



1B.3.2 Addendum to Sexual Misconduct Policy - Procedure

What to do if discrimination or harassment happens to you:

Step 1. If you feel safe, communicate to your harasser: 1) what you are feeling, and 2) that you expect the behavior to stop. You may do this verbally or in writing. If you choose, you may get help and support from a friend, a parent, a professional, or another trusted adult.

Step 2. If you feel unsafe confronting the individual or if the behavior is repeated, go on campus to the:

- **Designated Title IX Officer** (Mary Sam, 218-855-8159, Office E132, Brainerd Campus) or
- **Affirmative Action Officer** (Mary Sam, 218-855-8159, Office E132, Brainerd Campus)
- **Vice President of Human Resources** (218-855-8054, Office C211 Brainerd Campus)

Step 3. Always document your complaint, including the date, time, and location of the incident(s).

Step 4. Refer to the [Student Complaint Process](#), where you may file a complaint.

At any point in this process, you may choose to contact the Office of Civil Rights, the U.S. Department of Civil Rights, the U.S. Department of Education, the Minnesota Department of Human Rights, an attorney, or a police officer.

For more information, please refer to [MinnState System Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education](#).

Sexual Violence

Sexual violence is an intolerable intrusion into the most personal and private rights of an individual and is prohibited at Central Lakes College. CLC 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 MinnState Board Policies that may require separate proceedings. To further its commitment to preventing sexual violence, Central Lakes College provides reporting options, an investigative and disciplinary process, and prevention training or other related services, as appropriate. For more information, please review [1B.3 Sexual Misconduct Policy](#) and [System Procedure 1B.3.1 Response to Sexual Violence and Title IX Sexual Harassment](#)

Definitions:

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.

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 Minnesota State Colleges and Universities' 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 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 the primary genital area, groin, inner thigh, buttocks, or breast).
4. Offensive sexual behavior that is directed at another, such as indecent exposure or voyeurism.

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 may also be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.

Stalking. Stalking is conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

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 to 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 whether consent was given.

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.

Reporting incidents of sexual violence.

Prompt reporting encouraged. Complainants of sexual violence may report incidents at any time, but are strongly encouraged to make reports promptly, to preserve evidence for a potential legal or disciplinary proceeding.

Complainants are strongly encouraged to report incidents of sexual violence to law enforcement at the location where the incident occurred. Complainants are also encouraged to contact the local victim/survivor services office, counseling and healthcare providers, campus Title IX coordinators, or Minnesota State Colleges and Universities campus security authorities for appropriate action. Central Lakes Contacts include:

- **Dean of Students, Equity & Inclusion** and
- **Designated Title IX Officer** – Mary Sam (218-855-8159, Office E132).

Assistance in reporting. When informed of an alleged incident of sexual violence, all Central Lakes College students and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services, campus Title IX coordinators, or campus security authorities.

When appropriate, Central Lakes College may pursue legal action against a respondent, including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard. A college or university may take actions it deems necessary or appropriate in response to all protection, restraining, or no-contact orders.

Confidentiality of reporting:

Confidential reports. Because of laws concerning government data contained in [Minnesota Statutes §13, the Minnesota Government Data Practices Act](#), colleges and universities cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with licensed health care professionals. Some off-campus reports may also be legally privileged, such as reports to clergy, private legal counsel, or healthcare professionals. Reports to campus security authorities. Complainants of sexual violence may contact any campus security authority for appropriate assistance or to report incidents. Absolute confidentiality of reports made to campus security authorities cannot be promised. However, campus security authorities shall not disclose personally identifiable information about a complainant of sexual violence without the complainant's consent, except as may be required or permitted by law. There may be instances in which Central Lakes College determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In such instances, Central Lakes College will investigate and take appropriate action, ensuring the protection of the complainant's and any other reporter's identity under this procedure.

Campus security authorities may be obligated to report to law enforcement the fact that a sexual assault has occurred. Still, the complainant's name or other personally identifiable information will be provided only with the complainant's consent, except as required or permitted by law.

General principles. Central Lakes College shall use [System Procedure 1B.1.1 Investigation and Resolution](#) when investigating complaints of sexual violence.

College and university investigation and disciplinary procedures concerning allegations of sexual violence against employees or students shall:

- Be respectful of the needs and rights of individuals involved.
- Proceed as promptly as possible.
- Permit a student complainant and a student respondent to have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with the governing procedures and applicable data practices law.
- It will be conducted in accordance with applicable due process standards and privacy laws.
- Simultaneously inform both the complainant and respondent of the outcome promptly, as permitted by applicable privacy law.
- It is based on a preponderance-of-the-evidence standard, meaning that it is more likely than not that the policy or code has been violated.

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