



Sexual Violence Victim Rights & Options

Century College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. If you have experienced sexual discrimination, and/or sexual violence (including sexual assault, dating violence, domestic violence, or stalking), we are here to help.

If you need help right now

- ✓ Get to a safe place
 - Call 911, or
 - Reach out to friends or family, or
 - Contact on Campus Resources
 - Public Safety 651.747.4000
 - Title IX Coordinator 651.779.3315
 - Contact Off Campus Resources
 - SOS Sexual Violence Services (Ramsey County) 651.266.1000
 - RAIN.org (Nationwide) <https://www.rainn.org/> or 1.800.656.HOPE (4673)
- ✓ Seek medical attention if needed
 - St John's Hospital in Maplewood, MN. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. If you are not near Maplewood, MN, a list of area hospitals with SANE nurses can be found here: <http://mnforensicnurses.org>. If you do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.
- ✓ Preserve evidence
 - Sexual Assault – see a SANE nurse they can be found here: <http://mnforensicnurses.org>.
 - All Sexual Violence – you are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, which would be useful to college adjudicators/investigators or local law enforcement. Take pictures of bruises, other injuries, or property damage.
- ✓ You have rights and options
 - You **DO NOT** have to involve law enforcement unless you want.
 - Review the **Victims Bill of Rights Students & Employees** for a quick reference of this information included with this packet.
- ✓ Remember we are here to help
 - Review this information packet when you feel safe!

Resources for Victims

Resources Available On-Campus

Counseling	651.779.3285
Health	651.779.3954
Mental Health	651.779.3285
Victim Advocacy	651.747.4015
Legal Assistance	Not available on campus
Visa and Immigration Assistance	Not available on campus
Financial Aid	651.779.3305

Resources Available Off-Campus

****Day One Statewide 24/7 Crisis Line 1.866.223.1111****

Counseling	Cornerstone 866.223.1111
SOS Sexual Violence Services	651.266.1000
Health	St John's Hospital 651.232.7000
Mental Health	Canvas Health 651.777.5222
Victim Advocacy	SOS Sexual Violence Services 651.266.1000
Legal Assistance	SOS Sexual Violence Services 651.266.1000
Visa and Immigration Assistance —	
Immigrant Law Center	651.641.1011
Financial Aid	Us Dept of Ed 1.800.USA.LEARN
Employee Assistance Program	Life Matters 651.259.3840
LGBTQ+ Community Focused Assistance	
	Outfront MN Crisis line 1.800.800.0350

Other resources

Rape, Abuse and Incest National Network

24/7 Crisis Center 1.800.656.HOPE <http://www.rainn.org>

Department of Justice

<http://www.ovw.usdoj.gov/sexassault.htm>

Department of Education, Office of Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/index.html>

I want more Information

If you have any questions, concerns, or would like additional information please contact the Title IX Coordinator at 651.779.3315

CENTURY
COLLEGE



**PUBLIC SAFETY
DEPARTMENT**

Victims' Bill of Rights Students & Employees



Public Safety 651.747.4000
Title IX Coordinator 651.779.3315

Reporting Crimes Dating Violence, Domestic Violence, Sexual Assault or Stalking

Century College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. If you have experienced **sexual discrimination**, and/or sexual violence (including sexual assault, dating violence, domestic violence or stalking), **we are here to help.**

Although you can report this type of crime at any time, we encourage individuals to immediately report incidents.

Making a Report

Contact Century College's Title IX Coordinator:

Title IX Coordinator: Katie Svoboda at 651.779.3315, W1487 or katie.svoboda@century.edu

Students—Jenn Rassetts at 651.747.4015, W1210, or jennifer.rassetts@century.edu

Employees—Rosa Rodriguez 651.779.5786, E2512 or rosa.rodriguez@century.edu

Century College Public Safety: 651.747.4000, E1411

Telling the Police

You have the right to notify law enforcement authorities if you are a victim of dating violence, domestic violence, sexual assault or stalking. You also have the right to decline law enforcement involvement if you choose.

Century College Public Safety, Title IX Coordinators, Counseling, Health Services, as well other campus security authorities will assist you with notifying law enforcement if you request or are unable to make this request.

West Campus—White Bear Lake Police - 651.429.8511

West Campus—Ramsey County Sherriff - 651.484.3366

East Campus—Washington County Sherriff - 651.439.9381

Evidence

Timely reporting and a medical examination within 72 hours are critical in preserving evidence of dating violence, domestic violence, sexual assault or stalking and proving a criminal or civil case against a perpetrator.

After an incident of sexual assault, dating violence, or domestic violence, consider seeking medical attention as soon as possible at St John's Hospital in Maplewood, MN. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. If you are not near Maplewood, MN, a list of area hospitals with SANE nurses can be found here:

<http://mnforensicnurses.org>.

Evidence may be collected, even if you choose not to make a report to law enforcement.



In accordance with Century College Policy

- 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education
- 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution
- 1B.3.1.1 Sexual Violence Policy
- 1B.3.1.1.1 Sexual Violence Procedure

Disciplinary Action & Proceedings

Century College must resolve your complaint based on what College officials believe is more likely than not to have happened based upon an investigation (this is called a preponderance-of-the-evidence standard of proof). The appeal process is equally available for both parties.

