

# North Hennepin Community College

## Policy/Procedure Information

**Number:** 1B.3

**Name:** Sexual Violence Policy

**Author:** Policy Committee

**Custodian:** Policy Committee

**Effective Date:** January 11, 2016

**Next Review Date:** AY2020–2021

### Regulatory Authority:

- MnSCU Board Policy 1B.3 – Sexual Violence Policy
    - <http://www.mnscu.edu/board/policy/1b03.html>
  - MnSCU Board Procedure 1B.3.1 – Sexual Violence Procedure
    - <http://www.mnscu.edu/board/procedure/1b03p1.html>
  - MnSCU Board Policy 1B.1 – Equal Opportunity and Nondiscrimination in Employment and Education
    - <http://www.mnscu.edu/board/policy/1b01.html>
  - MnSCU Board Policy 3.6 – Student Conduct Policy
    - <http://www.mnscu.edu/board/procedure/306p1.html>
  - MnSCU Board Procedure 3.6.1 – Student Conduct Procedure
    - <http://www.mnscu.edu/board/procedure/306p1.html>
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## Part 1. Policy Statement

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Minnesota State Colleges and Universities. Minnesota State Colleges and Universities 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 Board Policies that may require separate proceedings. To further its commitment against sexual violence, Minnesota State Colleges and Universities provides reporting options, an investigative and disciplinary process, and prevention training or other related services as appropriate.

### Subpart A. Application of Policy to Students, Employees, and Others

This policy applies to all Minnesota State Colleges and Universities students and employees and to others, as appropriate, where incidents of sexual violence on system property have been reported. Reports of sexual violence committed by a student at a location other than on system property are covered by this policy pursuant to the factors listed in Board Policy 3.6, Part 2. Reports of sexual violence committed by a system employee at a location other than system property are covered by this policy.

Reports of sexual violence committed on system property by individuals who are not students or employees are subject to appropriate actions by Minnesota State Colleges and Universities, including, but not limited to, pursuing criminal or civil action against them.

Allegations of discrimination or harassment are governed by Board Policy 1B.1.

### **Subpart B. College and University Policies**

Each Minnesota State Colleges and Universities college and university shall adopt a clear, understandable written policy on sexual violence that applies to its campus community, including, but not limited to, its students and employees. The policy content and implementation shall be consistent with the standards in this Policy and Procedure 1B.3.1.

## **Part 2. Definitions**

The following definitions apply to this Policy and Procedure 1B.3.1.

### **Subpart A. Sexual Violence**

Sexual violence includes a continuum of conduct that includes sexual assault, non-forcible sex acts, dating and relationship violence, stalking, 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 a person's consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State Colleges and Universities 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. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person's 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. Dating and Relationship Violence**

Dating and relationship violence includes physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.

### **Subpart D. Stalking**

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

### **Subpart E. Consent**

Consent is informed, freely given and mutually understood. 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. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

**Subpart F. 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 G. System Property**

"System property" means the facilities and land owned, leased, or under the primary control of Minnesota State Colleges and Universities, its Board of Trustees, system office, colleges and universities.

**Subpart H. Employee**

"Employee" means any individual employed by Minnesota State Colleges and Universities, its colleges and universities and system office, including student workers.

**Subpart I. Student.**

The term "student" includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university;
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university; or
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are not college or university employees and are not enrolled in the institution but live in a college or university residence hall.

<b>Review Action</b>	<b>Date(s)</b>
<b>Campus Community Review Period</b>	<b>Oct. 26 - Nov. 6, 2015</b>
<b>Shared Governance Council Review</b>	<b>December 11, 2015</b>
<b>Labor/Management Meetings Review</b>	<b>November 16-25, 2015</b>
<b>Student Senate Review</b>	<b>November 19, 2015</b>
<b>President Approval</b>	<b>December 21, 2015</b>
<b>Campus Community Dissemination</b>	<b>January 11, 2016</b>

**History**

- 12-21-15 – New NHCC Policy