

SEXUAL

HARASSMENT

and VIOLENCE

What it is and what to do when it occurs

For students and employees of
Minnesota State University Moorhead



Sexual Harassment

Sexual Harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student to student, employee to employee, and other persons having business with or visiting the University. Sexual harassment may occur when it is directed at members of the opposite gender or when it is directed at members of the same gender. It includes, but is not limited to:

1. Unwelcome verbal harassment or abuse of a sexual nature;
2. Unwelcome pressure for sexual activity;
3. Unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of student(s) by faculty, administrators or other university personnel to avoid physical harm to persons or property;
4. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
5. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
6. Unwelcome behavior or words directed at an individual because of gender.

Definition of sexual harassment

The Minnesota State Colleges and Universities policy defines sexual harassment as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college/university; or
- b. 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 college/university; or
- c. such conduct has the purpose and 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.

Examples of sexual harassment

- Bruce is a non-traditional student who returned to school after almost ten years away. He visits one of his professors to discuss ways to improve his grade. She suggests that he visit her in her office after his four o'clock class so they can discuss the situation. When he arrives, she suggests they have dinner together so they can get to know each other better and find ways to help him get better grades. He declines. Following this, the professor will not see Bruce during office hours. He receives a D for the course.
- John is constantly telling jokes of a sexual nature in the office. Emily has asked him on numerous occasions to stop telling jokes because she finds them offensive and she can't concentrate on her work. John tells Emily he wasn't telling them to her and to lighten up. She complains to her supervisor and is told John doesn't mean any harm.

What to do if you feel you are a victim of sexual harassment

1. Much of sexual harassment has to do with power. Empower yourself! Tell the person that his or her actions or words are offensive.
2. Keep records—write a journal, record the facts on a tape recorder, or tell a friend. Record dates, times, places, witnesses, and the nature of the harassment.
3. Ask other people who come in contact with the harasser if they know of anyone whose education or job suffered because of this behavior.
4. Contact University people or community agencies who can help you. See adjacent pages for names and phone numbers. You need not come alone. A friend, faculty or staff member may accompany you.
5. It may be necessary to file a complaint or grievance. Consult one of the people listed in this brochure.

Remember, nothing justifies harassment. Your first responsibility is to yourself. Do what you feel is best for you; there is no "right" or "wrong" way to deal with sexual harassment, but talking with someone can help.

Consensual Relationships

An employee of Minnesota State Colleges and Universities shall not enter into a consensual relationship with a student or an employee over whom he or she exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence. In the event a relationship already exists, each college and university and system office shall develop a procedure to reassign evaluative authority as may be possible to avoid violations of this policy. This prohibition does not limit the right of an employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or compensation plan.

Sexual Violence

Acts of sexual violence, including sexual assault, are criminal behaviors and create an environment contrary to the goals and missions of Minnesota State Colleges and Universities and its institutions, including Minnesota State University Moorhead.

Sexual violence includes a continuum of conduct that includes sexual assault, and non-forcible sex acts, 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.

Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State University Moorhead student conduct codes and employee disciplinary standards. Sexual assault includes, but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "date rape" or "acquaintance rape." This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
2. Involvement in any sexual act when the victim is unable to give consent.
3. The intentional touching or coercing, forcing, or attempting to coerce or force another to touch an unwilling person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

Consent

Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, 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, and the condition was known or would be known to a reasonable person, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Examples of Sexual Violence

- Rhonda returns to her residence hall room and goes to sleep after attending a party where she had been drinking. Sometime later, a male student who had been at the same party comes to her door, forces his way in, and rapes her. For weeks afterwards, she sees her assailant on campus every day. Unable to cope with the trauma of the rape, Rhonda drops out of school, moves back home with her parents, and for months afterward experiences anxiety attacks, vivid recollections of the assault, depression, insomnia, and intense fears about her personal safety.

- While at a meeting on campus, Lori was offended by remarks made by a co-worker about her body. Later in the day he grabbed her arm, pulled her into a room, kissed her and touched her breast.

What to do if you feel you have experienced sexual violence

1. There is no right or wrong way to react to sexual violence. Do whatever you think may result in the least amount of harm to you.
2. Talk with someone you trust and establish a supportive environment as soon as possible.
3. You are encouraged to contact the appropriate University authorities. You can come alone or with another person. See names and telephone numbers of people listed in this brochure.
4. The reporting of any and all incidents of sexual violence to a law enforcement agency is encouraged.
5. Make a complaint through established procedures within the University. Consult one of the people listed in this brochure.
6. A combination of the above.

Remember, you are not to blame. You did not deserve the violent act, and you deserve some form of help.

Acquaintance rape (date rape)

...is sexual assault against your will and without your consent that is committed by someone you know.

In an acquaintance rape, the rapist can be your date, a friend, classmate, co-worker, boss, neighbor, or someone you know only slightly. The rapist could even be your lover or fiancé.