You have the right to an adequate, reliable, and impartial investigation and adjudication. Additionally, you have the right:

- to report the incident to the College, have the College investigate what happened, and have your complaint resolved promptly and equitably.
- to present witnesses and evidence.
- to be accompanied at all hearings and meetings by an advisor of your choice.
- be notified in writing of the outcome of your complaint and any appeal, including any sanctions and the rationale for the decision made.
- to be notified of the timeframes for all major stages of the investigation
- to review any proceedings documents, which may include written findings of fact, transcripts, or audio recordings.

Remedies after the investigation and adjudication

If an investigation reveals that sexual harassment/sexual violence created a hostile environment, the College must take prompt and effective steps reasonably calculated to end the sexual harassment/sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Appropriate remedies will generally include disciplinary action against the offender, but may also include remedies to help you get your education and/or professional situation back on track (academic support, retaking a class without penalty, changing working location or conditions, and counseling). These remedies are in addition to any interim measures you received.

Century College may also determine that it's appropriate

to provide remedies for the broader student or employee population (such as training) or change its services or policies to prevent such incidents from repeating.

Retaliation

Retaliation against anyone who files a complaint or who participates in an investigation is strictly prohibited by College policy and by law. You have the right to report any retaliation by College employees, the alleged offender, and/or other students. If retaliation occurs, the College will take responsive action.

Staying Safe

Protection orders

Century College recognizes Orders of Protection and Harassment Restraining Orders. Anyone obtaining an Order of Protection from Minnesota or any other state should provide a copy to the Century College Public Safety Department and the Office of the Title IX Coordinator.

You may meet with Century College Public Safety Department staff to develop a Safety Action Plan, which is a plan for campus officials and the victim to reduce risk of harm while on campus or coming and going from campus.

Century College cannot apply for a legal order of protection, No Contact Order or Restraining Order for a victim, but if requested, we will direct you to services that can assist you. The victim is required to apply directly for these orders. Century College may issue an institutional No Contact Order if deemed appropriate. Century College will work cooperatively to ensure that the victim's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint.

Century College is a member of Minnesota State. We are an affirmative action, equal opportunity employer and educator. This document can be available in alternative formats to individuals with disabilities by calling 651.773.1745 or emailing access.center@century.edu.

Available Accommodations & Protective Measures

During the investigation and prior to the final determination, the College may take appropriate interim measures to protect the parties involved. You have the right and ability to obtain reasonable available accommodations and/or protective measures from the College regardless of whether you choose to report the crime to law enforcement.

Examples of accommodations include potential change to the academic situation that could include a transfer to a different section of a class or withdrawal and/or taking a class at another time if there is no option for moving to a different section. Possible changes to work situations may include changing working hours. Possible changes in transportation may include allowing you to park in a different location,

Examples of protective measures may include escorts from Public Safety staff or the issuance of No Contact orders by the College.

To request changes to academic, transportation, and/or working situations:

Students: Contact the Title IX Coordinator 651.747.4015.

Employees/Faculty: Contact Human Resources 651.779.5804



Confidential Reports

You have the right to maintain as confidential any accommodations or protective measures provided to you, as well as any and all individual identifying information about you that is likely to disclose your location, if you are a victim of domestic violence, dating violence, sexual assault, or stalking.

This includes your:

- Name
- Address
- Date of birth
- Identification numbers
- Contact information
- Religious affiliation
- Ethnic background

Reports made to Campus Security authorities will be shared with Public Safety staff for statistical reporting and timely warning notification evaluation. These reports will withhold all individual identifying information if you request.

Certain individually identifying information may need to be shared with departments for accommodations or protective measures. These departments will not share or use this information to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

If you wish to make a completely confidential report, you may do so to a licensed counselor in the Academic and Counseling Center. Reporting this confidentially may limit the ability for the College to provide accommodations or investigate allegations of domestic violence, dating violence, sexual assault or stalking.

You have the right to confidentiality; however, this may impair the ability of the college to investigate and adjudicate your report.

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How are these crimes defined?

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

- **Domestic Violence**
 - A felony or misdemeanor crime of violence committed by:
 - A current or former spouse or intimate partner of the victim
 - By a person with whom the victim shares a child in common
 - By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- Definition of a **Crime of Violence**: According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:
 - i. An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or,
 - ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- **Dating Violence**
 - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim
 - The existence of such a relationship shall be based on the reporting parties' statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interactions between the persons involved in the relationship
 - For the purposes of this definition
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
 - Dating violence does not include acts covered under the definition of domestic violence
 - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Stalking**
 - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - Fear for the person's safety or the safety of others; or,
 - suffer substantial emotional distress
 - For the purposes of this definition
 - **Course of Conduct** means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
 - **Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim
 - **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Rape & Statutory Rape Minnesota Statute §609.342-609.345

§609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.

Subdivision 1. Crime defined.

A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section [609.341, subdivision 11](#), paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

- (a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
 - (b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
 - (c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;
 - (d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;
 - (e) the actor causes personal injury to the complainant, and either of the following circumstances exist:
 - (i) the actor uses force or coercion to accomplish the act; or
 - (ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;
 - (f) the actor is aided or abetted by one or more accomplices within the meaning of section [609.05](#), and either of the following circumstances exists:
 - (i) an accomplice uses force or coercion to cause the complainant to submit; or
 - (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;
 - (g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the act. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or
 - (h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the act, and:
 - (i) the actor or an accomplice used force or coercion to accomplish the act;
 - (ii) the complainant suffered personal injury; or
 - (iii) the sexual abuse involved multiple acts committed over an extended period of time.
- Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

§609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.

