the offense and to follow all instructions given to him or her by any police officer investigating the alleged crime.
  - d. All students are hereby notified that if the student is a victim of an alleged sexual assault, alternate living arrangements will be made available to the student as funds and the availability of alternate living arrangements permit.
  - e. The following are the procedures to be followed in addition to any already provided for in any Student and Personnel Policies and Procedures Handbook provided by UTTC to students or staff, of the College:
    - i. Any employee of UTTC or student at UTTC who is the alleged perpetrator of a sexual offense and the victim of such an offense are entitled to have the same opportunities for having others present during any disciplinary proceeding brought concerning the alleged offense.

- ii. The victim and the perpetrator shall each be provided a statement indicating the outcome of any disciplinary proceeding brought against the alleged perpetrator of a sexual offense.
- f. If a finding is made following a disciplinary hearing that a sexual offense has been committed, UTTC may impose the following sanctions as recommended by the Hearing Panel:
  - i. For any student found to have committed a sexual offense: Suspension or termination from the educational facility, including, but not limited to, being removed from the campus; and
  - ii. For any employee of UTTC found to have committed a sexual offense, suspension or termination from employment, including, but not limited to, being removed from the campus and not being granted permission to return to the campus for any reason.



## DISCLOSURE OF REPORTED CRIMES AND CRIME STATISTICS FOR CALENDAR YEARS 2011, 2012 & 2013

### Clery Act Required Crime Statistics

#### Understanding the Crime Statistic Tables

1. Crime statistics presented in the tables are the total number of crimes or suspected crimes occurring at the specified locations and reported to either college or local law enforcement officials during the calendar year (January 1 through December 31). Crimes or suspected crimes reported to *both* college and law enforcement officials are counted only once.
2. Crimes or suspected crimes occurring at Washington Courts are presented under the "noncampus" category.
3. The crimes included in the table are those crimes mandated by the Clery Act. As stipulated by the Clery Act, the crime definitions for sex offenses are from the FBI National Incident-based Reporting System while the definitions of all other crimes are from the FBI Uniform Criminal Reporting System. The definitions are as follows:

**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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed).

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

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

**Drug Law Violations** - Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include but are not limited to: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone), methamphetamine; and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Hate Crimes** - Crimes that manifest evidence of prejudice based on race, religion, sexual orientation, disability and gender or ethnicity.



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

**Manslaughter** - Manslaughter is defined as “the reckless or grossly negligent killing of a human being, excluding traffic fatalities.”

**Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. This includes joy riding.

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

**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.

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

**Sex Offenses** - There are two categories of sex offenses, forcible sex offenses and non-forcible sex offenses:

**Forcible Sexual Offenses** - Any sexual act directed against another person, 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.

- a. **Forcible rape** is the carnal knowledge of a person, 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 temporary or permanent mental or physical incapacity (or because of his/her youth).
- b. **Forcible sodomy** is oral or anal sexual intercourse with another person 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 or physical incapacity.
- c. **Forcible fondling** is 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.

- d. *Sexual assault with an object* is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity.

*Non-Forcible Sex Offenses* – Any act of unlawful, non-forcible sexual intercourse.

- a. *Incest*: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- b. *Statutory Rape*: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

4. The Clery Act stipulates that statistical information for offenses reported by the college must be broken down into specific categories indicating where the crime was reported to have occurred. The Clery Act defines these locations as follows:

**On Campus** - Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including the residence hall. Any property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as food or other retail vendors).

*Student Residences* - A subset of "on campus" crime statistics, which includes only those crimes that were reported to have occurred in the dormitories or other residential facilities. Reports of crimes or suspected crimes occurring in the residence halls are indicated in the On-Campus column in parenthesis.

**Non Campus** - Any building or property owned by a student organization. Any building property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area.

**Public Property** - All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used in direct support of or in a manner related to the institution's purpose.





### Crimes Reported in Clery Act Categories 2011 - 2013

	On Campus*			Non Campus			Public Property		
	2011	2012	2013	2011	2012	2013	2011	2012	2013
Criminal Offense									
a. Murder/non-negligent manslaughter	0 (0)	0 (0)	0 (0)	0	0	0	0	0	0
b. Negligent manslaughter	0 (0)	0 (0)	0 (0)	0	0	0	0	0	0
c. Forcible sex offenses (including forcible rape)	3 (1)	1 (1)	6 (0)	0	0	0	0	0	0
d. Non forcible sex offenses	0 (0)	0 (0)	0 (0)	0	0	0	0	0	0
e. Robbery	0 (0)	0 (0)	0 (0)	0	0	0	0	0	0
f. Aggravated assault	2(2)	4(1)	2 (0)	2	0	4	0	0	0
g. Burglary	6 (6)	1(1)	2 (0)	3	2	2	0	0	0
h. Motor vehicle theft	3 (0)	1 (0)	2 (0)	1	0	0	0	0	0
i. Arson	0 (0)	0 (0)	0 (0)	0	0	0	0	0	0
j. Stalking	0 (0)	0 (0)	1 (0)	0	0	0	0	0	0
k. Domestic Violence	0 (0)	0 (0)	53 (13)	0	0	5	0	0	0
l. Dating Violence	0 (0)	0 (0)	0 (0)	0	0	0	0	0	0

