

### **Oglala Lakota College Sexual Assault Policy**

Oglala Lakota College is committed to maintaining a safe and healthy educational and work environment in which no member of the College community is, on the basis of sex, sexual orientation, or gender identity, subjected to discrimination in any form.

This Policy is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including: Title IX of the Education Amendments of 1972 and the Violence Against Women Reauthorization Act (VAWA) of 2014.

Oglala Lakota College as an institution recognizes that sex offenses are a serious issue. The College will not tolerate acts of sexual violence, non-consensual sexual contact, or gender-related crimes. All reported instances of sex offenses will be investigated, and appropriate disciplinary, criminal, and/or legal action will be taken, with consent of victim. Appropriate support services will be made available to victims of sex offenses. The college strongly encourages all members of the campus community to report to the appropriate law enforcement officials any sex offense.

### **Oglala Lakota College Sexual Assault Procedure**

#### **SECTION I: DEFINITIONS**

**Sex offenses** shall include the following:

**Sexual violence** is referred to as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, and may include, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

**Non-Consensual sexual contact** is any intentional sexual touching, however slight, with any object, by any individual upon any individual which is without consent or by coercion, force, or threat. A person who is underage or incapacitated and cannot make rational, reasonable decisions lacks the capacity to give knowing consent.

**Gender-related crimes** include domestic violence, sexual harassment, stalking, and dating violence:

**Domestic violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

**Sexual harassment** is unwelcome conduct of a sexual nature, including unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, graphic, or physical conduct

of a sexual nature when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing; or (2) such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the College's education or work programs or activities (hostile environment). A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment.

**Stalking** is any act, display or communication that causes substantial injury or distress, or would cause a reasonable person to fear for his or her safety. Stalking may take the form of (but is not limited to) intentionally following another person or attempting to contact a person through telephone, emails, text messages, or social media.

**Dating violence** is violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

## SECTION II: PROCEDURES TO FOLLOW IF A SEX OFFENSE OCCURS

In case of a sexual offense, the following procedures should be followed:

A student, faculty, staff, or third party should contact the appropriate law enforcement officials. Authorities will describe the importance of preserving evidence as may be necessary to the proof of criminal sexual violence, non-consensual sexual contact, or gender-related crime.

A student, faculty or staff member desiring additional support should contact the:

- 1) Center Director
- 2) Coordinator for Student Affairs/Employee Assistance Program
- 3) IHS Behavioral Health: Pine Ridge 867-5131, Kyle 455-2451, Cheyenne River's Sacred Heart Center 605-964-7233 (*Crisis Hotline 1-800-390-9298*)
- 4) Behavior Management Systems: 605-343-7262
- 5) Lutheran Social Services 1-800-260-1439 or 605-348-6699
- 6) Community Resource lists can be provided by your local Center Director.

## SECTION III: SANCTIONS FOR SEX OFFENSES

Sanctions for sex offenses as described above will be determined on a case by case basis following an on-campus disciplinary procedure outlined in OLC's Prohibition of Sexual Harassment Procedure (69-350-1). This procedure may be applied to students, faculty, or staff. In addition, for students, sanctions may include the procedure given in the Student Grievance Procedure (86-200-1) and in Expulsion and Barring of OLC Students (86-500-1).

Discipline for sex offenses shall be subject to the following conditions:

- a. For students, discipline on the first occasion may include expulsion where appropriate, given the nature of the offense.
- b. If there is a second occurrence of an infraction of the same nature at any time during the student's career at Oglala Lakota College, expulsion will be mandatory.
- c. Where the sex offense would constitute a criminal offense under South Dakota Law, Federal and/or Tribal Law, the matter will be reported promptly to local police authorities. The victim will be encouraged to report the offense to the appropriate law enforcement authority, but reporting will not necessarily be required. Students have the option to be assisted by the Coordinator of Student Affairs/Employee Assistance Program in notifying the police if the student chooses to do so.
- d. In disciplinary proceedings involving sex offenses, an offender'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 sex offenses, and it will be so considered where the offender has a history of prior violations of alcohol, marijuana, or other illegal controlled substance regulations.
- f. In cases of on-campus sex offenses, 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 a sex offense.

#### SECTION IV: EDUCATIONAL AND COUNSELING SUPPORT

A sexual assault training is given annually to dorm managers and Center Directors. Educational programs are also offered to the campus community. These educational programs cover areas such as promotion of awareness of rape, acquaintance rape, domestic violence, dating violence, sexual harassment, stalking, and cyber stalking.

The OLC Coordinator of Student Affairs/Employee Assistance Program is available for assistance, as are local counseling agencies. Transportation will be provided if necessary.

The Coordinator of Student Affairs will assist a victim in changing academic and living arrangements, if requested by the victim and if these changes are reasonably available.

#### SECTION V: APPLICABILITY

This policy applies to any sex offense that is committed by students, faculty, staff or third parties, whenever the misconduct occurs on OLC property, or off OLC property when the conduct is connected with a College recognized program or activity.