WHAT CONDUCT IS PROHIBITED?

Discrimination: Conduct directed at an individual because of how the individual's protected class and that subjects the individual to different treatment affecting how to interact, participate in or benefit from services, activities or privileges the campus provides or the campus's programs, employment or education.

Additionally, Title IX prohibits discrimination against pregnant, lactating, and parenting students, staff, and faculty.

Harassment: Verbal or physical conduct directed at an individual because of how the individual's protected class and that is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of creating a hostile work or educational environment.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, sexual advances, sexual conduct, and other verbal or physical conduct of a sexual nature against an individual when 1. Submission to the conduct is a term or condition of employment or education, evaluation of academic performance, or participation in a campus sanctioned activity, OR 2. Submissi- on or rejection of the conduct is used to make an employ- ment or education decision or decision about participation in a campus sanctioned activity, OR 3. The conduct has the purpose or effect of interfering with the person's ability to participate in an individual's employment, academic performance, or creating an intimidating, hostile, or offensive work or educational environment.

Protected Classes: Race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, familial status, and membership in a local human rights commission.

Sexual Violence: A broad term referring to a continuum of conduct that includes sexual assault, non-consensual sex acts, dating and relationship violence, stalking, as well as aiding acts of sexual violence.

Sexual Assault: Actual, attempted or threatened sexual acts with another person without their affirmative consent and other verbal or physical conduct of a sexual nature against an individual when 1. Submission to the conduct is a term or condition of employment or education, evaluation of academic performance, or participation in a campus sanctioned activity, OR 2. Submission to or rejection of the conduct is used to make an employment or education decision or decision about participation in a campus sanctioned activity, OR 3. The conduct has the purpose or effect of interfering with the person's ability to participate in an individual's employment, academic performance, or creating an intimidating, hostile, or offensive work or educational environment.

Emergency/Urgent Assistance For My Safety: Call 911. If you have been the victim of a sexual assault, you should seek medical attention from the Sanford Bemidji Hospital or Bemidji State University Health Services at the Student Center for Health and Counseling immediately regardless of whether you report the matter to the police.

The Student Center for Health and Counseling, provides STD screenings and pregnancy tests. If you wish to have an evidence collection kit (“rape kit”), you can do so at Sanford Bemidji Hospital. Bemidji. If possible, do not shower, brush your teeth, urinate, eat, drink or change clothes.

To talk:
Professional counselors in the Student Center for Health and Counseling can provide you with support while allowing you the time and space you need to process your feelings and can provide you with basic information about your options and available resources. Support Within Reach Sexual Violence Resource Center services are available 24 hours a day to women, children, and men who have experienced sexual violence directly or indirectly and prevention education is provided for the community.

To report a concern and get support:
Students who report conduct that violates the discrimination/harassment and sexual violence policies or who serve as witnesses in an investigation will receive amnesty for violations of campus policy concerning alcohol and drug use. Campus policies also protect all investigation participants from retaliation.

BSU and NTC Affirmative Action/Title IX Office will conduct prompt, reliable and impartial investigations. The investigation and resolution of complaints are conducted by officials trained in how to protect the safety of complainants and respondents. Investigators are also trained in trauma-informed investigation techniques.

WHAT CAN I DO NEXT?

Consent is informed, freely given, and mutually understood will- ingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibil- ity of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked at any time.

Consent is not present if:
- Coercion, intimidation, threats, and/or physical force are used.
- The complainant is mentally or physically incapacitated or impaired so that complainant cannot understand the fact, nature, or extent of the sexual situation. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious.
- There is a lack of protest, absence of resistance, or silence.
- There was past consent to sexual activity. Past con- sent to sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent.

Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Affirmative Consent Must Be Present Throughout the Whole Sexual Activity.

Stalking: Conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause reasonable people to fear for their safety or the safety of others or to suffer substantial emotional distress.

Your safety is of utmost concern. There are options and resources available to meet your needs, (e.g., no contact orders, housing and academic accommodations, counseling, escort). Even if a com- plainant chooses not to file a formal complaint or request a formal investigation, the campus can take steps to promote safety.

It is your choice on how to report concerns. You may decide not to file a formal complaint, or you may file a complaint either on campus or with law enforcement, or with both. In those circumstances in which law enforcement and campus complaints exist, parallel in- vestigations will occur and it is possible that the investigations yield different outcomes.

Affirmative Consent

BSU and NTC utilize a preference-of-evidence standard of proof in all investigations. This means that a policy violation decision will be made based on whether the evidence shows that it is more likely than not that the alleged conduct occurred.

Both parties (complainant and respondent) have the same opportunities to:

- have a support person present during the investigation and resolution process, including the opportunity to be accompanied by an advocate to any related meeting or proceeding by an advisor of their choice.
- present witnesses, evidence and information
- obtain notification of the time frames for all major stages of the investigation.
- receive simultaneous written notification of the result of any investigation
- Appeal the outcome of an investigation