

# STUDENT RESOURCES & REPORTING OPTIONS FOR DISCRIMINATION, HARRASSMENT & SEXUAL VIOLENCE

## WE HAVE YOUR BACK!

The university and college are committed to providing an environment free from discrimination and harassment and to eliminating sexual violence in all forms. In so doing, the campus affirms its obligations to comply with federal laws (such as Title IX), state laws, and Minnesota State and campus policies. The campus will take appropriate remedial action against any individual found responsible for acts in violation of the Equal Opportunity and Nondiscrimination in Employment and Education Policy or the Sexual Violence Policy.

## WHAT CONDUCT IS PROHIBITED?

**Discrimination:** Conduct directed at an individual because of her/his/their protected class and that subjects the individual to different treatment affecting her/his/their ability to participate in or benefit from services, activities or privileges the campus provides or her/his/their 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 her/his/their 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, sexually motivated physical 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. 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 threatening 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-forcible 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. Sexual assault is often a criminal act that can be prosecuted under Minnesota law and can also result in discipline for students through the student conduct process or for employees through established procedures. It includes but isn't limited to:

- **Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon an individual including forced sexual intercourse and acts commonly referred to as "date rape" or "acquaintance rape," and coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.**
- **Involvement in any sexual act when the individual is unable to give consent.**
- **Intentional and unwelcome touching of a person's intimate parts (primary genital area, groin, inner thigh, buttocks, or breast); or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.**
- **Offensive sexual behavior directed at another, such as indecent exposure or voyeurism.**

### Dating, Intimate Partner, and Relationship

**Violence:** Violence including physical harm or abuse, and threats of harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota law.

**Non-forcible sex acts:** Unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

**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.

## AFFIRMATIVE CONSENT MUST BE PRESENT THROUGHOUT THE WHOLE SEXUAL ACTIVITY

Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility 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 consent 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.**

## WHERE CAN I GO FOR HELP!

### 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.

### To get medical help:

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 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 what has happened 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 wish to report a concern may seek assistance from "non-confidential" employees including Campus Safety Officers, residence life and student conduct staff, student organization or club advisors, athletic coaches, campus supervisors and administrators, and the Title IX Coordinator. These individuals cannot guarantee confidentiality as they must notify the Title IX Coordinator of information they receive, but these individuals will protect your privacy by sharing only on a need to know basis.

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 complainant 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 investigations will occur and it is possible that the investigations yield different outcomes.

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.

The 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.

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 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**

BSU and NTC utilize a preponderance-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.

## YOU ARE NOT ALONE THERE ARE PEOPLE THAT CAN HELP

### CONFIDENTIAL COUNSELING RESOURCES:

**Student Center for Health and Counseling** – 218.755.2053, Cedar Hall First Floor, BSU  
**Support within Reach Sexual Violence Resource Center** - 1510 Bemidji Ave., Bemidji, MN. 218.444.9524 OR 800.708.2727

### MEDICAL RESOURCES:

**Examinations by a Sexual Assault Nurse Examiner**  
 Sanford Bemidji Emergency Room, 218.333.5596, 1300 Anne Street NW, Bemidji, MN

**Ask Questions of a Sexual Assault Nurse Examiner**  
 Jennifer Fraik, 218.755.2053, Cedar Hall First Floor, BSU

### NON-CONFIDENTIAL RESOURCES:

#### Department of Public Safety

218.755.3888, Walnut Hall, BSU

#### Housing and Residence Life

218.755.3750, Walnut Hall, BSU

#### Travis Greene, Title IX Coordinator/Affirmative Action Officer

218.755.4121, 315 Deputy Hall, BSU

#### Dr. Randy Ludeman, Director of Housing and Residential Life Officer

218.755.3750, Walnut Hall, BSU

#### Travis Greene, Associate Vice President for Student Life and Success

218.755.2075, 313 Deputy Hall, BSU

### OTHER MENTAL HEALTH AND COUNSELING CONCERNS:

#### Student Center for Health and Counseling information

218.755.2053, Cedar Hall First Floor, BSU

#### Suicide Prevention-Local Counseling Crisis Line

1.800.422.0045

Text "MN" to 741741