\* Of the reports occurring on campus, the number of those occurring in the residence halls is indicated in parenthesis.



**ARRESTS/Student Discipline Referrals for liquor, drug and weapons law violations IN CLERY ACT CATEGORIES 2011 – 2013**

Arrest	On Campus*			Non Campus			Public Property		
	2011	2012	2013	2011	2012	2013	2011	2012	2013
a. Liquor law violations (arrests)									
number of disciplinary actions/judicial referrals	<b>31 (15)</b>	<b>12 (2)</b>	<b>22 (16)</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>
	<b>123 (90)</b>	<b>38 (24)</b>	<b>29 (12)</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
b. Drug law violations (arrests)									
numbers of disciplinary actions/judicial referrals	<b>10 (1)</b>	<b>7 (2)</b>	<b>5 (2)</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>31 (23)</b>	<b>36(17)</b>	<b>7 (7)</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
c. Illegal weapons possessions (arrests)									
numbers of disciplinary actions/judicial referrals	<b>0 (0)</b>	<b>0 (0)</b>	<b>0 (0)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>0 (0)</b>	<b>0 (0)</b>	<b>0 (0)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* Of the reports occurring on campus, the number of those occurring in the residence halls/housing units is indicated in parenthesis.



## HATE CRIMES

**There were no hate crimes reported to college or law enforcement officials in calendar years, 2011, 2012 or 2013.**

Reported Crimes	On-Campus			Non Campus			Public Property		
	2011	2012	2013	2011	2012	2013	2011	2012	2013
Gender	Larceny/ Theft	0	0	0	0	0	0	0	0
	Simple Assault	0	0	0	0	0	0	0	0
	Intimidation	0	0	0	0	0	0	0	0
	Destruction/vandalism	0	0	0	0	0	0	0	0
Race	Larceny/ Theft	0	0	0	0	0	0	0	0
	Simple Assault	0	0	0	0	0	0	0	0
	Intimidation	0	0	0	0	0	0	0	0
	Destruction/vandalism	0	0	0	0	0	0	0	0
Religion	Larceny/ Theft	0	0	0	0	0	0	0	0
	Simple Assault	0	0	0	0	0	0	0	0
	Intimidation	0	0	0	0	0	0	0	0
	Destruction/vandalism	0	0	0	0	0	0	0	0
Sexual Orientation	Larceny/ Theft	0	0	0	0	0	0	0	0
	Simple Assault	0	0	0	0	0	0	0	0
	Intimidation	0	0	0	0	0	0	0	0
	Destruction/vandalism	0	0	0	0	0	0	0	0
Ethnicity	Larceny/ Theft	0	0	0	0	0	0	0	0
	Simple Assault	0	0	0	0	0	0	0	0
	Intimidation	0	0	0	0	0	0	0	0
	Destruction/vandalism	0	0	0	0	0	0	0	0
Disability	Larceny/ Theft	0	0	0	0	0	0	0	0
	Simple Assault	0	0	0	0	0	0	0	0
	Intimidation	0	0	0	0	0	0	0	0
	Destruction/vandalism	0	0	0	0	0	0	0	0

A hate crime is one that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. The categories of bias include race, gender, religion, sexual orientation, ethnicity/national origin or disability. The Clery Act requires colleges and universities to disclose all instances of Clery Act crimes listed in the crime statistics table above plus any other crime involving bodily injury that manifests evidence that the crime is a hate crime. The disclosure of each hate crime must include information about the geographic location where it occurred and the category of bias that was involved.



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## Emergency Phone Number & Contact Information

Dial **9-1-1**

### **Abused Adult Resource Center**

Call for the location  
Phone: 222-8370

### **Archway Mental Health Services of St. Alexius Medical Center**

401 North 9th Street, Bismarck  
Phone: 224-7192

### **Burleigh County Sheriff's Department**

Burleigh County Court House, 514 East Thayer Avenue, Bismarck, ND 58501  
Emergency Service: 911  
Non-Emergency Phone: 222-6651

### **Bismarck Police Department**

700 South Ninth Street, Bismarck, ND 58504  
Emergency Service: 911  
Non-Emergency Phone: 223-1212

### **United Tribes Technical College Security**

Office Phone: 255-3285 ext. 1200

## United Tribes Technical College (UTTC) Fire Safety Policy and Report

Reporting period for this report is  
January 1, 2013, to December 31, 2013.

