



**A RESOURCE GUIDE FOR STUDENTS ON SEXUAL MISCONDUCT:  
CAMPUS POLICIES, PROCEDURES AND VICTIM SERVICES**

# IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the following for immediate assistance:
  - a. Local Police, by dialing 911 if you are experiencing an emergency situation or calling the non-emergency line at (701) 456-7759, 24 hours/7 days a week.
  - b. DSU Campus Safety, at 701-290-1068, 24 hours/7 days a week.
  - c. Domestic Violence and Rape Crisis Center, at (701) 852-2258, 24 hours/7 days a week.\*
  - d. Title IX Coordinator, at 701-483-2089, during regular business hours M–F.
  - e. Campus Health Services, at 701-483-2304, during regular business hours, M–F.\*
  - f. VP for Student Affairs and Enrollment Management, at 701-483-2090, during regular business hours, M–F and on-call.

Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

4. Obtain medical assistance. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined by medical professionals. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual Assault Nurse Examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital or health center, but bring a change of clothes, as medical staff will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital or health center to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint. Request details of medical advocacy options here if desired as well.
5. Choose how to proceed. You have options, and are encouraged to contact the Title IX Coordinator to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by the institution; and/or 3) Initiate criminal proceedings; and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the institution, students should contact the Title IX coordinator. Employees should contact Human Resources. Institutional procedures will be explained. Those who wish incidents to be handled criminally should contact Campus Safety or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Title IX coordinator for more information.

\*Denotes that this resource is confidential.

# ABOUT CONFIDENTIALITY

*To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.*

## CONFIDENTIAL REPORTING

If reporting students wish that details of an incident be kept confidential, they should speak with health service providers available to help on an emergency basis. Their service is free of charge. Members of the clergy, chaplains, and off-campus rape crisis center staff can maintain confidentiality.

In addition, employees of Campus Health Services can be consulted confidentially by students. Local resources such as crisis centers are also confidential and have no duty to report your information to the university.

## MANDATED REPORTING

All employees of the institution who are not designated above as confidential, are mandated reporters for all the details of which they are aware about an incident. They share this information with the Title IX coordinator. Giving a mandated reporter notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and

resolved in a prompt and equitable manner under the institution's resolution procedures, which are discussed in a later section of this brochure.

You may request confidentiality and/or that the Title IX coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the institution will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the institution will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the institution decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the institution to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

## INCIDENTS INVOLVING MINORS



Please be aware that institutional duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of the institution's conduct code and its sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of North Dakota law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The institution's sexual misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the institution will impose serious sanctions, as noted on the next page.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The institution has jurisdiction over all acts of sexual misconduct involving members of the campus community, no matter where they occur, whether on- or off-campus. For more details on this policy, please visit <http://www.dickinsonstate.edu/about/notice-of-non-discrimination/>.

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report. Access it here: <http://www.dickinsonstate.edu/student-services/campus-security/>

*The following are the definitions of conduct prohibited by the sexual misconduct policy.*

**SEXUAL HARASSMENT**

Sexual harassment is:

- unwelcome,
- sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

**HOSTILE ENVIRONMENT**

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
  - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational, employment, social, and/or residential program.

*Sanctions range from warning through expulsion/termination.*

**NON-CONSENSUAL SEXUAL CONTACT**

Non-consensual sexual contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

*Sanctions range from warning through expulsion/termination.*

**NON-CONSENSUAL SEXUAL INTERCOURSE**

Non-consensual sexual intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

*Sanctions typically result in suspension or expulsion/termination.*

**SEXUAL EXPLOITATION**

- Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit,

- or to benefit or advantage anyone other than the one being exploited, and
- that behavior does not otherwise constitute one of other sexual misconduct offenses.

*Sanctions range from warning through expulsion/termination.*

**INTIMATE PARTNER VIOLENCE**

Intimate partner violence is:

- violence or emotional and/or psychological abuse between those in an intimate relationship toward each other;

*Sanctions range from warning through expulsion/termination.*

**STALKING**

Stalking 1:

- a course of conduct,
- directed at a specific person,
- on the basis of actual or perceived membership in a protected class,
- that is unwelcome, and,
- would cause a reasonable person to feel fear.

