

## **SEXUAL ASSAULT POLICY**

Sitting Bull College is a community that encourages students' social and emotional development as well as their intellectual growth. The college will not tolerate sexual assault of any kind. Sexual misconduct is socially irresponsible and violates the rights of other individuals. Nothing that you do, say or wear, gives anyone the right to assault you. Sexual assault is a crime and will be dealt with accordingly.

To assist with this process, an educational program on sexual assault is required during student orientation. This program covers sexual misconduct and substance abuse. Student Services and counseling department will provide informational brochures to help educate students and prevent sexual misconduct.

Sex offenses are considered reported when a complaint is filed with Campus Security and/or officials of the College who have responsibility for student and campus activities. Incidents that occur on or off campus and are reported to Campus Security and/or Law Enforcement officials may result in disciplinary action pursuant to the Student Code of Conduct. False reporting of a sexual assault will result in disciplinary action being taken against the Complainant.

### **Defining Sexual Assault:**

Sexual assault, including rape, is defined as sexual contact without consent and includes, but not limited to, intentional touching, either of the victim or when the victim is forced to touch another person's genitals, breasts, thighs, or buttocks; rape (sexual intercourse without consent whether by an acquaintance or stranger); attempted rape; sodomy (oral sex or anal intercourse) without consent; or penetration with an object without consent. Sexual offenses are further defined in the Standing Rock Criminal Code, Chapter 4 (4-508, 4-510, 4-515).

### **Consent or Lack of Consent:**

One of the most critical issues regarding sexual assault is consent. Sexual activity should not take place unless both parties have freely given consent, and consent is understood by both parties. Sexual assault frequently occurs when one party refuses to take "no" as an answer to sexual advances. A verbal "no", no matter how indecisive or insincere it may sound, constitutes a lack of consent. Resistance, no matter how passive, also constitutes a lack of consent.

Silence does not mean consent. For instance, an individual who has lost consciousness while under the influence of alcohol or drugs does not have the ability to give consent, even if that person does not explicitly say "no". Similarly, someone who is physically or mentally incapacitated may not be able to object to sexual advances. Consent, when it is given, must be given willingly and freely. Consent given under duress (physical or emotional threats) does not constitute freely or willingly given consent.

### **How to protect yourself against Sexual Assault:**

There is no absolute way to protect you against sexual assault, but there are simple common-sense precautions that can help minimize risks. Be aware of your surroundings and don't let alcohol or drugs cloud your judgment. Be assertive and always demonstrate that you are in control.

- Keep your doors and windows locked when you leave your house, apartment, or automobile.
- Don't lend out your keys and don't put your name or address on your key ring.

- Always watch for unwanted visitors; know who is on the other side of the door before you open it.
- Keep out of isolated areas. There is safety in numbers; walk with a companion or with a group at night.

### **Reporting process if you are sexually assaulted:**

Victims of rape or sexual assault are encouraged to contact Campus Security and/or BIA Law Enforcement. Upon request, a victim will be assisted in making any necessary contacts by Campus Security and Student Services. There are two options for the victim in the reporting process, informal and formal.

### **Informal Reports**

The student may choose not to file criminal charges or seek sanctions through the College Student Code of Conduct and disciplinary action; however, the College does encourage the student to seek support through the SBC Counseling Services Department where the student will be assured confidentiality. When there is the potential for danger to other members of the community, confidentiality may not be guaranteed. Incidents occurring off campus may also be reported to the College.

The student may choose the following options:

1. Do nothing.
2. Contact SBC Counseling Services for support and discussion of options.
3. Request an internal investigation for the purpose of College disciplinary action.

### **Formal Procedures**

A formal report of sexual assault will automatically create a record of the incident with the Campus Security Department and/or the BIA Police Department, depending on where the incident occurred.

To file a formal report of sexual assault, the student should complete an incident report with Campus Security, **if the incident occurred on campus**; or with the BIA Police Department, **if the incident occurred off campus**. If the incident occurred on campus, Campus Security will assist in filing charges with BIA Law Enforcement.

After the formal report has been made, the student may choose from the following options:

1. File criminal charges through the BIA Police Department with the assistance from Campus Security. The College reserves the right to pursue College disciplinary action, even if this is not requested by the student filing the report.
2. File criminal charges through BIA Law enforcement with assistance from Campus Security, and pursue College disciplinary action through the Vice President of Operations.
3. File a complaint with Campus Security and not pursue criminal charges, and pursue College disciplinary action with the Vice President of Operations.

It is important to obtain immediate medical attention following the sexual assault, both to provide for the victim's well-being and to document and collect physical evidence of the assault.

If requested, options for and assistance with changing academic and/or campus living arrangements will be provided by the College, if these changes are reasonably available.

**Disciplinary Process:**

All students at the Sitting Bull College are required to adhere to the Student Code of Conduct. Students found responsible for these violations will be subject to sanctions that include removal from housing, restrictions from activities, disciplinary probation, suspension, or expulsion. Students accused of sexual assault may be subject to disciplinary proceedings conducted by the Vice President of Operations or Dean of Academics.

When a request is made to bring formal charges against the accused person, the complainant will be required to write a statement describing the events that transpired and be interviewed by Campus Security and the Vice President of Operations or Dean of Academics. Campus Security will coordinate with BIA Law Enforcement in order to minimize the number of interviews. Both the accused and the complainant may have an advocate with them during all proceedings through the College disciplinary process, and both the complainant and the accused will be informed of the outcome.