Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Dakota County Technical College (DCTC). DCTC 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 policies that may require separate proceedings. To further its commitment against sexual violence, DCTC 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 DCTC students and employees 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 DCTC Student Conduct Code and Minnesota State Colleges and Universities Board Policy 3.6, Part 2. Reports of sexual violence committed by a DCTC employee at a location other than college property are covered by this policy.

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

Allegations of discrimination or harassment are governed by DCTC Policy 1B.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, 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 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 DCTC 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. 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 D. 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 E. System property. “College property” means the facilities and land owned, leased, or under the primary control of DCTC.

Subpart F. Employee. “Employee” means any individual employed by DCTC, including student workers.

Subpart G. Student. The term “student” includes all persons who:
1. Are enrolled in one or more courses, either credit or non-credit, through the college;
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 employees and are not enrolled in the institution but live in a college residence hall.

Reference: MnSCU Policy 1.3 Sexual Violence
Related Document: Procedure 1B.3.1 – Sexual Violence Procedure
Date of Adoption: April 21, 2004
Date of Revisions: December 10, 2009
December 9, 2011. Parts 1, 1A, 2C, and 2G amended as per MnSCU changes.

Policy 1B.3