Policy Statement
Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Bemidji State University. Bemidji State University 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. Acts of sexual violence may also constitute violations of criminal or civil law, or other Board Policies that may require separate proceedings. To further its commitment against sexual violence, Bemidji State University provides reporting options, an investigative and disciplinary process, and prevention training or other related services as appropriate.

Scope and Purpose of Policy
This policy applies to all Bemidji State University students and employees and to others, as appropriate, where incidents of sexual violence on system property have been reported. Reports of sexual violence committed by a student at a location other than on system property are covered by this policy pursuant to the factors listed in MnSCU Board Policy 3.6, Part 2. Reports of sexual violence committed by a system employee at a location other than system property are covered by this policy.

Reports of sexual violence committed on system property by individuals who are not students or employees are subject to appropriate actions by Bemidji State University, including, but not limited to, pursuing criminal or civil action against them. Allegations of discrimination or harassment are governed by the Bemidji State University harassment and discrimination policy.

Definitions
Sexual violence includes 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 means an actual, attempted, or threatened sexual act with another person without that person’s consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Bemidji State University student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

Policy Name: Sexual Violence Policy
Effective Date: 4/21/2004
Policy Owner: President/VP for Finance and Operations
Last Review: 9/13/2016
Next Review: 12/13/2016
1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as “date rape” or “acquaintance rape.” This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.

2. Involvement in any sexual act when the victim is unable to give consent.

3. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person’s intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).

4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

Dating and relationship violence includes physical harm or abuse, and threats of physical 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 state law.

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

Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Non-forcible acts include 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.

University property means the facilities and land owned, leased, or under the primary control of Minnesota State Colleges and Universities, its Board of Trustees, system office, colleges and universities.

Employee means any individual employed by Minnesota State Colleges and Universities, its colleges and universities and system office, including student workers.

Student The term “student” includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university;

2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;

3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university; or

4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are not college or university employees and are not enrolled in the institution but live in a college or university residence hall.

Procedures

Complainants of sexual violence may report incidents at any time, but are strongly encouraged to make reports promptly in order to best preserve evidence for a potential legal or disciplinary proceeding. Complainants are strongly encouraged to report incidents of sexual violence to law enforcement for the location where the incident occurred (dial 911). The Department of Public Safety (218-755-3888, 24 hours) can provide assistance in reporting to local law enforcement. The BSU Department of Public Safety website provides additional information about reporting, including advice about preserving evidence. The Annual Security Report on the Public Safety website includes information about complainant options and complainant rights. In addition, campus security authorities (defined as “an official of an institution who has significant responsibility for student and campus activities”) are available to assist students with reporting of sexual violence. The BSU Department of Public Safety has more information about campus security authorities on their website.

Investigative and Disciplinary Process

As part of the Minnesota State Colleges and Universities (MnSCU) system, Bemidji State University follows the MnSCU Board of Trustees policy 1B.3 “Sexual Violence Policy.” In addition, the University also utilizes the MnSCU Procedure 1B.3.1, “Response to Sexual Violence.” [http://mnscu.edu/board/procedure/1b03p1.html](http://mnscu.edu/board/procedure/1b03p1.html) The MnSCU Board policy and procedure provide extensive and detailed information about the investigative and disciplinary process used by the University, and these documents are provided to individuals who report sexual violence to the campus contacts identified above. Student complainants have the option to change their academic and/or on-campus living situations after an alleged act of sexual violence, if such changes are reasonably available. The procedures in the Student Code of Conduct provide a list of the possible sanctions for a student found in violation of this policy, and they include suspension, dismissal or expulsion from the university. The University has developed a flowchart that depicts the process for addressing complaints of sexual violence. The above information is available on the BSU website.

Resources

Campus and community offices and agencies stand ready to provide assistance to victims of sexual assault.

- Student Center for Health and Counseling, 218-755-2053
- Public Safety, 218-755-3888
- Affirmative Action Officer/Title IX Coordinator, 218-755-4121
- Student Affairs, 218-755-2075
- Support Within Reach, 218-444-9524 or 1-800-708-2727
- Sanford Bemidji Medical Center, 218-751-5430
The Campus Public Safety website also has helpful information about personal safety and reducing risk of sexual violence. The BSU PETSA program enhances student success by providing information about sexual harassment, sexual violence, safe relationships, healthy relationships, personal safety, alcohol and drug use, and supportive services and phone numbers.

Bemidji State University participates with other local organizations such as Support Within Reach (www.supportwithinreach.org) to provide community connections and a victim centered approach to sexual violence and reporting and procedures. A comprehensive list of available institutional and community resources may be accessed with this link.

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**Rationale**
The rationale of this policy is to provide a safe and secure campus learning environment that seeks to be free of sexual violence and assault for all stakeholders.

**Supporting References**
MnSCU Board Policy 1B.3 Sexual Violence Policy: [http://mnsucu.edu/board/policy/1b03.html](http://mnsucu.edu/board/policy/1b03.html)