Subdivision 1. Crime defined.

A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

- (a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;
- (b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;
- (d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

- (e) the actor causes personal injury to the complainant, and either of the following circumstances exist:
 - (i) the actor uses force or coercion to accomplish the sexual contact; or
 - (ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;
 - (f) the actor is aided or abetted by one or more accomplices within the meaning of section [609.05](#), and either of the following circumstances exists:
 - (i) an accomplice uses force or coercion to cause the complainant to submit; or
 - (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;
 - (g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or
 - (h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:
 - (i) the actor or an accomplice used force or coercion to accomplish the contact;
 - (ii) the complainant suffered personal injury; or
 - (iii) the sexual abuse involved multiple acts committed over an extended period of time.
- Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

§609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE

Subdivision 1. Crime defined.

A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

- (a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;
 - (b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;
 - (c) the actor uses force or coercion to accomplish the penetration;
 - (d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;
 - (e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
 - (f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
 - (g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:
 - (i) the actor or an accomplice used force or coercion to accomplish the penetration;
 - (ii) the complainant suffered personal injury; or
 - (iii) the sexual abuse involved multiple acts committed over an extended period of time.
- Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:
 - (i) during the psychotherapy session; or
 - (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.
- Consent by the complainant is not a defense;

- (i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;
- (j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;
- (k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;
- (1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:
 - (i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or
 - (ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;
- (m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;
- (n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense;
- (o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant; or
- (p) the actor is a peace officer, as defined in section [626.84](#), and the officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the officer's presence. Consent by the complainant is not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

§609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.

Subdivision 1. Crime defined.

A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

- (a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;
- (b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a current or recent position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;
- (c) the actor uses force or coercion to accomplish the sexual contact;
- (d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;
- (e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

- (i) the actor or an accomplice used force or coercion to accomplish the contact;
 - (ii) the complainant suffered personal injury; or
 - (iii) the sexual abuse involved multiple acts committed over an extended period of time.
- Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;
- (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:
 - (i) during the psychotherapy session; or
 - (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;
 - (i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;
 - (j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;
 - (k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;
 - (1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:
 - (i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or
 - (ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;
 - (m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;
 - (n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense;
 - (o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant; or
 - (p) the actor is a peace officer, as defined in section [626.84](#), and the officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the officer's presence. Consent by the complainant is not a defense.

Fondling 609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.

Subdivision 1. Crime defined.

A person is guilty of criminal sexual conduct in the fifth degree:

- (1) if the person engages in nonconsensual sexual contact; or
- (2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section [609.341, subdivision 11](#), paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

"Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.

Incest Minnesota Statute §609.365

Whoever has sexual intercourse with another nearer of kin to the actor than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship, is guilty of incest and may be sentenced to imprisonment for not more than ten years.

Domestic Violence Minnesota Statute §609.2242

Whoever does any of the following against a family or household member as defined in section [518B.01, subdivision 2](#), commits an assault and is guilty of a misdemeanor:

- (1) commits an act with intent to cause fear in another of immediate bodily harm or death; or
- (2) intentionally inflicts or attempts to inflict bodily harm upon another.

§518b.01 Family Member Definition

As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means the following, if committed against a family or household member by a family or household member:

- (1) physical harm, bodily injury, or assault;
- (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or
- (3) terroristic threats, within the meaning of section [609.713, subdivision 1](#); criminal sexual conduct, within the meaning of section [609.342](#), [609.343](#), [609.344](#), [609.345](#), or [609.3451](#); or interference with an emergency call within the meaning of section [609.78, subdivision 2](#).

(b) "Family or household members" means:

- (1) spouses and former spouses;
- (2) parents and children;
- (3) persons related by blood;
- (4) persons who are presently residing together or who have resided together in the past;
- (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
- (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- (7) persons involved in a significant romantic or sexual relationship.

Dating Violence:

The State of Minnesota does not have a definition of Dating Violence

Stalking Minnesota Statute §609.749 Subd.5

(a) A person who engages in stalking with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim

(b) For purposes of this subdivision, "stalking" means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribe, or United States territories

State of Minnesota Definition of Consent §609.341 Subd. 4

(a) "Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(b) A person who is mentally incapacitated or physically helpless as defined by this section cannot consent to a sexual act.

Century College Definition of Consent

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.

Special Considerations for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Assistance for Victims - Rights and Options

Regardless of location all students, employees, or guests of the college who report that they are a victim of sexual violence to an institutional authority will be provided written notification of their rights to include the following which are detailed in the next sections:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order
- How and to whom the alleged offense should be reported
- Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:
 - Notify proper law enforcement authorities
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses
 - Decline to notify such authorities
 - Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution
- Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will:
 - Complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim
 - Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community
- Information about options for, available assistance in, and how to request changes to:

- Academic Situations
- Living Situations
- Transportation Situations
- Working Situations
- Protective Measures
- An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, including

MN Statute §135A.15 Subd. 2-3. Victims' rights

The policy required under subdivision 1 shall, at a minimum, require that students and employees be informed of the policy, and shall include provisions for:

