**SEXUAL HARASSMENT**

Unwelcome, unwanted or offensive sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that creates a hostile environment. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe.

**PREVENTING SEXUAL ASSAULT, DOMESTIC VIOLENCE AND STALKING**

State and federal laws and policies strictly prohibit sexual assault, domestic violence, and stalking, often treating such actions as criminal offenses. Such misconduct is not permitted or tolerated at the University.

- Sexual Assault includes rape, sexual contact without consent or with a person that is unable to consent due to incapacity. It also includes any sexual contact with a minor.
- Domestic Violence occurs between people in a relationship.
- Stalking is conduct directed at a specific person, following, texting or electronic communication, that is unwelcome and would cause a reasonable person to feel fear.

Students who experience sexual violence should seek assistance immediately. The University has many resources to support you. You may access resources through the Brookings Sexual Assault Response Team. To connect with these resources, you may contact Detective Olson at the University Police Department 688-5117. The incident also needs to be reported to the Title IX/EEO Coordinator, regardless of where the incident has occurred.

**HOSTILE ENVIRONMENT HARASSMENT**

Harassment covers a wide range of offensive comments and/or behaviors, and may include sexual harassment. It includes behavior that is physically threatening or humiliating. Generally, in order for behavior to constitute harassment, it is severe, pervasive or persistent and objectively offensive such that it substantially interferes with a reasonable person’s ability to realize the benefits of their education, athletics, employment or other institutional activities. In most cases, harassment consists of more than one casual or isolated incident; however, conduct that is extreme and exceeds all bounds usually tolerated by polite society may also constitute harassment. Examples include writing obscenities on a white board, email or blog postings, etc. It is important to note that a single incident of physical or sexual violence is harassment. Not only would this offense carry civil penalties, it will may result in criminal charges.

**OFFICE OF TITLE IX & EQUAL OPPORTUNITY**

South Dakota State University offers equal opportunities in employment and for access to and participation in education, extension, and other services at the University to all persons qualified by academic preparation, experience, and ability for the various levels of employment or academic program or other University service, without discrimination based on sex, race, color, creed, national origin, ancestry, citizenship, gender, gender identification, transgender, sexual orientation, religion, age, disability, genetic information, veteran status, or any other status that may become protected under law against discrimination.

Title IX of the Education Amendments of 1972 is a civil rights law that prohibits discrimination in educational programs and activities such as: admissions, housing and facilities, courses and other educational activities, career guidance and counseling activities, financial aid, health and insurance benefits, scholastic, intercollegiate, club or intramural athletics, off-campus experiences and activities, internships and more. The law states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

**SDSU’S TITLE IX/EEO COORDINATOR**

The Title IX/EEO Coordinator ensures fair and equitable processes and provides a venue for resolving discrimination and harassment concerns. SDSU is committed to maintaining an inclusive environment for individuals of all backgrounds by providing training to all faculty, staff and students. The principles of Title IX and Equal Opportunity apply to faculty, staff, students, and members of the public. Students, staff and other individuals are encouraged to contact the Title IX/EEO Coordinator with questions and concerns.

**CAMPUS & COMMUNITY RESOURCES**

University Police, On Campus 111 or 688-5117
Brookings Police, Off Campus 911 or 692-2113
SDSU Title IX/EEO Coordinator, Michelle Johnson, Ed.D. 688-4128
SDSU Dean of Students, Dr. Sam Jennings 688-4493
Sexual Assault Response Team, Detective Olson 688-5117
SDSU Counseling Center, 688-6146
Brookings Domestic Abuse Shelter, 692-7233
Brookings Hospital, 696-9000

Human Resources Department
Office of Title IX & Equal Opportunity
South Dakota State University
Discrimination

Actions that deprive members of the campus community of employment, educational, athletic or other activity opportunities on the basis of race, color, creed, national origin, ancestry, citizenship, gender, gender identification, transgender, sexual orientation, religion, age, disability, genetic information, or veteran status.

Bullying & Cyber-Bullying

Are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. It often includes comments about race, color, national origin, sex, sexual orientation or disability. Both are prohibited on SDSU’s campus.

Quid Pro Quo Harassment

Described as “this for that” harassment. Unwelcome sexual advances, requests for sex or other conduct of a sexual nature. Submission to or rejection of such conduct will result in an adverse educational or employment action.

Retaliatory Harassment

Any adverse action taken against a person as a direct result of the person’s bringing forth a complaint or participating in an investigation of a complaint. This includes retaliation against the complainant by the accused individual or by the accused friends, etc.

