Board Policy 1B.3 Sexual Violence 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 Itasca Community College. Itasca Community 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 of other Board Policies that may require separate proceedings. To further its commitment against sexual violence, Itasca Community College provides reporting options, an investigative and disciplinary process, prevention training, and other related services as appropriate.

Subpart A. Application of policy to students, employees, Board of Trustees and others.
This policy applies to all Itasca Community College students and 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 Board Policy 3.6, Part 2. Reports of sexual violence committed by an Itasca Community College 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 Itasca Community College, 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. Sexual Violence Procedure. Itasca Community College, a member of Minnesota State Colleges and Universities system, will follow Board Policy 1B.3.1 Sexual Violence Policy.

Part 2. Definitions.
The following definitions apply to this Policy and System 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 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 to 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.

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

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 Itasca Community 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. Intentional and unwelcome 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); 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.

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.

Contact Richard Kangas, Dean of Student & Administrative Services at 218-322-2319 to report incidents of suspected sexual violence.

Alternate contacts:  
Dr. Bart Johnson, Provost  
218-322-2388
Carmen Bradach, HR Director  
218-749-7743

Please refer to this link for additional resources:
https://www.itascacc.edu/campus-services/sexual-violence-prevention