

## College Policy 2.08

### Sexual Violence Policy

## Part 1. Policy Statement

### Policy Statement

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Minneapolis Community and Technical College. MCTC is committed to eliminating sexual violence in all forms and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. Acts of sexual violence may also constitute violations of criminal or civil law, or other MnSCU Board Policies that may require separate proceedings. To further its commitment against sexual violence, MCTC provides reporting options, internal mechanisms for dispute resolution, and prevention training or other related services as appropriate.

#### Subpart A. Application of policy to students, employees, and others

This policy applies to all MCTC students and employees and to others, as appropriate, where alleged incidents of sexual violence have occurred on MCTC property. Incidents of sexual violence alleged to have been committed by a student at a location other than on MCTC property are covered by this policy pursuant to the factors listed in Minnesota State Colleges and Universities Board Policy 3.6, Part 5. Incidents of sexual violence alleged to have been committed by a MCTC employee at a location other than MCTC property are covered by this policy.

Individuals alleged to have committed acts of sexual violence on MCTC property who are not students or employees are subject to appropriate actions by MCTC, including, but not limited to, pursuing criminal or civil action against them.

Allegations of discrimination or harassment are governed by MCTC Procedure 2.01.01 and MnSCU Board Policy 1B.1.

## Part 2. Definitions

The following definitions apply to this Policy and MCTC Procedure 2.08.01.

#### Subpart A. Sexual violence

Sexual violence includes a continuum of conduct that includes sexual assault, and non-forcible sex acts, as well as aiding acts of sexual violence.

#### Subpart B. Sexual assault

"Sexual assault" means an actual, attempted, or threatened sexual act with another person without that persons consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under MCTC student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "date rape" or "acquaintance rape". This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
2. Involvement in any sexual act when the victim is unable to give consent.
3. The intentional touching or coercing, forcing, or attempting to coerce or force another to touch an unwilling persons

intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).

4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

## **Subpart C.**

### **Affirmative consent**

Consent is informed, freely given, and mutually understood willingness to participate in sexual activity that is expressed by clear, unambiguous, and affirmative words or actions. It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has consented to engage in the sexual activity. Consent must be present throughout the entire sexual activity and can be revoked at any time. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. A lack of protest, absence of resistance, or silence alone does not constitute consent, and past consent of sexual activities does not imply ongoing future consent. The existence of a dating relationship between the people involved or the existence of a past sexual relationship does not prove the presence of, or otherwise provide the basis for, an assumption of consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

## **Subpart D. Stalking**

Conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause reasonable people to fear for their safety or the safety of others or to suffer substantial emotional distress.

### **Subpart E. Non-forcible sex acts**

Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

### **Subpart F. MCTC property**

"MCTC property" means the facilities and land owned, leased, or under the primary control of Minnesota State Colleges and Universities, its Board of Trustees, Office of the Chancellor and Minneapolis Community and Technical College.

### **Subpart G. Employee**

"Employee" means any individual employed by Minneapolis Community and Technical College including student workers.

### **Subpart H. Student**

"Student" means an individual who is:

1. admitted, enrolled, registered to take or is taking one or more courses, classes, or seminars, credit or noncredit, at MCTC; or
2. between terms of a continuing course of study at MCTC, such as summer break between spring and fall academic terms; or
3. expelled or suspended from enrollment as a student at the MCTC, during the pendency of any adjudication of the student disciplinary action.

**Date of Adoption:** 4/21/2004

**Date of Implementation (if different from from adoption date):**

**Date of Last Review:** 4/21/2004

**Date and Subject of Revisions:**