

2. In accordance with Section 3-A.
  - D. A transcript or record shall contain only the information described in Section 4-B, and shall not be furnished in part or with information omitted.
  - E. The Registrar shall maintain a register of request for official transcripts. This register of requests is part of the student record.
  - F. A student who fails to pay a debt to the university may have his/her official transcript withheld until the debt is paid.
  - G. The Vice President for Student Affairs may withhold the issuance of an official transcript pending a hearing against a student who violates a rule or regulation of Valley City State University.

## **SEX OFFENSE POLICIES**

### **DEFINITIONS**

Rape is generally defined as forced sexual intercourse that is perpetrated against the will of the victim. The most prevalent form of rape on college campuses is acquaintance rape. Acquaintance rape is sexual assault committed by someone the victim knows. Other forms of sexual assault such as sexual battery, which is generally defined as unwanted touching of an intimate part of another person are also violations of the law. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. A complete University Policy on sexual harassment is included in the [VCSU Student Handbook](#) and the [VCSU Manual](#). For the purpose of reporting sex crimes, Valley City State University will document and report statistics in the categories of “forcible sex offenses” and “non-forcible sex offenses.”

### **DISCIPLINARY PROCEEDINGS AND THE CRIMINAL PROCESS**

Campus sexual assault is both a violation of the Student Code of Conduct and a violation of local, state, and federal laws. A sexual assault offense can lead to two proceedings: 1) a campus disciplinary hearing as outlined in the Student Code of Conduct; and 2) a criminal court case against the assailant. In criminal proceedings, the same laws and penalties apply to sexual assault by a stranger as by an acquaintance of the victim. Because the standard of proof requirements differ between criminal proceedings and campus judicial hearings, a student could be found guilty by a campus hearing body even though charges are not filed in a criminal court. Students are to refer to the [VCSU Student Handbook](#) for a complete description of the Student Code of Conduct and the University Judicial Council.

### **RIGHTS OF VICTIMS**

In order to encourage students of report sexual offenses and to ensure fairness in the university judicial process, victims of sexual assaults are entitled to the following rights:

1. The right to privacy and the treatment of sensitive information in a confidential manner.
2. The right to be free from campus or community pressure in reporting or not reporting a sexual assault.
3. The right to have a person or persons of choice accompany him/her throughout the disciplinary process.
4. The right to expect a prompt and thorough investigation by law enforcement and/or campus personnel.
5. The right not to have past sexual/relationship history included in judicial proceedings.
6. The right to expect the university to commit reasonable resources to protect the victim from the actions or presence of the perpetrator.
7. The right to expect meaningful support and advocacy from campus and community organizations and agencies.

8. The right to be informed immediately of the outcome of any hearing.

## **UNIVERSITY POLICY ON SEXUAL HARASSMENT**

Valley City State University's commitment to equal opportunity includes an assurance to its employees and students that they will not be subjected to sexual harassment, and such conduct is hereby prohibited at the university.

This policy is in compliance with the November 1980 EEOC final guidelines which defines sexual harassment as:

“Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature” that take place under any of the following circumstances:

1. When submission to the sexual advance is a condition of keeping or getting a job, whether expressed in explicit or implicit terms.
2. When a supervisor or boss makes a personnel decision based on an employee's submission to or rejection of sexual advances.
3. When sexual conduct unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment.

While this definition refers only to employment-related sexual harassment, similar actions directed to students are also prohibited by the university policy.

Employees or students concerned about violations of this policy may request assistance from the university Human Resources office, the office of Student Academic Services, or an appropriate administrator. Grievance procedure shall be available for a person who wishes to file a complaint alleging a violation of this policy.

## **CONSENSUAL RELATIONSHIPS**

A. Consensual Relationships that are of concern to Valley City State University are those romantic or sexual relationships in which both parties appear to have consented, but where there is a definite power differential within the university between the two parties. These relationships are of concern for two reasons.