The US Department of Education now requires colleges and universities to post to the community an annual fire safety report. The report must include:

- The number of fires in each on-campus housing facility.
- The number of deaths related to the fire.
- The number of injuries related to the fire that resulted in treatment at a medical facility.
- The value of property damage related to the fire.
- A description of the fire safety system for each on-campus student housing facility.
- The number of fire drills held the previous calendar year.
- The university's policies regarding portable electrical appliances, smoking and open flames in student housing facilities.
- Procedures for student housing evacuation.
- Policies for fire safety education and training programs for students, faculty and staff.
- A list of titles of each person or organization to which individuals should report that a fire has occurred.
- Plans for future improvements in fire safety, if determined necessary by the institution.
- The institution must maintain a "Fire Log" that is available upon request to any person.



### College-Wide Protocol for Fire Emergency

The following procedure is the College-wide protocol in cases of fire emergency:

1. Pull the fire alarm as you exit the building.
2. Dial 911 from a safe location.
3. State that you are calling from UTTC.
4. Provide the proper name of the building, floor and room numbers.
5. Specify fire type (chemical, paper, wood, electrical, etc.).
6. Direct fire/emergency/Security personnel to location.
7. Notify Security Department at extension 1200.
8. If you are unable to use the stairs for any reason wait for rescue in the nearest stairwell. Stairwells are designated "areas of refuge."

**Do not attempt to extinguish a fire unless trained and in a controlled environment with proper equipment available.**



All fires, even if extinguished, must be reported to the Safety or Security Departments on UTTC's campus.

### **Fire Log**

The campus housing fire log is a summary of any fires that occurred in on-campus housing or residential hall for the past year. The log records date and time, general location, estimate of property damage, number of injuries and/or deaths associated with the fire. The Safety Department maintains an electronic log of all incidents brought to their attention on campus which includes any fire. It is reported on an annual basis and is available for inspection for the most recent 60 day period. This log is available to anyone upon request free of charge. Simply notify the Director of Safety, in writing, and provide the date ranges you would like to see in the log. The information will be provided to you. Portions of the log older than 60 days are available within two business days of a request for public inspection. The fire log records are filed for a period of seven years.

In accordance with the Higher Education Opportunities Act of 2008, UTTC is providing mandatory fire safety information as a part of this report. Detailed information is listed in the table below about fires in any student housing area in 2010.

### **Reporting fires that have occurred (Not in Progress)**

For any fire that has occurred (not in progress) individuals may report the incident to any member of any member of the Safety or Security Staff, the Director of Housing or Housing Staff, Resident Hall Director or any Resident assistant, the Director of Safety or Security Chief.

### **UTTC Fire Safety Polices for the Residence Halls**

Posted in the *Dormitory Agreement* and *Housing Lease Agreements*.

#### **Fire Safety**

1. Unannounced fire evacuation drills will be held regularly throughout the school year in each residence hall. Students who fail to exit the halls, attempt to re-enter the building without the permission of proper authorities or fail to comply with College officials will be subject to disciplinary action.
2. Tampering with fire safety equipment or fire alarms is a violation of State Law, a Class B misdemeanor. To give, or cause to be given, false reports of fire or other dangerous conditions or creation of a fire hazard or other dangerous condition is not permitted. Persons found in violation will be subject to disciplinary and/or legal action.
3. Fire detection units should not be covered or blocked at any time.
4. For reasons of fire safety, the following items are not permitted in resident hall rooms:
  - a. Cooking appliances, space heaters, etc., that may start fires in the dormitory rooms. Students must be made aware that this is also a violation of State Fire Laws. A student that has violated this rule or refuses to comply may be subject to penalties under these laws.
  - b. Microwaves and small refrigerators are also prohibited. The only exception to this rule would be for students that have a physical condition that requires medication to be refrigerated (i.e., diabetes). In this instance a student is required to disclose their illness

