

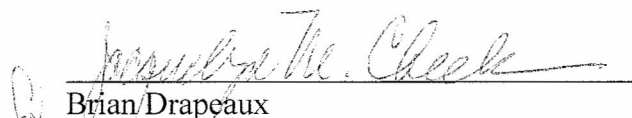
INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 34 IAM 6	SUBJECT BIE Policy for Addressing and Responding to Sexual Violence and Abuse at BIE Post-Secondary Institutions	RELEASE NUMBER #12-36
FOR FURTHER INFORMATION Juanita Mendoza Bureau of Indian Education 202-208-3559		DATE 10/11/12

EXPLANATION OF MATERIAL TRANSMITTED:

The purpose of this chapter is to establish policy for responding in a timely manner to sexual violence and abuse by implementing procedures to address sexual assault, stalking, dating and domestic violence at Bureau of Indian Education post-secondary institutions.



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Acting Director, Bureau of Indian Education

FILING INSTRUCTIONS:

Remove: None

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- 1.1 Purpose.** To respond in a timely manner to sexual violence and abuse by implementing a policy to address sexual assault, stalking, dating and domestic violence at Bureau of Indian Education (BIE) post-secondary institutions.
- 1.2 Scope.** This policy applies to Southwestern Indian Polytechnic Institute (SIPI) and Haskell Indian Nations University (Haskell) and does not replace existing institutional policies on sexual harassment, violence and abuse.
- 1.3 Policy.** SIPI and Haskell will address the requirements of this policy within their academic institutional settings by taking the following actions:

A. Coordinated community approach.

External partnerships will consist of the following:

- a. Response Team to be composed of multi-disciplinary representatives, including at least one local non-profit, non-governmental victim services organization within the institutional community, and at least one external law enforcement system.
- b. Response Team should be representative of the variety of organizations that are involved in campus life.
- c. Maintain ongoing collaboration with Response Team through regularly scheduled communication and meetings.
- d. Consult Response Team when making any changes to policies and protocol.

Internal partnerships include multiple department and offices; faculty and staff; and student participation that will work to:

- a. Develop a Response Team.
- b. Establish a college/university policy addressing sexual violence and abuse.
- c. Identify a school coordinator.
- d. Identify a student coordinator.
- e. Designate a Response Team point of contact (POC).

B. Prevention and education.

- a. Required prevention and awareness education for incoming students should:
 - i. Establish a system to account for participation.
 - ii. Include campus policies and protocols, student code of conduct, local and national resources, hotlines, legal, medical, mental, and other assistance resources.
 - iii. Establish pre-orientation, possibly a required online pre-orientation session, arrival and ongoing program actions.
- b. Establishment of a school/student campaign to be overseen by student leadership and institutional staff.

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- c. Dormitory meetings – Resident Assistant will arrange dormitory meetings to discuss school policies regarding sexual violence and abuse and will include prevention and awareness in other dormitory events.
- d. Student groups – With the assistance of the institution providing educational materials and/or speakers, student groups will work to include prevention and education regarding sexual violence and abuse in their meetings and events.
- f. Events – Students and staff will make an effort to include information about prevention and education regarding sexual violence and abuse at school events.
- g. Classroom – The policy will be discussed in health education and physical education courses.
- h. Dissemination of prevention and awareness promotional materials.
- i. School electronic boards, websites, and other electronic venues will be utilized. Documentation will be displayed around the campus, especially in dormitories and student gathering areas.
- j. Institution staff training.
- k. Required yearly training for all school staff.
- l. Policy information will be included in staff handbook and available to the public on school website.

C. Response protocol.

First point of contact flow chart

- a. Resident Assistant > Security > Response Team POC
- b. Dormitory Supervisor > Security > Response Team POC
- c. Security > Response Team POC
- d. Counseling staff > Security > Response Team POC
- e. Staff/Faculty > Security > Response Team POC

If victim appears to be in any medical distress, call 911 first.

D. Staff response to victim reporting of incidents of sexual violence and assault.

- a. Resident Assistant will keep victim safe and remove victim from open areas where a crowd may gather to ensure privacy for victim. Remain calm and supportive of victim. Contact security and/or law enforcement and counseling staff.
- b. Dormitory Supervisor will keep victim safe and remove victim from open areas where a crowd may gather to ensure privacy for victim. Remain calm and supportive of victim. Contact security and/or law enforcement and counseling staff.
- c. Security will keep victim safe and remove victim from open areas where a crowd may gather to ensure privacy for victim. Remain calm and supportive of victim. Contact supervisor and law enforcement and counseling staff.