*Sanctions range from warning through expulsion/termination.*

Stalking 2:

- repetitive and menacing
- pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

*Sanctions typically result in suspension or expulsion/termination.*

**RETALIATION**

Retaliation is:

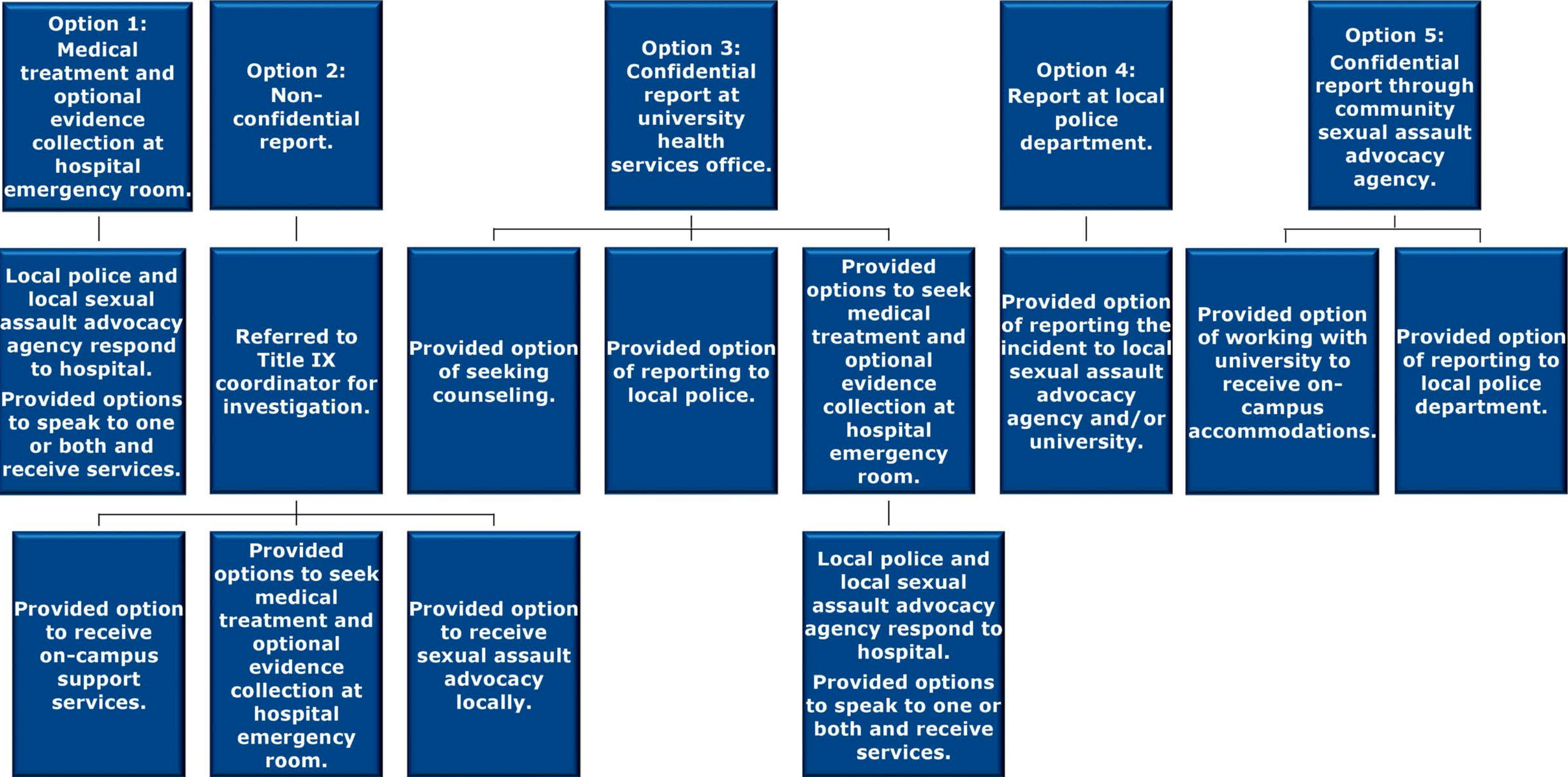
- any adverse action,
- taken against a person participating in a protected activity,
- because of that person's participation in that protected activity subject to limitations imposed by the First Amendment and/or academic freedom.

*Sanctions range from warning through expulsion/termination.*



# SURVIVOR

You may choose one or more options.  
We encourage medical treatment for all options.



*Please note that some services may vary by location.*

# CONSENT

*Knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact.*

Since different people may experience the same interactions differently, each party is responsible for making sure that partners have provided ongoing, clear consent to engaging in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say “no” for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists.

Previous consent to sexual activity does not imply consent to sexual activity in the future.

To legally give consent in North Dakota, individuals must be at least 18 years old.

## FORCE

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, unless part of mutually-permissible kink, is a clear demonstration of a lack of consent.

## INCAPACITATION

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they can’t understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/or administration of any incapacitating substances is prohibited.

The fact that a responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct.

# YOUR RIGHTS

*The institution strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options*

## REPORTING

- Reporting parties have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so.
- Reporting parties may decline to report to law enforcement if they so wish.
- Reporting parties have the right to have their allegations investigated and resolved internally by the institution.

