



Sexual Violence 1B.3

Part 1. Policy Statement.

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual, and is prohibited at Lake Superior College. Lake Superior College 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 Lake Superior College policies that may require separate proceedings. To further its commitment against sexual violence, Lake Superior College provides reporting options, internal mechanisms for dispute resolution, and prevention training or other related services as appropriate.

Subpart A. Application of policy to students and others. This policy applies to all Lake Superior College students and to others, as appropriate, where alleged incidents of sexual violence have occurred on College property. Incidents of sexual violence alleged to have been 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 Colleges and Universities Board Policy 3.6, Part 5. Incidents of sexual violence alleged to have been committed by a Lake Superior College employee at a location other than College property are covered by this policy.

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

Allegations of discrimination or harassment are governed by College 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 Lake Superior College 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 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, and the condition was known or would be known to a reasonable person, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. 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. College property. "College property" means the facilities and land owned, leased, or under the primary control of Lake Superior College.

Subpart F. Employee. "Employee" means any individual employed by Lake Superior College, including student workers.

Subpart G. 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 Lake Superior

- College; or
2. between terms of a continuing course of study at Lake Superior College, such as summer break between spring and fall academic terms; or
 3. expelled or suspended from enrollment as a student at the Lake Superior College, during the pendency of any adjudication of the student disciplinary action.

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Signature of College President

Date