- (1) filing criminal charges with local law enforcement officials in sexual assault cases;
- (2) the prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of a sexual assault incident;
- (3) allowing sexual assault victims to decide whether to report a case to law enforcement;
- (4) requiring campus authorities to treat sexual assault victims with dignity;
- (5) requiring campus authorities to offer sexual assault victims fair and respectful health care, counseling services, or referrals to such services;
- (6) preventing campus authorities from suggesting to a victim of sexual assault that the victim is at fault for the crimes or violations that occurred;
- (7) preventing campus authorities from suggesting to a victim of sexual assault that the victim should have acted in a different manner to avoid such a crime;
- (8) subject to subdivision 10, protecting the privacy of sexual assault victims by only disclosing data collected under this section to the victim, persons whose work assignments reasonably require access, and, at a sexual assault victim's request, police conducting a criminal investigation;
- (9) an investigation and resolution of a sexual assault complaint by campus disciplinary authorities;
- (10) a sexual assault victim's participation in and the presence of the victim's attorney or other support person who is not a fact witness to the sexual assault at any meeting with campus officials concerning the victim's sexual assault complaint or campus disciplinary proceeding concerning a sexual assault complaint;
- (11) ensuring that a sexual assault victim may decide when to repeat a description of the incident of sexual assault;
- (12) notice to a sexual assault victim of the availability of a campus or local program providing sexual assault advocacy services and information on free legal resources and services;
- (13) notice to a sexual assault victim of the outcome of any campus disciplinary proceeding concerning a sexual assault complaint, consistent with laws relating to data practices;
- (14) the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a sexual assault incident;
- (15) the assistance of campus authorities in preserving for a sexual assault complainant or victim materials relevant to a campus disciplinary proceeding;
- (16) during and after the process of investigating a complaint and conducting a campus disciplinary procedure, the assistance of campus personnel, in cooperation with the appropriate law enforcement authorities, at a sexual assault

victim's request, in shielding the victim from unwanted contact with the alleged assailant, including transfer of the victim to alternative classes or to alternative college-owned housing, if alternative classes or housing are available and feasible;

(17) forbidding retaliation, and establishing a process for investigating complaints of retaliation, against sexual assault victims by campus authorities, the accused, organizations affiliated with the accused, other students, and other employees;

(18) at the request of the victim, providing students who reported sexual assaults to the institution and subsequently choose to transfer to another postsecondary institution with information about resources for victims of sexual assault at the institution to which the victim is transferring; and

(19) consistent with laws governing access to student records, providing a student who reported an incident of sexual assault with access to the student's description of the incident as it was reported to the institution, including if that student transfers to another postsecondary institution.

Subd. 3. Uniform amnesty.

The sexual harassment and violence policy required by subdivision 1 must include a provision that a witness or victim of an incident of sexual assault who reports the incident in good faith shall not be sanctioned by the institution for admitting in the report to a violation of the institution's student conduct policy on the personal use of drugs or alcohol.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at St John's Hospital in Maplewood, MN. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. If you are not near Maplewood, MN a list of area hospitals with SANE nurses can be found here: <http://mnforensicnurses.org> Evidence may be collected, even if you choose not to make a report to law enforcement.

- Minnesota, state statute mandates that the county where the sexual assault occurred pay for the sexual assault evidence collection kit to be completed. This ensures that if a victim does not have insurance, you are still able to get those services without having to pay a medical bill. Most hospitals will store the sexual assault evidence kit for at least a month for victims that are unsure if they want to make a report, that way if the victim decides to report at a later date that evidence may still be at the hospital for law enforcement.
- Crime victims who report their crimes to law enforcement in MN are also eligible for emergency funds through the state called Crime Victim Reparations Funds. Reparations funds can be used to pay for mental health, medical, and dental costs associated with the crime for which a victim's insurance will not cover.
- It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.
- Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping/taking pictures including photos of bruises, injuries or property damage, logs, or other copies of documents, if they have any, that would be useful to college adjudicators/investigators or local law enforcement.

Involvement of Law Enforcement and Campus Authorities

Although the College strongly encourages all members of its community to report violations of this policy to Public Safety and local law enforcement, it is a victim's choice whether to report to law enforcement or not, the only time that

law enforcement would be called automatically are in cases that involve mandated reports, or the victim is not able to make the request on their own. Mandated reports are when minors under 18 or vulnerable adults are abused by someone in a position of authority over them or by someone who has a significant relationship to them such as a close family relative.

The Department of Public Safety will assist any victim with notifying law enforcement if the victim so desires.

- Call Public Safety at 651-747-4000
- White Bear Lake Police Department, phone number 651-429-8511 (West Campus)
- Washington County Sheriff’s Office, phone number 651-439-9381 (East Campus)
- 911 during off hours, outside of campus boundaries, or in emergency situations

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator by calling (651-779-3315) or coming into the office (West campus 1487) to report in person or online at <https://www.century.edu/campus-life/student-conduct-behavior/title-ix-sexual-offenses>

Reports of all domestic violence, dating violence, sexual assault, and stalking made to Public Safety will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to Public Safety.

Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking is Reported

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus; as well as additional remedies to prevent contact between a reporting party and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available and are not punitive to the parties. The College will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow.