A violation of the law and University policy

Acts of sexual discrimination/harassment and/or violence create an environment contrary to the goals and mission of the University. Minnesota State University Moorhead will not tolerate such acts. These acts may also constitute criminal behavior that can be prosecuted under Minnesota law, as well as form the basis for discipline or other corrective action under employee disciplinary standards or the University student conduct code.

Retaliation

No retaliation, including reprisal, intimidation, or harassment directed towards anyone who makes a complaint of sexual discrimination/harassment or violence will be tolerated by Minnesota State Colleges and Universities or its institutions, including Minnesota State University Moorhead. Such retaliation is also prohibited by state law. Any individual who intentionally engages in retaliation against any person who reports alleged sexual discrimination/harassment or violence or who intentionally engages in retaliation against any person who assists or participates in any manner in an investigation or process in relation to a sexual discrimination/harassment or violence complaint, regardless of whether a claim is substantiated, shall be subject to disciplinary or other corrective action, as appropriate.

Where to go for help

University Resources: Persons at Minnesota State University Moorhead who have been the subject of sexual discrimination/harassment or violence or who have witnessed others being subjected to sexual discrimination/harassment or violence can contact any of the University resource persons listed below for assistance. These people can listen, answer your questions, and discuss your options.

Contact regarding sexual discrimination/harassment:

Ashley Atteberry, Director of Student Conduct & Resolution
Owens 206, 477.2174 (Voice)

Contact regarding sexual violence:

Greg Lemke, Director of Public Safety,
1616 9th Ave. S., 477.5869 (Voice)

For TTY Communication, contact the Minnesota Relay Service at 1.800.627.3529

Minnesota State University Moorhead is committed to providing an environment free from sexual discrimination/harassment and violence, and continues to seek ways to eliminate such behavior. You are strongly encouraged to talk with one of the people listed above about your experience or concerns.

Other University contacts include:

Hendrix Health Center 477.2211

Campus Security (24 hours) 477.2449

Counseling and Personal Growth Center 477.2227

Local Resources: The following local resources are also available to provide assistance:

Emergency (24 hour-service)

Essentia Health364.8490

Sanford Health.....234.5121

Hotline.....235.7335

Police.....911

Fargo241.1437

Moorhead299.5120

Rape and Abuse Crisis Line293.7273

Suicide Line232.4357

This brochure is not intended to modify the formal Minnesota State Colleges and Universities Policy Statements. Copies of the formal sexual discrimination/harassment policy and procedure are available from the Director of Student Conduct & Resolution, Owens 206, 477.2174 (Voice), or at www.mnstate.edu/affirm. Copies of the formal sexual violence policy and procedure are available from the Public Safety Office, 1616 9th Ave. S., 477-5869 (Voice), or at www.mnstate.edu/security.

Minnesota State University Moorhead is committed to a policy of nondiscrimination in employment and education opportunity. No person shall be discriminated against in the terms and conditions of employment, personnel practices, or student access to and participation in, programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, or sexual orientation. In addition, discrimination in employment based on membership or activity in a local commission as defined by law is prohibited.

Minnesota State University Moorhead is an equal opportunity educator & employer and is a member of the Minnesota State Colleges & Universities System. This information will be made available in alternate format upon request by contacting Disability Services at 218.477.2131 (voice) or 1.800.627.3529 (MRS/TTY).



Options and Rights of a Student or Employee Who Reports a Complaint of Sexual Violence

Notice of complainant options. Following a report of sexual violence the complainant shall be promptly notified of:

1. Where and how to obtain immediate medical assistance; complainants should be informed that timely reporting and a medical examination within 72 hours are critical in preserving evidence of sexual assault and providing a criminal or civil case against a perpetrator. Complainants should be told, however, that they may report incidents of sexual violence at any time.
2. Where and how to report incidents of sexual violence to local law enforcement officials, and/or appropriate Minnesota State Colleges and Universities system contacts for employees, students and others.
3. Resources for where and how complainants may obtain on- or off-campus counseling, mental health or other support services .

Notice of complainant rights. Complainants shall be notified of the following:

1. Their right to file criminal charges with local law enforcement officials in sexual assault cases.
2. Rights under the crime victims bill of rights, Minnesota Statutes Sections

611A.01-611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.

3. Availability of prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials, and, at the direction of law enforcement authorities, assistance in obtaining, securing and maintaining evidence in connection with a sexual violence incident.
4. Assistance available from campus authorities in preserving for sexual violence complainant materials relating to a campus disciplinary proceeding.
5. That complaints of incidents of sexual violence made to campus security authorities will be promptly and appropriately investigated and resolved.
6. That, at a sexual assault complainant's request, the college, university, or Office of the Chancellor may take action to prevent unwanted contact with the alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes, or a work site or to alternative college-owned housing, if such alternatives are available and feasible.