1. First there is a potential conflict of interest when individuals evaluate the work or academic performance of other individuals with whom they have intimate relationships. It is a generally accepted ethical principle in our society that one avoids situations in which one makes official evaluations of relatives, family members, spouses, or other persons with whom one has an intimate relationship. Such a relationship combined with a responsibility for evaluation is considered a “conflict of interest.” In a university, examples of such evaluations are the assignment of grades, and participation in decisions to hire, retain, promote, discipline or determine salaries.
2. Second, any relationship involving a power differential has the potential for serious consequences because the relationship may exist only as a result of the power differential. This may lead to sexual harassment charges at a later time.

B. Consenting romantic and sexual relationships between *instructor* (meaning all who teach at the university – faculty members, other instructional personnel, and graduate or undergraduate students with teaching, advising, or tutorial responsibilities) and *student* (meaning any person studying with or receiving advising from the instructor); between *supervisor* (meaning any person in a position of authority over another—to hire and fire, to grant raises and oversee task performance) and *employee* (meaning any person working for the supervisor); and between *employee and student* (where there is an instructional, advisory, or an employment relationship between them) have the potential for extremely serious consequences and ought to be avoided. This list is not all-inclusive, but gives examples of the types of relationships that are covered by this policy.

C. Codes of ethics for most professional associations forbid professional-client sexual relationships; the relationships enumerated above should be viewed in this context. In the case of instructor and student, for example, the respect and trust accorded the instructor by the student, as well as the power exercised by the instructor in giving grades, thesis advice, evaluations, and recommendations for further study and future employment, may greatly diminish the student's actual freedom of choice concerning a romantic or sexual relationship.

D. Because of the possible difficulties associated with the power differential and because of potential conflicts of interest, Valley City State University discourages all such consensual relationships. HOWEVER, IF A ROMANTIC OR SEXUAL RELATIONSHIP EXISTS OR DEVELOPS BETWEEN INDIVIDUALS HAVING A POWER DIFFERENTIAL WITHIN THE UNIVERSITY, THE PERSON WITH GREATER POWER SHALL REPORT IT TO AN APPROPRIATE SUPERVISOR. For example, an instructor shall report the matter immediately to the department chair; a teaching assistant shall report it to the professor in charge of the course; and an employee shall report it to his/her supervisor. In each case, the administrative supervisor shall make suitable arrangements for the objective evaluation of the student's, employee's, or prospective employee's academic or job performance and for the protection of individual and university interests.

E. All instructors, supervisors, and other employees should understand that there are substantial risks in consenting relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. An instructor's or supervisor's protection under state law and representation by the Attorney General may not apply because such relationships may be outside of the scope of one's employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to prove where a power differential exists. Even relationships in which there is not direct power differential may cause difficulties because faculty or staff engaged in such a relationship may, in the future, be placed in a position of responsibility for the student's or employee's instruction or evaluation.

## **POLICY ON INFECTIOUS DISEASES**

Valley City State University will follow the policies and recommendations of the Center for Disease Control of the U.S. Public Health Service and will work in cooperation with state and local health authorities to prevent the spread of significant infectious diseases, and further such prevention through education. Significant infectious diseases for the purpose of this policy are defined as Acquired Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC), and Hepatitis B.

- A. AIDS: Prohibiting discrimination against faculty/staff, students, or others using university services:
1. Notification to the university

A university employee or student diagnosed as having AIDS and who wishes to be covered by this policy or who requests accommodations to special disease related conditions, should notify the Vice President for Student Affairs.

The Significant Infectious Disease (SID) Committee shall be convened to review the specific disease situation.

2. Significant Infectious Disease Committee
  - a. The Significant Infectious Disease Committee shall review and make recommendations regarding any reasonable accommodation for work place restrictions on a faculty or staff member diagnosed as having AIDS. Similarly, the SID Committee shall review and make recommendations regarding any reasonable accommodations or restrictions on the educational programs or other university activities of a student, faculty, or staff member diagnosed as having AIDS. The university shall abide by the recommendations of the SID Committee, subject to approval by the President of the University.