Incident Being Reported	Procedures Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care 2. Institution will assess immediate safety needs of victim 3. Institution will assist victim with contacting local police if reporting party requests AND provide the victim with contact information for local police department 4. Institution will provide victim with referrals to on- and off-campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate. 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No Contact” directive to both parties if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution 10. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation

Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if reporting party requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No Contact" directive to both parties if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide the victim with a written explanation of the victim's rights and options

Confidentiality

You have the right to maintain as confidential any accommodations or protective measures provided to you, as well as any and all individual identifying information about you that is likely to disclose your location, if you are a victim of domestic violence, dating violence, sexual assault, or stalking. The Public Safety Department will complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim.

- Individually identifying information includes your:
 - Name
 - Address
 - Date of birth
 - Identification numbers
 - Contact information
 - Religious affiliation
 - Ethnic background
- Reports made to Campus Security authorities will be shared with Public Safety staff for statistical reporting and timely warning notification evaluation as well as the Title IX coordinator. These reports will withhold all individual identifying information if you request.
- Certain individually identifying information may need to be shared with departments for accommodations or protective measures. These departments will not share or use this information to the extent that maintaining

such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

- If you wish to make a completely confidential report, you may do so to a licensed counselor in the Academic and Counseling Center. Reporting this confidentially may limit the ability for the College to provide accommodations or investigate allegations of domestic violence, dating violence, sexual assault or stalking.

Facilitated Anonymous Reporting through the Counseling Center

Licensed Counselors assigned to the Counseling are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the College encourages counselors to inform students that they can report incidents of crime to the Department of Public Safety, which can be done directly or anonymously. Students may request the Counseling Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the College's Annual Security Report. The College does not provide confidential reporting outside of these entities. The amount of detail provided may enable the College to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or reporting party.

Anonymous Report for Sexual Misconduct, Dating/Relationship Violence, Stalking

A student who has experienced sexual misconduct, who has received a report from someone who has experienced sexual misconduct, or anyone who witnessed sexual misconduct may make anonymous reports at: www.century.edu/titleix.

Employee Assistance Program

Century College also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to assist employees with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All employees, regardless of performance, are eligible. The contact information for the EAP is Life Matters: 651-259-3840.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any Official On- Campus Resources unless the employee specifically gives them permission to do so.

Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

Century College complies with Minnesota law in recognizing Orders of Protection and Harassment Restraining Orders. Any person who obtains an order of protection from Minnesota or any reciprocal state (Under VAWA’s full faith and credit provision, every state must recognize and enforce protection orders issued in other states, as if issued in the enforcing state) should provide a copy to Century College Department of Public Safety and the Office of the Title IX Coordinator. A reporting party may then meet with Century College Department of Public Safety to develop a Safety Action Plan, which is a plan for campus officials and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.

Century College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim has the right to apply for these services but is required to apply directly for these services. Protection from abuse orders may be available through the local county court at no cost. The Public Safety Department will assist the victim in connecting to Off Campus resources that are available for obtaining these services if requested. Century College may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim’s cooperation and consent, Century College offices will work cooperatively to ensure that the reporting party's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint.

Type of Order	Who Can File for One	Where to go for assistance	Criteria for Order
Order for Protection (OFP) Domestic Abuse	<ul style="list-style-type: none"> • Spouses • Former Spouses • Parents and Children • Persons related by blood • Persons who live together or who have lived together in the past • Persons who have a child in common, even if they have not been married or lived together • Persons who have an unborn child in common • Persons involved in a significant romantic or sexual relationship 	<p>Visit the <i>Washington or Ramsey County Courthouse</i>, or your local county courthouse. District Court staff will help you complete the paperwork (Affidavit and Petition) needed to ask for a temporary "ex parte" Order for Protection. You are called the "Petitioner" and the person you are filing against is called the "Respondent."</p>	<ul style="list-style-type: none"> • physical harm, bodily injury, or assault; • the infliction of fear of imminent physical harm, bodily injury, or assault; or • terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.
Harassment Restraining Order (HRO)	Anybody who does not fall under the criteria for the Order for Protection.	<p>To file a Harassment Restraining Order, you must first fill out a Court Administration form titled "Petitioner's Affidavit and Petition for Harassment Restraining Order." You may pick up a copy of this form from the <i>Washington or Ramsey County Service Center</i> or download it from the Minnesota Court System’s web site. Provide as many details as possible on the form and return it to Court Administration.</p>	<p>A single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.</p>

*Criteria for Order reflects Minnesota Statutes

On and off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Century College will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on- scene, including Public Safety Staff, will offer the victim a wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Century College

On Campus	Employee	Student
Counseling/Mental Health	Not available on Campus	Century College Advising and Counseling Center W2410 Phone: 651-779-325 *Confidential Resource Available (Can make recommendations for local confidential counseling and psychiatric services in the local area)
Health Service	Not available on Campus	Century College Student Health Clinic E2232 Phone: 651-779-3984
Title IX Director	Dean of Student Affairs W1487 Phone: 651-779-3315	Dean of Student Affairs W1487 Phone: 651-779-3315
Deputy Title IX Coordinator – Student Respondent	Director of Student Life W1211 Phone: 651-747-4015	Director of Student Life W1211 Phone: 651-747-4015
Deputy Title IX Coordinator – Employee Respondent	Campus Diversity Officer E2512 Phone: 651-779-5786	Campus Diversity Officer E2512 Phone: 651-779-5786
Employee Misconduct	Human Resources E1631 Phone: 651-779-5757	Human Resources E1631 Phone: 651-779-5757
Visa & Immigration Assistance	Not available on campus	Not Available on Campus
Student Financial Aid	Not available on campus	Financial Aid & Scholarships Office W2201 Phone: 651-779-3305
LGBTQ Advocacy & Education	Not available on campus	LGBTQ Student Center W1216
Department of Public Safety	www.century.edu/public-safety 651-747-4000	www.century.edu/public-safety 651-747-4000
Provost	Not available on Campus	W1483 Phone 651-779-3288
Sexual Misconduct Site	www.century.edu/titleix	www.century.edu/titleix
Facilitated Anonymous Reporting	Not available on Campus	A student can go to the Counseling Center on campus. The amount of detail provided in an anonymous report will determine the College’s ability to investigate or respond.

