

Office/Contact: Office of Human Resources

Source: SDBOR Policies 1.4.2 and 1.4.3

Link: <https://public.powerdms.com/SDRegents/documents/1729423>;

<https://public.powerdms.com/SDRegents/documents/1729422>

**SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual**

SUBJECT: Prevention of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

NUMBER: 4:5

1. Purpose

State and federal laws and policies strictly prohibit dating violence, domestic violence, sexual assault, and stalking, often treating such actions as criminal offenses. Such misconduct is not permitted or tolerated at the University. This policy and its procedures set forth standards regarding reports of dating violence, domestic violence, sexual assault, and stalking and the consequence(s)-2.3 avingdi(s)-2.3 (ucw 15.2(h)10.9 (m)6.2 (i)-4.6 (s)-2.3 (c)-1.6 (on)10.8 (duc96.3 (t)-4.6 d a)9.

- v. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- vi. For purposes of this section, violent crimes are determined under the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program, which classifies four (4) offenses involving force or threat of force as violent crimes: murder and non-negligent manslaughter, rape, robbery, and aggravated assault, as set forth in 34 C.F.R. part 668 Appendix A to Subpart D of part 668 – Crime Definitions in Accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program:
 - 1. Murder and Non-Negligent Manslaughter means the willful (non-negligent) killing of one human being by another.
 - 2. Rape means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - 3. Robbery means the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence or by putting the victim in fear.
 - 4. Aggravated Assault means an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- c. Sexual Assault means any offense that constitutes rape, fondling, incest, or statutory rape:
 - i. Rape has the same meaning as given above in 2.b.vi.2.
 - ii. Fondling means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - iii. Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by SDCL § 25-1-6, which provides that:

Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sister of the half as well as the whole blood, and between uncles and nieces, or aunts and nephews, and between cousins of the half as well as of the whole blood, are null and void from the beginning, whether the relationship is legitimate or illegitimate. The relationships provided for in this section include such relationships that arise through adoption.
 - iv. Statutory Rape means sexual intercourse with a person who is under the statutory age of sixteen (16).

- d. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i.

incorporated hereon on the effective date of such amendments.

- g. For purposes relating to the annual security report required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), conduct constituting dating violence, domestic violence, sexual assault, and stalking under this policy shall be reported as crime, irrespective of its treatment under South Dakota law.
 - i. For purposes of its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, the South Dakota criminal law classifications align with the definitions set out in this policy as follows:
 - 1. Consent is defined as set forth in 2.e. above;
 - 2. Dating violence includes domestic abuse as defined in SDCL ch. 25-10 that occurs between persons involved in a romantic relationship as defined in SDCL § 25-10-3.2 who are not cohabiting and who have never cohabited;
 - 3. Domestic violence includes domestic abuse as defined in SDCL ch. 25-

- b. The Title IX/EO Coordinator is responsible for review and handling reports of dating violence, domestic violence, sexual assault, or stalking at the University in conjunction with federal and state law and SDBOR and University policies.
- c. Title IX/EO Coordinator contact information shall be maintained and made available in, and disseminated to the University community and general public by, the University Title IX/EO Coordinator Office located in the University Office of Human Resources, or successor unit.
- d. The Title IX/EO Coordinator will establish and coordinate educational and training programs for members of the University community to engage awareness and to help prevent dating violence, domestic violence, sexual assault, and stalking at the University. The requirements and method of training will be dependent on an individual's role in the University community. The Title IX/EO Coordinator is responsible for developing and following a training protocol to meet the necessary requirements.
- e. The Title IX/EO Coordinator, not Deputies, is responsible for posting notices to students, staff, visitors, and other members of the University community to inform them of SDBOR and University policies and procedures and of their rights as potential victims of dating violence, domestic violence, sexual assault, or stalking, strategies for self-protection, and University resources for reporting incidents and preserving evidence. Such notices will encourage victims to report incidents to the Title IX/EO Coordinator and will contain a clear, accurate identification of the person currently serving as the Title IX/EO Coordinator at the University. Such notices will also make reference to University and community resources available to assist victims.

4. Procedures

- a. Victims of dating violence, domestic violence, sexual assault, or stalking at the University should contact the Title IX/EO Coordinator, or Deputy, at the University to make a report. In cases of emergency, victims should call 111 from on-campus phones and 911 from off-campus phones to reach University Police. Victims may also utilize one of the fifteen emergency call boxes located across campus, and a University Police Officer will respond to the area immediately.
- b. Upon receipt of such a report, the Title IX/EO Coordinator will meet with the victim to discuss the incident and resources available at the University and in the community to assist the individual.
- c. The Title IX/EO Coordinator, University Police, and any other appropriate University official(s) made aware of the misconduct will take appropriate safety measures to help prevent the misconduct from occurring again.
- d. The Title IX/EO Coordinator and other affiliated parties should follow the procedures set forth in University Policy 4:6 regarding the complaint and investigation process following such misconduct.

5. Responsible Administrator

The Title IX/EO Coordinator, successor, or designee is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of modifications to this policy and its procedures.

SOURCE: Approved by President on 08/01/2014. Revised in conjunction with SDBOR revisions; Approved by President on 09/30/2015. Revised 01/29/2024 (clerical).