



Adoption:	4/21/04
Revised:	4/16/18
Last Reviewed:	5/2/18 (SGC)
President Approved:	10/1/18
Authority:	<a href="#">Minnesota State Board Policy 1B.3</a>
Custodian of Policy:	Chief Human Resources Officer, Director of Security & Emergency Preparedness, Title IX Coordinator/1B.1 Officer

## 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 Hennepin Technical College (HTC). HTC 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 Colleges and Universities Board Policies that may require separate proceedings. To further its commitment against sexual violence, HTC 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, Board of Trustees, and others.** This policy applies to all Hennepin Technical College students, employees, Board of Trustees, and to others, as appropriate, where incidents of sexual violence on College property have been reported. Reports of sexual violence committed by a student at a location other than on College property are covered by this policy pursuant to the factors listed in Minnesota State Board Policy 3.6, Part 2. Reports of sexual violence committed by a HTC employee at a location other than College property are covered by this policy.

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

Allegations of discrimination or harassment are governed by Minnesota State Board Policy 1B.1. and Hennepin Technical College Policy 1B.1.

**Subpart B. College and university policies.** Each Minnesota State 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 the Minnesota State Policy 1B.3 and Procedure 1B.3.1.

**Part 2. Definitions.** The following definitions apply to this Policy and Procedure 1B.3.1.

#### 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



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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.

#### **Dating, intimate partner, and relationship violence**

Violence including 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 law.

#### **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.

#### **Sexual assault**

An actual, attempted, or threatened sexual act with another person without that person's affirmative 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 student codes of conduct 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 of a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast); or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
4. Offensive sexual behavior directed at another, such as indecent exposure or voyeurism.

#### **Sexual violence**

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.

#### **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.



**Hennepin Technical College™**

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**Chapter 1: College Organization**  
**Sexual Violence Policy**

**Policy 1B.3**

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**Student**

All persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university; or
2. Withdraw, transfer, or graduate after an alleged violation of the code of student conduct; or
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.

**Employee**

Any individual employed by Minnesota State, its colleges and universities and system office, including student workers.

**System property**

The facilities and land owned, leased, or under the primary control of Minnesota State, its Board of Trustees, system office, colleges, and universities.