## FAIRNESS

- All members of the campus community have the right to have reported incidents addressed according to the published campus procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, hearings, etc.). This person can be an advisor, advocate, attorney, family member, friend, faculty member, etc.
- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

## SUPPORT

- Students have a right to be notified of their ability to access counseling and health services through the institution.
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts, and may seek the help of Campus Safety in requesting and/or enforcing those.

# REMEDIES

The institution may take whatever steps may be deemed necessary to appropriately respond to allegations of sexual misconduct, protect students’ rights, and keep members of the campus community safe from further harm. Measures include, but are not limited to:

- Issuing interim suspensions pending a hearing.
- Reporting incidents to local police and/or prosecutors.
- Referring to counseling and health services.
- Referring to the Employee Assistance Program.
- Providing education to the community.
- Altering the housing situation of the reporting or responding party.
- Altering work arrangements for employees.
- Providing campus escorts.
- Providing transportation assistance.
- Implementing contact limitations between the parties.
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.



# PROCEDURES

*Procedures are detailed fully at: [dickinsonstate.edu/codeofconduct](http://dickinsonstate.edu/codeofconduct)*

## INTAKE

A campus official will assist the reporting party with making choices and accessing resources. If that party chooses to move forward with a campus resolution, the next step is a preliminary inquiry. All resolutions are conducted by campus officials trained on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects victims' safety and promotes accountability. The institution will protect the privacy of victims, consistent with federal law. Title IX-related resolutions are not subject to publicly available recordkeeping provisions. Any release of information about a resolution will exclude identifying information about the victim, to the extent permissible by law.

## PRELIMINARY INQUIRY

An initial determination about the allegations and whether to conduct a formal investigation is made by the Title IX coordinator, taking into account the nature of the allegations and the reporting party's wishes. If the decision is made to move forward, the allegations will be referred to investigators.

## INVESTIGATIONS

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses, and prepare reports with their findings and sanctioning recommendations. Detailed information about this process is available through the Title IX coordinator.

## HEARINGS

The student code of conduct provides information on the hearing process for student conduct violations. Cases related to Title IX compliance may require some modification to this process.

## STANDARD OF EVIDENCE

The institution uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

## PAST HISTORY

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. Such information sought to be entered for consideration by a party or the institution will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a respondent may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

## FINAL DETERMINATION

The parties will be informed in writing of the outcome, without significant delay between the notifications to each. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

## APPEALS

All parties in sexual misconduct proceedings may appeal decisions within the time frame specified by campus procedures (see link above) as permitted by the policy. All parties are included in appeal reconsiderations and have equal participation rights. There is only one level of appeal. That decision is final.

# RISK REDUCTION

## RISK REDUCTION FOR INTIMATE PARTNER VIOLENCE, STALKING, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE

While victim-blaming is never appropriate and the institution fully recognizes that only those who commit sexual misconduct are responsible for their actions, the institution provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

### REDUCING THE RISK OF VICTIMIZATION

- ✓ Make any limits/boundaries you may have known as early as possible.
- ✓ Clearly and firmly articulate consent or lack of consent.
- ✓ Remove yourself, if possible, from an aggressor's physical presence.
- ✓ Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- ✓ Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- ✓ Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

### REDUCING THE RISK OF BEING ACCUSED OF SEXUAL MISCONDUCT

- ✓ Show your potential partner respect if you are in a position of initiating sexual behavior.
- ✓ If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission.
- ✓ Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- ✓ Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- ✓ Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- ✓ Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control.
- ✓ Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- ✓ Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- ✓ Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- ✓ Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- ✓ Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- ✓ Understand that exerting power and control over another through sex is unacceptable conduct.

# PROGRAMS

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## BYSTANDER INTERVENTION

The institution offers bystander intervention programming to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

## VAWA/CLERY TRAINING

Incoming students are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act and the Clery Act.

## ONGOING CAMPAIGNS

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

# KEY CONTACTS

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- a. Local Police, by dialing 911 if you are experiencing an emergency situation or calling the non-emergency line at (701) 456-7759, 24 hours/7 days a week.
- b. DSU Campus Safety, at 701-290-1068, 24 hours/7 days a week.
- c. Domestic Violence and Rape Crisis Center, at (701) 852-2258, 24 hours/7 days a week.\*
- d. Title IX Coordinator, at 701-483-2089, during regular business hours M-F.
- e. Campus Health Services, at 701-483-2304, during regular business hours, M-F.\*
- f. VP for Student Affairs and Enrollment Management, at 701-483-2090, during regular business hours, M-F and on-call.

(\* Denotes that resource is confidential.)

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*Engaging in harassment is unacceptable conduct which will not be tolerated.  
An employee or student found to have engaged in harassment  
will be subject to disciplinary action up to and including termination or expulsion.  
Supervisors or other designated University staff who know or should have known of harassment  
and fail to report such behavior, or fail to take immediate, appropriate action,  
will be subject to disciplinary action up to and including termination.*