

# BISMARCK STATE COLLEGE

## Policy and Procedures

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### Student Policy

### Sexual Assault

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#### **Policy:**

Bismarck State College strives to create a campus community free from interpersonal abuse including sexual assault. BSC commits its resources to the following two fold process: (1) to provide crisis intervention and a judicial/disciplinary response for victims and alleged offenders, and (2) to educate and promote discussion on interpersonal abuse and violence.

#### **Definition:**

For the purpose of this policy, sexual assault is any sexual behavior between two or more people to which one person does not or cannot consent. BSC relies upon North Dakota state law concerning sexual imposition which is much broader than the traditional concept of rape.

BSC prohibits sexual acts or contacts with others which can involve compelling a victim to sexual acts or contacts by force or threat of force, use of intoxicants to substantially impair the victim's power to give consent, engaging in such acts when there is reasonable cause to believe the other person suffers from a mental state which renders him or her incapable of understanding the nature of the contact, or where the victim is under fifteen years of age. The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others.

Prohibited behavior includes all forcible and non-forcible sex offenses provided for under North Dakota state law. Examples of prohibited behavior include, but are not limited to the following:

1. Acquaintance or date rape
2. Stranger rape
3. Attempted sexual acts by use of verbal or non-verbal threats
4. Indecent exposure

#### **Discipline:**

Campus sexual assault is both a violation of the BSC student policy and a violation of local, state, and federal laws. A sexual assault offense can lead to two proceedings: (1) disciplinary action as outlined in the student conduct policy, and (2) a criminal court case against the assailant.

#### **Reporting Sexual Assault:**

The guiding principle in the report of a sexual assault is to avoid possible re-victimizing the sexual assault survivor by forcing the individual into any plan of action. A student who has been sexually assaulted should:

1. Seek medical treatment.
2. Initiate a campus and/or criminal complaint with civil authorities.
3. Pursue counseling services with the BSC campus counselor or an off-campus appropriate agency.

## **The Following are Reporting Suggestions:**

1. It is recognized that a sexual assault survivor may be undecided about reporting the assault to the police. A report to the police can empower the survivor in exercising legal rights and aid the protection of others. If a report is to be made to the police, the survivor will be encouraged not to destroy evidence by bathing, douching, changing clothes, or cleaning up in any way.
2. The sexual assault survivor, who does not wish to see the police, will be encouraged to go to the hospital. A medical exam will treat physical problems and may diminish fears about injury or venereal disease. The confidential medical exam includes preserving evidence in the event that the survivor later chooses to file a police report.

All reports of sexual assault are treated with respect to the privacy of the involved individuals. Incidents are reported to appropriate departments and agencies in consideration of safety concerns and investigative needs.

## **Resources:**

The following are individuals and agencies that can assist victims of sexual assault and other sexual offenses:

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| 1. BSC Security  | 224-5789 OR<br>527-1972       |
| 2. Bismarck & Mandan Emergency   | 911                           |
| 3. Bismarck Police   | 223-1212                      |
| 4. Mandan Police   | 667-3455                      |
| 5. BSC Director of Student Life/Housing  | 224-5465                      |
| Lidstrom Hall (co-ed)  | 224-2554                      |
| Swensen Hall (women's)   | 224-5460                      |
| Werner Hall (men's)  | 224-5455                      |
| 6. BSC Counseling Office   | 224-5666                      |
| 7. Associate VP for Student Affairs  | 224-5638                      |
| 8. BSC Chief Human Resources Officer   | 224-5427                      |
| 9. St. Alexius Medical Center (hospital)   | 530-7001                      |
| 10. Medcenter One (hospital)   | 323-6150                      |
| 11. Abused Adult Resource Center (for<br>assistance with sexual assault<br>or domestic violence) | 222-8370 OR<br>1-866-341-7009 |

## **History of This Policy:**

First policy May 19, 1995.

Revisions - May 31, 1996; June 7, 1996; May 27, 1998; November 9, 2001; April 21, 2008.