

## Sexual Violence Policy

Mayville State University is committed to maintaining a campus free from interpersonal violence including sexual violence. Mayville State University commits its resources to the following:

1. Provide crisis intervention for victims and judicial response for alleged offenders.
2. Educate and promote discussion on interpersonal violence.

### I. Definitions and Scope

- A. **Sexual Violence**—any kind of sexual contact that occurs against another person's will. No consent or permission is given. Examples include, but are not limited to: unwanted oral, vaginal, or anal penetration. Acquaintance/ date rape. Stranger rape. Marital rape. Incest. Same sex assault. Legal definitions may include sexual penetration between persons or the insertion of hand, finger, or physical objects into another person's body.
- B. **Relationship violence**—Use of physical harm, bodily assault, or the threat of harm between dating partners. Examples include, but are not limited to: Hitting, grabbing, pushing. Breaking or throwing objects in the presence of a partner. Name calling, swearing, and excessive criticism. Excessive jealousy. Threats of violence. Blaming. Accusations of 'sleeping around.'
- C. **Stalking**—Unwanted, intentional contact, advances, or obsessive behavior toward another person that frightens, intimidates, or harasses that person. Examples include, but are not limited to: Threatening, obscene, and/ or unwanted phone calls or emails. Following a student, staff, faculty, or campus visitors from class to class, work. Giving someone unwanted gifts. Creating a feeling of fear.
- D. **Sexual Harassment**—Any unwelcome attention of a sexual nature that interferes with work or learning. Conduct that creates an intimidating, hostile, or offensive environment. Examples include, but are not limited to: Insults, pressure to have sex for promotion or good grades. Rating another person's body. Unwelcome touching. Sending sexual messages via email, phone, or mail. Spreading rumors about a person's sexuality. Sexually explicit jokes or comments at school or work.
- E. **Scope**—This policy pertains to students, staff, faculty, groups, and persons who frequent the campus grounds and attend University sponsored events.

### II. Reporting procedures

- A. A victim of sexual violence can report a crime or incident and/ or file a complaint to the Vice President of Student Affairs and Institutional Research, Vice President of Business Affairs, Vice President of Academic Affairs, Director of Housing, Human Resources Administrator, or Director of Counseling and Career Development. Contacting any of the above individuals does not require filing a complaint or report. The discussion will be kept confidential if this is what the victim wants. Anonymity will be protected as far as possible.
- B. If the victim chooses, administration will notify law enforcement, and if needed, a victim's advocate. The victim will be encouraged to seek medical treatment, preserve evidence, and contact available resources. While victims are encouraged to make a report and file a complaint, it is his/ her choice. The victim may determine whether campus officials shall continue with its own judicial process solely, or along with criminal prosecution. It should be noted that Mayville State University has a lesser standard of proof than legal criminal proceedings.

**III. Disciplinary Action and Hearing Rules Relevant to Students**

- A. Students who commit sexual violence can be disciplined for violating the Student Code of Conduct. The alleged student offender may choose whether to have the complaint heard and acted upon in an Administrative Hearing conducted by the Campus Conduct Officer or in a formal hearing in front of the Conduct Sub-Committee. If the Conduct Officer or the Conduct Sub-Committee finds there is sufficient evidence to support the complaint, sanctions will be imposed, up to and including, suspension and expulsion. See Student Code of Conduct for possible sanctions.
- B. Although college disciplinary proceedings must be conducted in accordance with basic rules of due process, they do not follow the same rigid procedures as criminal cases. Discipline may be imposed upon a finding of probable violation of school rules, rather than under the higher standard of guilt beyond a reasonable doubt. The intention of the Code of Student Conduct is to meet the needs of the victim, and at the same time, lead to changes in the perpetrator's behavior, and to make amends for his/ her behavior.
- C. Victims have the right to prompt response from Mayville State University to assist with the options he/ she chooses. A victim of an assault has the right to request a change in residence and/ or assistance in academics, if the situation and the university faculty deem it necessary.
- D. The victim of an assault has a right not to be prosecuted for lesser offenses that may have occurred near the time of an assault. For example, an underage student is drinking at the time of an assault, he/ she can report the assault without fearing the consequences of underage drinking.
- E. Hearing Rules Specific to Sexual Violence Allegations
  - 1. The accusing student may choose to give testimony in the presence of the accused student and the Conduct Board at the hearing. As an alternative, the accusing student may choose to give testimony before the Conduct Board in private session, which testimony shall be recorded and played to the accused student.
  - 2. The accusing student may be present throughout the hearing, except for private deliberations of the Conduct Board.
  - 3. Information regarding the accusing student's and accused student's past sexual history will not be allowed at the hearing except as it pertained specifically to each other.
  - 4. The Conduct Board may consider the results of any police investigation pertaining specifically to the case.
  - 5. In case of finding guilt, and prior to sanction deliberations, the Conduct Board may consider information pertaining to prior criminal convictions or findings of guilt in other University disciplinary proceedings.
  - 6. The accusing student and the accused student are entitled to have others present during disciplinary proceedings.
  - 7. The accusing student and the accused student shall be informed of the outcome of disciplinary proceedings.

**IV. Information for faculty and staff**

- A. Harassment on the basis of sex is a violation of Sec. 703 of Title VII (Civil Rights Act of 1964). Mayville State University's commitment to equal opportunity includes an assurance to its employees and students that they will not be subjected to sexual harassment.
- B. Students or employees concerned about violations of the Mayville State University sexual harassment policy should request assistance from any of the following:

Steven Bensen, HR Administrator  
 Affirmative Action Officer  
 Main Building, Room 110  
 Ph. 788-4760

Ray Gerszewski  
 VP for Student Affairs and Institutional Research  
 Main Building, Room 107  
 Ph. 788-4770

Contacting any of the above offices does not require filing a formal complaint. You may call any of the offices just to discuss a concern you have. The discussion will be kept confidential. The appropriate office will then work with you to determine what action, if any, you would like to take. Anonymity is protected as far as possible. In addition, Mayville State University's equal opportunity grievance policy is available for any person who wishes to file a complaint alleging a violation of this policy. A copy of this policy is available from the Equal Opportunity/ Affirmative Action Officer.

#### **V. Educational Programs**

Mayville State University offers educational programs aimed at raising awareness of sexual violence on campus. A primary focus of these programs is prevention through awareness and education. It is important for men and women to understand what behaviors constitute sexual violence and what the consequences are for his/ her behavior at Mayville State University. Violators will be dealt with according to the Code of Student Conduct. Along with educational programs, the University provides informational handouts to students that are distributed as part of programs or made available in residence halls and other locations on campus. MSU participates in a consortium with other universities to prevent violence against women. A part time staff member assigned to MSU coordinates and presents educational programs and information to students, staff, faculty, and others in the campus community.

#### **AREA RESOURCES**

Counseling and Career Development Office	(701) 788-4772
Rape and Abuse Crisis Center	(800) 344-7273
Abuse and Rape Crisis Line	(888) 746-8900
May-Port Police Dept.	(701) 788-2555
Trail Co. Sheriff's Dept.	(701) 636-4510
Union Hospital	(701) 788-3800
Student Health/Wellness Office	(701) 788-4865
Human Resources Administrator	(701) 788-4761
Vice President of Student Affairs & Institutional Research	(701) 788-4770

**Reviewed: Fall, 2008**

**Sponsor: Vice President for Student Affairs and Institutional Research**