



Policy and Procedure

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Division/Department: Student Affairs/Human Resources

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Subject: Response to Sexual Violence: Reporting and Procedure

Authorities: Minnesota State Colleges and Universities Board Policy 1B.3 Sexual Violence Policy and System Procedure 1B.3.1 Response to Sexual Violence Procedure.

Purpose: This policy is designed to further implement Minnesota State Colleges and Universities policy and procedure 1B.3 and 1B3.1. This policy is designed to prohibit sexual violence and provide a process through which individuals alleging sexual violence may pursue a complaint. This policy and procedure is intended to protect the rights and privacy of both the complainant and the respondent and other involved individuals, as well as to prevent retaliation and reprisal.

Policy: Part 1. Policy Statement. Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Pine Technical and Community College (PTCC). PTCC 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 Minnesota State board policies that may require separate proceedings. To further its commitment against sexual violence, PTCC provides reporting options, an investigative and disciplinary process, and prevention training as appropriate.

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



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

Allegations of discrimination or harassment are governed by Minnesota State Colleges and Universities Board Policy 1B.1

Part 2. Definitions.

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 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 PTCC 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



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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. Pine Technical & Community College property. "Pine Technical & Community College property" means the facilities and land owned, leased, or under the primary control of Pine Technical & Community College.

Subpart H. Employee. "Employee" means any individual employed by PTCC, 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 PTCC; 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 PTCC employees and are not enrolled in the institution but live in a PTCC residence hall.
6. Participant of Employment and Training Center and/or Child Care Aware.

Dissemination: Students and employees.



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Reviewed by Campus Roundtable: July 18, 2016

Reviewed by Faculty Shared Governance: (Insert date here)

Reviewed by Managers Meeting: (Insert name of person/group that did the review and the date)

Approved: (Insert date here)



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