Off Campus	Employee	Student
General Assistance for Sexual Violence Victims	Cornerstone Day One Phone: 866-223-1111 SOS Sexual Violence Services Phone: 651-266-1000 Canvas Health 651-777-1117	Cornerstone Day One Phone: 866-223-1111 SOS Sexual Violence Services Phone: 651-266-1000 Canvas Health 651-777-1117
Counseling	SOS Sexual Violence Services Crisis Counseling Phone: 651-266-1000	SOS Sexual Violence Services Crisis Counseling Phone: 651-266-1000
Mental Health	Minnesota Department of Human Services – Crisis Services Call **274747 from a cell phone Text “MN” to 741741	Minnesota Department of Human Services – Crisis Services Call **274747 from a cell phone Text “MN” to 741741
Health Service	St John’s Hospital 1575 Beam Ave Maplewood, MN 55109 651-232-7000	St John’s Hospital 1575 Beam Ave Maplewood, MN 55109 651-232-7000
Legal Assistance	Mid-Minnesota Legal Aid Phone: 612-332-1441	Mid-Minnesota Legal Aid Phone: 612-332-1441
Visa & Immigration Assistance	Immigrant Law Center of Minnesota 651-641-1011	Immigrant Law Center of Minnesota 651-641-1011
LGBTQ Advocacy & Education	OutFront Minnesota Phone 1800-800-0350	OutFront Minnesota Phone 1800-800-0350
Washington County Sheriff	Non-Emergency Phone: 651-439-9381	Non-Emergency Phone: 651-439-9381
White Bear Lake Police	Non-Emergency Phone: 651-429-8511	Non-Emergency Phone: 651-429-8511

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

Accommodations and Protective Measures Available for Victims Parties

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Century College will provide written notification to students and employees about non-punitive accommodations available to them, including academic, living, transportation, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the party’s request, and to the extent of their cooperation and consent, College offices will work cooperatively to assist the parties in obtaining accommodations. If reasonably available and non-punitive, a party may be offered changes to academic, working or transportation situations regardless of whether the parties choose to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student

or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of a full, partial, or modified trespass / no contact order may also be appropriate. While the college does not have on campus living facilities, the college can help you connect with off campus resources for changes to your living situations. Short term grants maybe available for students in emergency situations.

To request changes to academic, transportation, and/or working situations, or protective measures, a party should:

Students: Contact the Title IX Coordinator. 651.779.3315 or 651.747.4015

Employees/Faculty: Contact the Office of Human Resources. 651.779.5804 or 651.779.5786

To receive assistance in requesting these accommodations, you should contact the Title IX Coordinator and/or the Department of Public Safety.

Personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the reporting party (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). Further, Century College will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Explanation of the Disciplinary Process

Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The College's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The complainant and the respondent will have timely notice for meetings at which the complainant or respondent, or both, may be present;
2. The complainant, the respondent, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent;
4. The complainant and the respondent will have the same opportunities to have others present during any institutional disciplinary proceeding. The complainant and the respondent each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The College will not limit the choice of advisor or presence for either the complainant or the respondent in any meeting or institutional disciplinary proceeding. An Advisor is someone who acts as an advisor to the Complainant or Respondent involved in an investigation or disciplinary proceeding under the College's policies. The Advisor is permitted to be a part of any meetings their student may have. College employees who provide confidential support services (Licensed Counseling Center Staff) or have an actual or perceived conflict of interest (the Title IX Coordinator, deputy Title IX Coordinators, Department of Public Safety, and the Dean of Students, for example) may not serve as Advisors. A student or employee should select as an advisor a person whose schedule allows attendance at the scheduled date and time for any meetings, because delays will not normally be allowed due to the scheduling conflicts of an advisor.
5. The Advisor may not speak aloud during meetings involving the student and an investigator/adjudicator but may confer quietly or by means of written notes with their advisee. The Title IX Coordinator keeps a list of trained Advisors. Although the Parties are not required to select a trained Advisor, because knowledge of the disciplinary process is important to the Advisor's role, it is highly recommended that they do so. The Complainant and Respondent are not obligated to accept the counsel of an Advisor.
6. The complainant and the respondent will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding; and,
7. Where an appeal or grievance is permitted under the applicable policy, the complainant and the respondent will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal or grievance is filed, the complainant and the respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

Jurisdictional Considerations

Although Century College cannot exercise jurisdiction over sexual violence crimes that occur off campus that do not involve an affiliated victim or respondent, or that occur on campus but do not involve a student or employee. The Public Safety Department will assist any outside individual with the following:

- Helping the victim understand importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order
- How and to whom the alleged offense should be reported
- Options about the involvement of law enforcement and of the victim's option to:
 - Notify proper law enforcement authorities

