

SOUTHWEST MINNESOTA STATE UNIVERSITY
POLICY
SEXUAL VIOLENCE POLICY

This policy and procedure is intended to further implement MnSCU Board Policy 1B.3 and Procedure 1B.3.1 and provides a process through which SMSU students and employees alleging sexual violence may pursue a complaint. In support of the MnSCU Board policy and procedure, SMSU reaffirms the policy that sexual violence in all forms will not be tolerated and the University will take appropriate remedial action against any individual found responsible for acts in violation of this policy.

1. Definitions

The definitions in MnSCU Board Policy 1B.3 and Procedure 1B.3.1 also apply to this policy and procedure.

2. Reporting Incidents of Sexual Violence

A. Prompt Reporting

The University urges victims of sexual violence to report incidents as soon as possible so that authorities can take whatever action is necessary to preserve evidence, pursue the assailant, or take other appropriate action. A medical examination within 72 hours is critical in preserving evidence of sexual assault and proving a criminal or civil case against a perpetrator. However, an incident of sexual violence can be reported at any time.

B. Reporting Incidents of Sexual Violence

Complainants are strongly encouraged to report incidents of sexual violence to local law enforcement officials and to the University Public Safety Office. Complainants are also encouraged to contact the local victim/survivor services office and counseling and health care providers.

Emergency - 911
Marshall Police – 537-7000
University Public Safety – 537-7252
Weiner Memorial Medical Center 532-9661
SMSU Health Center – 537-7202
SMSU Counseling – 537-7150
New Horizons Crisis Center – 532-5764
SMSU Affirmative Action Officer – 537-6243

Incidents of sexual violence can also be reported to a University Official who has significant responsibility for housing and campus activities, including but not limited to, student housing, student discipline and campus judicial proceeding; and athletic coaches.

C. Support Resources

There are a number of resources available on the University campus or in the local area to assist a victim in recovering from and dealing with an incident of sexual violence.

New Horizons Crisis Center – 532-5764
SMSU Counseling – 537-7150
Western Human Development – 532-3236

3. Notice of Complainant Rights

Complainants shall be notified of the following:

- A. The right to file criminal charges with local law enforcement officials.
- B. Victims of sexual violence have rights under the “Campus Sexual Assault Victims’ Bill of Rights” part of the *Higher Education Amendments of 1992* (Public Law: 102-325, section 486(c)) and the Crime Victims Bill of Rights (Minnesota Statute 611A.01-06), including the right to assistance from the Crime Victims Reparation Board (651) 282-6256 or 800-247-0390, and the Minnesota Office of Crime Victims Ombudsman at 800-247-0390.
- C. The University Public Safety staff, when informed of an alleged incident of violence, will promptly assist the complainant, including providing guidance in filing complaints with outside agencies including law enforcement; obtaining appropriate assistance from victim/survivor services or medical treatment professionals; and filing a complaint with the University Community Expectations Program (UCEP) Coordinator and Affirmative Action Officer.
- D. The University Public Safety personnel will assist in preserving materials related to a campus disciplinary proceeding.
- E. Complaints of incidents of sexual violence made to the University Public Safety Office will be promptly and appropriately investigated and resolved.
- F. At the complainant’s request, the University will 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 or feasible.

4. Complaint Procedure

- A. If the respondent is an employee, the investigation and disciplinary decision-making shall be conducted pursuant to the procedures outlined in MnSCU Board Procedure 1.B.1.1, except for the use of the optional “Personal Resolution” described in Part 3. The Designated Officer conducting the investigation will be the Director of University Public Safety, Mike Munford, 537-7858.
- B. If the respondent is a student, the investigation and disciplinary action shall be conducted pursuant to MnSCU Board Policy 3.6 Student Conduct and SMSU Student Code of Conduct. The conduct panel will make written findings and recommendations, including proposed sanctions, if any, which will be submitted to a decision maker designated by the President. If the decision maker issues an adverse decision against the student, the student may appeal to the president or designee.
- D. If the respondent is both an employee and a student, the investigation shall be conducted pursuant to the procedures outlined in MnSCU Board Procedure 1.B.1.1. The Designated Officer conducting the investigation will be the Director of University Public Safety, Mike Munford, 537-7858. The results of the investigation will be submitted for review to both the decision maker appointed under Procedure 1.B.1.1, Part 2, Subpart B, concerning personnel action, and to the President or designee concerning the student action.

- E. If a complainant does not desire to pursue a complaint through the University's proceeding, SMSU reserves the right to investigate and resolve the complaint as it deems appropriate.
- F. SMSU reserves discretion whether to pursue alleged violations of policy under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the respondent is no longer a student or employee of the University.
- G. Sanctions that may be imposed if a finding is made that sexual violence has occurred include, but are not limited to, suspension, expulsion of student, or termination from employment. The appropriate sanction will be determined on a case-by case basis taking into account the severity of the conduct, the student's or employee's previous disciplinary history, and other factors as appropriate.

5. Confidentiality of Reporting

Absolute confidentiality of reports cannot be promised. However, personally identifiable information about a complainant of sexual violence without the complainant's consent will not be disclosed except as may be required or permitted by law. There may be instances in which SMSU determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In such instances, SMSU will investigate and take appropriate action, taking care to protect the identity of the complainant and any other report in accordance with this procedure.

6. Required Reporting

Any SMSU employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence must follow University procedures for making a report for the annual crime statistics report. In addition, University Public Safety shall report to other University officials, as appropriate, such as the Affirmative Action Office, the UCEP and/or the Title IX compliance coordinator, in order to initiate any applicable investigative or other resolution procedures.

7. Retaliation Prohibited

Actions by a student or employee intended as retaliation, reprisal, or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

8. Sexual Violence Prevention and Education

SMSU conducts a number of programs aimed at preventing sexual violence and making the SMSU community aware of the potential of such crimes. These programs include nightly security patrols of the campus, providing escorts, inspecting the campus for potentially dangerous areas, and implementing programs to inspect campus lighting and shrubbery. In addition, Residence Hall staff, University Public Safety, Health Center, and Counseling Offices provide educational programs concerning sexual assault awareness.