

## Faculty/Staff Resources for Nondiscrimination (1B.1) and Sexual Violence (1B.3) Policies

<b>Prohibited Conduct Under Policies</b>	
<b>Discrimination:</b>	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, an dparenting students, staff, and faculty.
<b>Harassment:</b>	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.
<b>Sexual Harassment:</b>	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.
<b>Protected Classes:</b>	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.
<b>Sexual Violence:</b>	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.
<b>Sexual Assault:</b>	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.
<b>Dating, Intimate Partner and Relationship Violence:</b>	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.
<b>Non-forcible Sex Acts:</b>	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.
<b>Stalking:</b>	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.

<b>Affirmative Consent Must Be Present Throughout the Sexual Activity</b>	
<b>Affirmative Consent:</b>	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.
<b>When Consent is Not Present:</b>	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 the complainant cannot understand the fact, nature, or extent of the sexual situation, including 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 consent to past sexual activity. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

## Answers to Frequently Asked Questions

<b>What is my role?</b>	
Confidential employees	On the BSU and NTC campuses, the professional counselors and nurses are confidential (Student Center for Health and Counseling 218.755.2053). Some off-campus individuals may also have legal privilege (clergy, private legal counsel, and health care professionals). Advocates with Support Within Reach Sexual Violence Resource Center (218.444.9524 or 800.708.2727) are another local confidential resource for individuals who have experienced sexual violence.
Campus Security Authorities AKA Responsible Employees	"An official of an institution who has significant responsibility for student and campus activities. Campus Safety Officers, President and Vice Presidents, Advisors to student groups and organizations, Athletic Coaches and Trainers, Department of Public Safety employees, Deans, Student Development/Affairs officials, Residence Life staff members, the Title IX Coordinator (Deb Peterson), and other campus officials who have significant responsibilities for student and campus activities are included. If these individuals hear something, they need to say something.
Those who are encouraged to report	Many faculty and staff are neither confidential nor non-confidential. They are encouraged to aid in the reporting of incidents and link the person with the help they need.
<b>How to report an incident</b>	
Emergencies or immediate danger	Call 911 and/or seek medical attention from the Sanford Bemidji Hospital or the Student Center for Health and Counseling
Reporting Options	With the Department of Public Safety (218.755.3888). Public Safety will take a report and at the request of the complainant they will provide assistance in notifying the appropriate law enforcement officials and disciplinary authorities.
	With the Title IX Coordinator and Civil Rights and Title IX Investigator, Deb Peterson (218.755.4121). Staff associated with office handle complaints of discrimination and harassment when the actions are based on membership in a protected class and complaints regarding sexual violence.
	With both law enforcement and the Title IX/Affirmative Action Office. In this case, investigations occur simultaneously and the outcomes may be different.
What if the person does not want to report?	Please consider making a confidential report that documents the details of the incident without revealing your identity. Public Safety can complete such a report or individuals can file a report. Individuals can complete a Third Party Sexual Assault Report a copy of which is found on the Affirmative Action webpage of both campuses and return the completed form to the Department of Public Safety.
	Individuals can complete the online BSU/NTC Confidential Report Form for Sexual Misconduct, Dating/Relationship Violence and Stalking. A link can be found on the Affirmative Action webpage on both campuses
<b>What if the person needs other help?</b>	
Interim measures are available	By bringing the situation to the attention of the Public Safety Office and/or the Title IX Office, staff can assess the needs of the individual and involve others on a need to know basis to meet the individual's needs.