- List of All MN Law Enforcement Agencies and Contact Information is available at: <https://dps.mn.gov/entity/post/Documents/Agency%20Listing%202021.pdf>
 - Be assisted by the Public Safety Department in notifying law enforcement authorities if the victim so chooses
 - Decline to notify such authorities if the victim so chooses
- Information about how the institution will protect the confidentiality of victims and other necessary parties for crimes that occur on campus:
 - Complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim
- Assist with obtaining Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims in the community

If the Victim Does Not Wish to Pursue Resolution

All reported cases of sexual misconduct will be referred to the Title IX Coordinator for a preliminary assessment. In cases where the Victim does not wish to become a Complainant, the College has 2 (two) options:

1. The College may attempt to resolve the complaint in a manner consistent with the Victim's request. This may include holding the report for action at a later date or adjudicating the case through the student conduct system (see Informal Resolution of a Complaint of Sexual Misconduct).
2. The College may pursue judicial actions against the Respondent named in the investigation. Under these circumstances, the College would take into consideration the nature of the assault, the safety of the Victim and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct. Whether or not criminal charges are filed, the College or a person may file a complaint under the sexual misconduct and grievance procedures outlined in the following section, depending upon the status of the accused (student or employee).

Student Group Behavior

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the College community may bring allegations against a student group/organization for violation of the Sexual Misconduct Policy. The College will conduct a preliminary investigation into an incident.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Title IX Coordinator or the Director of Student Life may confer with the student group/organization's advisor(s), and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the College is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations.

Statement on Privacy

The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking (to the fullest extent of the law). Additionally, the College will take all reasonable steps to investigate and respond to the complaint consistent with any request for privacy or request not to pursue an investigation. However, its ability to do so may be limited based on the nature of the request by the Complainant. If the Victim requests anonymity or that the College not pursue an investigation, the College must balance this request in the context of its responsibility to provide a safe environment for all College community members. In cases where the College cannot respect the wishes of the Victim, the College will consult with the Victim and keep them informed about the College's course of action.

If the report of misconduct discloses an immediate threat to the College campus community, where timely notice must be given to protect the health or safety of the community, the College will maintain the privacy of the Victim or Respondent's identities, understanding that in a small community a Campus Safety Alert may make members of the community feel known or singled out.

The College will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the College will inform the Respondent that Title IX prohibits retaliation, and the College will take strong responsive action to protect the Complainant.

The College has designated individuals to evaluate requests for privacy once the College is aware of alleged sexual violence. That process is coordinated by the Title IX Coordinator.

Sexual Misconduct Student and Employee Grievance Process (includes cases of Sexual Assault, Dating Violence, Domestic Violence, and Stalking)

For the purpose of addressing formal complaints of sexual misconduct or conduct that constitute sexual harassment as defined by the Department of Education for Title IX, that allege that sexual misconduct occurred within the College's educational program or activity within the United States or they involve a report of sexual violence committed by system employee or student the following 1B.3 Sexual Violence Policy grievance process will be used. Note that in addition to the 1B.3 Sexual Violence Policy, the Student code of Conduct allows for college disciplinary actions for criminal violations outside of campus or campus related activities. Additionally, note that this grievance process is applied equally to both parties, and as such the College will provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent, and by following the grievance process that complies with the process outlined below before any disciplinary sanctions or other actions that are not supportive measures are made against the Respondent.

Both parties will have the opportunity to review all relevant evidence that is collected during the investigation, both inculpatory and exculpatory, and not have any credibility determinations made based on a parties' status as Complainant, Respondent, or witness. As with the sexual misconduct formal administrative process, the Respondent is not found responsible for a violation of any policy until the decision-maker(s) makes the determination for responsible or not responsible for a violation of policy.

The College does strive for reasonably prompt time frames for the grievance process to conclude, and both parties are notified of the time frames allotted to them throughout the process. Should there be a request for a temporary delay in the grievance process or the limited extension of time frames, written notice will be provided to the Complainant and the Respondent the reason for the delay. Requests for a delay will be considered for good cause considerations, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Requests for delays need to be sent to the Title IX Coordinator in writing via email stating the reason for the request and the amount of time that is being requested.

When the decision-maker(s), after all applicable processes, finds a Respondent responsible, the decision-maker(s) will assign appropriate sanctions (as described in "Sanctions" elsewhere in this Annual Report). The decision-maker(s) uses the preponderance of the evidence standard when determining if the Respondent is responsible or not responsible for a violation of policy. **Preponderance of the evidence means the adjudicator(s) finds it is more likely than not the respondent is responsible or not responsible for a violation of this policy based on the information presented to the adjudicator.**

At the conclusion of the hearing process both parties will have the ability to appeal the outcome provided by the decision-maker(s), for the following reasons:

- Procedural irregularity that affected the outcome of the matter,
- New evidence that was not readily available at the time the determination regarding responsibility or dismissal was made, that could have affected the outcome of the matter; and

- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter

Dismissal of a Formal Complaint of Sexual Misconduct

If the conduct alleged in a formal complaint would not constitute sexual harassment as defined by the Department of Education for Title IX, or did not occur with the College's educational program or activity, or did not occur against a person in the United States, or involve a report of sexual violence committed by system employee or student, then the College must dismiss the formal complaint with regard to that conduct for purposes of sexual violence under this policy. When the dismissal of a formal complaint occurs, the Complainant may still be able to move forward with a formal process under the Student Code of Conduct, found online at:

<https://www.century.edu/sites/default/files/3.6%20Student%20Conduct%20Policy.pdf>; or in the Employee Code of Conduct, found online at: <https://www.minnstate.edu/board/procedure/1c0p1.html>.

