SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

Policy Manual

SUBJECT: Sex Offenses/Sexual Assault

NUMBER: Policy III-4-1 (Formerly Policy III-10)

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 SDSM&T community will be subject to investigation and disciplinary measures as outlined in Board of Regents Policy 1:18 and 3:4.

1. Procedures to follow if a sex offense occurs:
   - A. A student should contact the Rapid City Police. The police 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, or
     - 3) Vice President for Student Affairs and Dean of Students

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 Affairs and the Dean of Students Office in notifying Rapid City Police if the student chooses to do so.

5. Educational and Counseling Support:
   A. A sexual assault training program will be given annually to all resident assistants. Educational programs will also be offered to the campus community. These educational programs will cover areas such as promotion of awareness of rape, acquaintance rape, and other sex offenses.

   B. The SDSM&T Counseling Center is available for assistance as are local counseling agencies, e.g., Behavior Management Systems, and Working Against Violence, Inc.

   C. The Director of Counseling and Student ADA Services will assist the victim in changing academic and living arrangements if requested by the victim and if these changes are reasonably available.

SOURCE: Office of the Vice President for Student Affairs, Jun. 2003; Office of the Vice President for Student Affairs, Dec. 2009

BOR Reference: Policy 1:17, Policy 1:18, Policy 3:4