- to the Student Health Center. The Student Health Center will make arrangements through the Resident Hall Director. The student is responsible for the purchase of the refrigerator.
- c. No burning of candles or incense is allowed within each resident hall due to the fire hazard they present.
    - i. The exception to this rule is for the use of religious items:
      1. Burning of sage, sweet grass, cedar and other religious items is allowed within each resident hall only as specified in this rule. Before using these materials, the student must inform the Dorm Resident Assistant on duty of their intention to use these items. This is done to recognize that a student needs privacy during the ceremony and for staff to be on notice that a fire hazard is present.
    - d. Live/cut Christmas trees and wreaths is prohibited due to the fire hazard they represent.
  5. Unauthorized possession, storage or use of hazardous or dangerous weapons, explosive components or substances including, but not limited to, firearms, fireworks and chemical materials such as gasoline/fuels, kerosene or compressed gases/air in College residence halls is specifically forbidden and, therefore, subject to disciplinary action.
  6. The roofs and fire escapes of each building are for emergency purposes only. Under no other conditions should these be used. Failure to comply will lead to disciplinary action.
  7. Do not hang anything from the sprinkler heads. This will cause damage to the system that will be charged to the occupants of that suite/room. Additionally, decorations or objects hung on the walls must be at least 18 inches away from the ceiling.
  8. Fire safety tips:
    - a. Know where alarm pull stations are in your building.
    - b. Know all of the exits and evacuation plans to your building.
    - c. If you discover smoke or fire:
      - i. Sound the alarm.
      - ii. Call the local emergency services at 911 or the Security Office at x 1200.
    - d. If you are in a burning building:
      - i. Close the window.
      - ii. Close the door.
      - iii. Go to the nearest exit or stairs (if you are in a smoke-filled area, keep low to the floor).
      - iv. Leave the residence halls immediately.

### **Holiday Decorations**

Students are encouraged to express their observances of holidays within the following guidelines:

- Live and cut trees and wreaths are prohibited.
- Candles or other open flames or burning items are not permitted.
- Lights must be UL rated and the small and non-heat producing type.
- Decorations in the public areas must be approved for safety.
- Decorations must be removed prior to leaving for break.
- Nothing should be hung from smoke/fire detectors or sprinkler heads.

***\*This policy is subject to change depending on municipal, state fire codes or federal regulations.\****









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## Fire Safety Systems and Drills for 2013

Name of Facility	Smoke Detectors, Single Stations and not Monitored (fire system is not integrated within building)	Smoke Detectors, Monitored by Building Fire Alarm System	24Hr Monitoring	Sprinkler	Fire Extinguishers	Fire Drills
Sakakawea Hall	Yes	Yes	Yes	No	1/floor	0
Sitting Bull Hal	Yes	Yes	Yes	No	1/floor	0
Coed Dorm	Yes	Yes	Yes	Yes	1/floor	0
Touchstone Lodge	Yes	No	No	No	1/floor	0
Kateri Hall	Yes	Yes	No	No	1/floor	0
Solo Dorm	Yes	No	No	No	1/unit	0
August Little Soldier Apartments	No	Yes	No	Yes	1/unit	0
Washington Court Apartments 1	Yes	N/A	No	Yes	1/unit	0
Washington Court Apartments 2	Yes	N/A	No	Yes	1/unit	0
House 3	No	N/A	No	No	1	0
House 4	No	N/A	No	No	1	0
House 99	No	N/A	No	No	1	0
House 130	No	N/A	No	No	1	0
House 131	No	N/A	No	No	1	0
House 132	No	N/A	No	No	1	0
House 133	No	N/A	No	No	1	0
House 134	No	N/A	No	No	1	0
House 135	No	N/A	No	No	1	0
House 136	No	N/A	No	No	1	0
House 137	No	N/A	No	No	1	0
House 138	No	N/A	No	No	1	0
House 139	No	N/A	No	No	1	0
House 140	No	N/A	No	No	1	0
House 141	No	N/A	No	No	1	0
House 142	No	N/A	No	No	1	0
House 143	No	N/A	No	No	1	0
House 144	No	N/A	No	No	1	0
House 145	No	N/A	No	No	1	0
House 146	No	N/A	No	No	1	0
House 147	No	N/A	No	No	1	0
House 148	No	N/A	No	No	1	0
House 149	No	N/A	No	No	1	0
House 150	No	N/A	No	No	1	0
House 151	No	N/A	No	No	1	0
House 152	No	N/A	No	No	1	0
House 153	No	N/A	No	No	1	0
House 154	No	N/A	No	No	1	0
House 155	No	N/A	No	No	1	0
House 156	No	N/A	No	No	1	0
House 157	No	N/A	No	No	1	0
House 158	No	N/A	No	No	1	0
House 159	No	N/A	No	No	1	0
House 160	No	N/A	No	No	1	0
House 55	No	N/A	No	No	1	0
House 179	No	N/A	No	No	1	0
House 180	No	N/A	No	No	1	0
House 181	No	N/A	No	No	1	0
House 182	No	N/A	No	No	1	0



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## NOTES

