



## Bemidji State University & Northwest Technical College Commitment to Diversity and Non-Discrimination

Bemidji State University is committed to conducting all human resources and educational activities without regard to race, sex, color, creed, religion, age, national origin, marital status, familial status, gender identity, gender expression, disability, status with regard to public assistance, sexual orientation, or membership or activity in a local (human rights) commission.

Several laws and policies inform how we act in keeping with the university's commitment, and these affect how we conduct ourselves as employees and students. These laws, policies and procedures apply to all employees and all students and complaints are not to be addressed only by athletic department procedures.

### Minnesota State Colleges and Universities Board Policies and Procedures:

- 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education.
  - No person shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in, programs, services, and activities with regard to the protected class memberships identified above. In addition, retaliation against others for making a complaint or participating in an investigation is prohibited
  - Harassment of people on the basis of their protected class membership is also prohibited. Discriminatory harassment means verbal or physical conduct that is directed at an individual because of his or her 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 is a form of sexual discrimination and it is also prohibited by state and federal law. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when: 1. submission to the conduct is made either explicitly or implicitly a term of employment or education, evaluation of a student's academic performance, or term or condition of participation in university sanctioned student activities or events; 2. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the university; or 3. such conduct has the purpose or effect of threatening an individual's employment; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment.

- 1B.3 Sexual Violence Policy.

Sexual violence is viewed as intolerable and is prohibited as well as is retaliation for making a complaint or participating in an investigation. All MnSCU colleges and universities are committed to eliminating sexual violence in all forms and will take appropriate actions against those found responsible for acts in violation of the policy. Acts of sexual violence may also be constitute violations of criminal or civil law and may be subject to a separate law enforcement investigation apart from the university's separate obligation to investigate.

- 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. It includes but is not limited to: 1. involvement without consent in any sexual act in which there is force (e.g., rape, acquaintance rape, coercing, forcing, attempting to coerce or force sexual

intercourse or sexual acts), expressed or implied, or use of duress or deception; 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); or 4. offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

- Consent is informed, freely given and mutually understood. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. 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. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious.
- Non-forcible sex acts include unlawful sexual acts where consent is not relevant such as sexual contact with someone who is under the statutory age of consent (16 usually, unless the actor is in a position of authority and then the age is 18), or between people who are related to each other within degrees wherein marriage is prohibited by law.

**Title IX.** The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

- Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance.
- Prohibits sexual harassment, which includes acts of violence and assault and is a form of sex discrimination.
- Prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

#### **What to do if incidents occur.**

- Any individual who believes she or he has been or is being subjected to conduct prohibited by MnSCU Board Policy 1B.1, or any student who knows of or about discrimination is encouraged to report the incident to the designated officer—Deb Peterson ([dpeterson@bemidjistate.edu](mailto:dpeterson@bemidjistate.edu)), Title IX Coordinator and Affirmative Action Officer. Supervisors and administrators have a duty to report allegations of discrimination or harassment to the designated officer. The university is required to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.
- Individuals who want to report a complaint of sexual violence are encouraged to do so promptly to local law enforcement, Deb Peterson ([dpeterson@bemidjistate.edu](mailto:dpeterson@bemidjistate.edu)) as Title IX and BSU's designated officer. The university is required to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. Other campus and community agencies stand ready to provide assistance to victims of sexual assault.
  - Student Center for Health and Counseling: 218-755-2053
  - BSU Public Safety: 218-755-3888
  - Student Development and Enrollment: 218-755-2075
  - Support Within Reach: 218-444-9524 or 1-800-708-2727
  - Sanford Bemidji Medical Center: 218-751-5430

#### **Statistics to eliminate:**

- 1/5 (20%) of women are sexually assaulted while in college;
- 6.1% of college males are victims of sexual assault;
- Most often the assault happens in the freshman or sophomore year;
- 75-80% know the attacker as an acquaintance, classmate, friend, or ex-boyfriend;
- Many victims are sexually assaulted by drugged, intoxicated, or passed out;
- At least half of college student sexual assaults are associated with alcohol use.