Adverse action significantly disadvantages or restricts the complainant as to his or her status as a student or employee, or his or her ability to gain the benefits or opportunities of a given program or activity.

Maintaining a Respectful Environment

- Treat everyone with respect.
- Consider how comments, jokes, emails or social media posts may be interpreted. Perception is more important than actual intent, so be cautious in all forms of communication.
- Accept that people’s values, beliefs and perceptions may differ from yours.
- Bullying is not funny and can result in a discrimination charge.
- Utilize Campus Resources. You may reference resources on SDSU’s Equal Opportunity website.

Confidentiality

Please note that when concerns are brought forth, SDSU has a legal obligation to address that issue. Every complaint is handled in a sensitive manner, but is not confidential. SDSU will take all measures possible to protect your identity and preserve your privacy. If you share information that requires action, SDSU will proceed with our investigative process. Any inquiry, allegation, report or complain will result in a review of the situation and an investigation if warranted. If you wish to discuss concerns confidentially, students are encouraged to contact SDSU Counseling Services at 688-6146.

How do I report a concern?

SDSU is committed to enforcing federal and state laws prohibiting discrimination, harassment, sexual or domestic violence and stalking.

To report your concern, you are welcome to speak directly to the Title IX/EEO Coordinator. If you hear or learn of a concern, you are encouraged to report the issue on behalf of the individuals involved. SDSU also has a Compliance Hotline that offers two additional ways to report:

- Toll-Free Reporting: 1-844-880-0004
- Web Reporting: http://www.lighthouse-services.com/sdstate

What happens next?

The Title IX/EEO Coordinator or a Deputy Coordinator will contact you to gather further information regarding your concern. A review will be conducted to determine if the behavior being reported meets the criteria for discrimination, harassment, sexual violence or stalking. The University will take measures to stop the behavior, remedy the situation and prevent recurrence. If it is determined that a violation has occurred, appropriate sanctions will be administered. The University Police Department is another resource. They can communicate your options without a requirement that you pursue criminal charges, although that may be an option.

If you or someone else feels as though they are in danger or if there is an emergency, contact the Brookings Police (911) or University Police (688-5117).

Staying Safe on Campus

- Avoid or limit your consumption of alcohol. If you do consume alcohol, monitor your drinks and don’t accept drinks from others. Nearly all student sexual assaults involve alcohol.
- Use the buddy system; don’t leave your friends alone and don’t be left alone.
- Take precautions, use safety escort services on-campus and do not hesitate to contact campus security if you feel unsafe: 605.688.5117
- Lock your doors and windows.
- Be aware of your surroundings, don’t allow technology to distract you.
- If threatened, yell, shout and draw attention to yourself.
- Be assertive; communicate your sexual intentions and limits.

Bystander Intervention

Bystander intervention is a philosophy and strategy for prevention of various types of violence, including drunk driving, bullying, sexual harassment, sexual assault and dating violence. Bystander intervention is based on the fact that people make decisions and continue behaviors based on the reactions they get from others.

The bystander intervention approach offers several clear benefits:

- discourages victim blaming
- offers the chance to change social norms
- shifts responsibility to men and women

How to be an active bystander:

- Educate yourself and others about interpersonal violence and gender inequality.
- Confront friends who make excuses for other people’s abusive behavior.
- Speak up against racist, sexist, and homophobic jokes, music and remarks, etc.
- Confront abusive behavior by not remaining silent.
- Gently offer your support if you suspect that someone close to you is being abused or has been sexually assaulted or stalked.

Do Not Assume Consent

When pertaining to sexual activity, consent for engaging in any nature of sexual activity shall be determined as affirmative when explicitly communicated by all involved parties. Any individual engaged in sexual activity may, at any time and for any reason, rescind consent and all sexual activity must immediately discontinue. Keep in mind that consent is...

- Informed, Knowing and Voluntary
- Active (Not passive)
- Cannot be obtained through physical force, threats, intimidation or coercion
- Lack of protest or resistance does NOT constitute actual consent
- Cannot be given by someone known to be – or should be known to be mentally or physically incapacitated.
- If a person is incapacitated due to the influence of drugs, alcohol, or medication – they may not be able to consent.

Incapacity is an extreme form of intoxication. Keep in mind that person’s blood/alcohol level. Please reference the Title IX page on the SDSU Website for more information on consent.

Non-Stranger Rapes

David Lisak is a nationally recognized forensic consultant, trainer and lecturer. His research and applied forensic work on non-stranger rapists has helped guide rape prevention and response policies in major institutions.

http://www.sdstate.edu/hr/equal-opportunity/titleix.cfm