

BHSU Sexual Assault Policy and Procedures

Black Hills State University as an institution recognizes that sex offenses are serious issue. The university will not tolerate acts of sexual misconduct. All reported instances of sexual misconduct will be investigated and appropriate disciplinary, criminal, and/or legal action will be taken, with consent of the victim. Appropriate support services will be made available to victims of sexual misconduct. The university strongly encourages all members of the campus community to report to the university Public Safety office any incident of sexual misconduct.

Students who are alleged to have committed sex offenses (including but not limited to rape, sodomy, forcible & non-forcible sexual contact, indecent exposure, simple and aggravated assault) against members of the BHSU community will be subject to investigation and disciplinary measures as outlined in Board of Regents Policy Student Conduct Code 3:4 (reference specific sections 2.B:4-5).

1. Procedures to follow if a sex offense occurs:
 - A. A student should contact a BHSU Public Safety officer or a Spearfish Police Department officer. Authorities will describe the importance of preserving evidence as may be necessary to the proof of criminal sexual assault.
 - B. A student desiring additional support should contact the:
 - 1) Hall Director, or
 - 2) Director of Counseling Services,
 - 3) The Dean of Students, or
 - 4) Vice President for Student Life
3. Sanctions for sex offenses as described above will be determined on a case by case basis following an on-campus disciplinary procedure, which may include, but will not be limited to expulsion. Discipline for aggressive conduct shall be subject to the following conditions.
 - A. Discipline on the first occasion may include expulsion where appropriate, given the nature of the aggressive conduct or harassment.
 - B. If there is a second occurrence of an infraction of the same nature at any time during the student's career in South Dakota public higher education, expulsion will be mandatory.
 - C. Where the aggressive conduct would constitute a criminal offense under South Dakota Law, the matter will be reported promptly to local police authorities. In the case of a sex offense, the victim will be encouraged to report the offense to the appropriate law enforcement authority, but reporting will not necessarily be required.
 - D. In disciplinary proceedings involving aggressive conduct, or harassment, a student's actions while under the influence of alcohol, marijuana, or other illegal controlled substance will be presumed not to be considered a mitigating factor.

- E. Intoxication may be considered an aggravating factor in proceedings involving aggressive conduct or harassment, and it will be so considered where the student has a history of prior violations of alcohol, marijuana, or other illegal controlled substance regulations.
- 3. On-campus disciplinary action in cases of alleged sexual assault will follow the aggressive conduct or harassment proceeding with the additional provision that the accuser and accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings brought alleging sexual assault.
- 4. Students have the option to be assisted by the Vice President for Student Life and/or the Dean of Students office in notifying the Police if the student chooses to do so.
- 5. Educational and Counseling Support:
 - A. A sexual assault training program is given annually to resident assistants and hall directors. Educational programs are also offered to the campus community. These educational programs cover areas such as promotion of awareness of rape, acquaintance rape, and other sex offenses.
 - B. The BHSU Counseling Center is available for assistance as are local counseling agencies.
 - C. The Vice President for Student Life and/or the Dean of Students office will assist the victim in changing academic and living arrangements if requested by the victim and if these changes are reasonably available.