- d. Non-Counseling Staff/ Faculty will keep victim safe and remove victim from open areas where a crowd may gather to ensure privacy for victim. Remain calm and supportive of victim. Contact security and/or law enforcement and counseling staff.
- e. Counseling staff will assess victim's emotional stability, comfort victim, and provide information about on-campus services and off-campus services. Explain options of law enforcement involvement, create a safety plan with victim, provide contact information for any agency the victim wishes to have involved, provide victim with contact information for follow up care and support, set follow-up meeting.

E. Response Team members communication action plan.

- a. Security Director will contact local law enforcement and probation and parole personnel, if necessary.
- b. Housing/Dormitory Supervisors will communicate with their staff.
- c. Staff will meet with victim and offender separately; contact institution counseling services, campus teaching staff, and student advisers.
- d. Disciplinary and Judicial Board will contact the Director of the disciplinary panel.
- e. Director of student health/or comparable position will meet and work with victim and local hospital or medical care, if necessary.
- f. Campus Safety Director will advise Response Team of campus-wide policy and best practices.
- g. Wellness Center Director/or comparable position will keep open communication with student and campus services or their designee.

F. Response Team communication plan.

- a. Response Team > student services and campus leadership > President's office > BIE Central Office > Assistant Secretary - Indian Affairs, Department of the Interior
- b. All Press/Media questions shall be referred to school President.

G. Response Team debriefing.

- a. Response Team members will meet to discuss the incident and evaluate response protocol implementation.
- b. Response Team will provide a report to institutional leadership.
- c. Institutional leadership will forward report to BIE Central Office.

H. Campus safety and security personnel training.

- a. Mandatory campus safety and security personnel training in collaboration with the Response Team. If existing training meets the needs of the institution, the institution may adopt that training for this policy's purposes. Include local victim's advocacy group in the training process.
- b. Establish a training schedule and system of accounting for participation.
- c. Make the training a requirement for all security personnel.

I. Judicial/disciplinary board training

- a. Required yearly training on sexual violence and abuse prevention that includes the participation of local advocacy groups and law enforcement. Training shall include current federal and state laws.

1.4 Authority.

A. Statute.

- a. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*
- b. The Jeanne Clery Act, 20 U.S.C. § 1092f
- c. The Family Educational and Privacy Rights Act (FERPA), 20 U.S.C. § 1232g

B. Guidance.

- a. State & National Ethics Codes of Licensed Counselors

1.5 Roles and Responsibilities.

- A. President.** The President is responsible for the distribution of the policy to institutional leadership and the campus community and for monitoring adherence to the policy.
- B. Vice President of Academic Programs.** The Vice President of Academic Programs is responsible for the distribution of the policy to staff under his/her supervision.
- C. Vice President of College Operations.** The Vice President of College Operations is responsible for the distribution of the policy to staff under his/her supervision.
- D. Director of Housing and Recreation.** The Director of Housing and Recreation is responsible for the distribution of the policy to staff under his/her supervision, including staff responsible for housing safety, and for the implementation of the policy in dormitories.

- E. Director of Counseling.** The Director of Counseling is responsible for the implementation of the policy in the student counseling setting.
- F. School Safety and Security Manager.** The School Safety and Security Manager is responsible for adhering to the policy and distributing the policy to staff under his/her supervision. The School Safety and Security Manager is also responsible for adhering to any federally required reporting procedures of crime statistics.
- 1.6 Definitions.** The following definitions are not an exhaustive list of forms of sexual violence and abuse. The list includes forms of violence that may be experienced in a post-secondary educational setting.
- a. **Dating** - A social relationship of a romantic or intimate nature.
 - b. **Domestic Violence** - Abusive behavior by an intimate partner toward the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
 - c. **Sexual Assault** - Any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, forcible sodomy, unwanted fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.
 - d. **Stalking** - Repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.
 - e. **Cyberstalking**¹ - Use of the Internet, email, instant messages, blog entries, websites or other electronic communications to stalk.
 - f. **Threats** - Use of words, gestures, or weapons to communicate the intent to cause death, disability, injury, or physical harm.

¹ Retrieved from National Council of State Legislatures at <http://www.ncsl.org/issues-research/telecom/cyberstalking-and-cyberharassment-laws.aspx> www.ncsl.org