Formal complaints may also be dismissed during the investigation or hearing process for the following reasons;

- the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- the Respondent is no longer enrolled or employed by the College; or
- specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Should there be a dismissal of a formal complaint the College will promptly send written notice of the dismissal and reason of the dismissal to both parties. Both parties will have the right to appeal if the College dismisses the formal complaint prior to a hearing.

Consolidation of a Formal Complaint of Sexual Misconduct

The College may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, such as with an organization or team, or by more than one Complainant against one or more Respondents, or where the allegations of sexual harassment arise out of the same fact pattern or circumstances.

Investigation of a Formal Complaint of Sexual Misconduct

In the formal grievance process for possible violations of sexual misconduct, both parties will have the opportunity to meet with the investigator, provide any witnesses, including expert witnesses, and share any evidence they wish to provide to the investigator. The parties can provide to the investigator sensitive personal information, such as medical records, only if they provide voluntary written consent with the documents.

Each party is able to have an advisor of their choice at any related meeting or proceeding related to the investigation and the formal grievance process. See the definition of advisor for additional information on the role of the advisor. If a party does not have an advisor, one would be appointed at no cost to the individual.

Both parties will be provided the opportunity to review and inspect all evidence that was obtained as part of the investigation. Both parties and their advisors will be provided with copies of the draft investigative report and all evidence that has been collected, for review and inspection, where they will have 10 (ten) business days to review, inspect, and provide a response that will be included in the final investigative report. Once the investigative report is completed, the parties and their advisor will again receive the investigative report, at least 10 business days prior to any hearing that may occur, for their review and written response.

Live Hearings for a Formal Complaint of Sexual Misconduct

Formal hearings for sexual misconduct complaints will be conducted by the Office of Administrative Hearings pursuant to the rules for administrative hearings. If either the complainant or respondent does not have an advisor for the formal hearing, the college must provide an advisor without fee or charge to the complainant or respondent. At the conclusion of the formal hearing, the administrative law judge will issue a written recommendation for a final decision made by the

college decision-maker. The administrative law judge will ask relevant questions of both parties and will allow for each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.

At the request of either party, the College must provide for the live hearing to occur with the parties in separate rooms with technology allowing for the parties and the decision-maker(s) to all see and hear the party or witness answering questions. The College can also make the determination to have a virtual hearing without the request from either party. Only questions that are relevant may be asked, and the administrative law judge will first determine if the question is relevant before a party answers the question. If the administrative law judge excludes a question, they will provide an explanation of why the question is being excluded. If a party does not have an advisor at the time of the hearing, then the College will provide an advisor to that party for the purpose of asking cross-examination questions to the other party. A party is not permitted to question the other party directly at the live hearing. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are provided to prove that someone other than the Respondent committed the alleged conduct, or if the questions and evidence regarding the prior sexual behavior with respect to the Respondent are offered to prove consent.

Any live hearing will be recorded in an audio or audiovisual recording, or transcript, and the recordings will be made available to the parties for inspection and review.

Determination Regarding Responsibility a Formal Complaint of Sexual Misconduct

The decision-maker(s) must issue a written determination regarding responsibility at the conclusion of the live hearing. This notification must be provided to both parties simultaneously, and the determination regarding responsibilities becomes final either at the time the parties are provided a written determination of the result of an appeal, if an appeal is filed, or the date that the appeal window closes if an appeal is not filed.

The written determination must include:

- Identification of the allegations potentially constituting sexual violence or sexual harassment as defined by the Department of Education under Title IX
- The procedural steps taken from the initial formal complaint through the determination, including notifications to parties, when interviews took place, site visits, methods used to gather evidence, and hearings held
- Finding of fact supporting the determination
- Conclusion regarding the application of the College's Policies to the facts
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's educational program or activity will be provided by the College to the Complainant; and
- The procedures and permissible bases for an appeal afforded to both parties

Appeals of a Formal Complaint of Sexual Misconduct

The College will offer to both parties the opportunity to appeal a determination regarding responsibility and if there is a dismissal of a formal complaint or any allegations, on the following bases:

- Procedural irregularity that affected the outcome of the matter,
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could have affected the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have ten (10) business days to submit a written explanation of their appeal to the Title IX Coordinator. When an appeal is received the Title IX Coordinator will notify both parties that an appeal was received and provide

notice of the appeal procedures. The appeal will be heard by the college president or designee. Both parties will have the opportunity to submit a written statement in support of, or challenging the outcome, that will be considered by the college president for the appeals process. Both parties will be provided a written decision simultaneously that described the result of the appeal and the rationale for the result.

Informal Resolution of a Complaint of Sexual Misconduct

A Complainant who has signed a formal complaint can request for an informal resolution process which both parties must voluntarily agree to before the College facilitates an informal resolution. A formal complaint needs to be signed for a formal grievance process or for informal resolution. The College also reserves the option to offer informal resolution to both parties in certain circumstances. The informal resolution process is voluntary and both parties must provide their written consent to participate in the process. Informal resolution will not be allowed in reported incidents where an employee sexually harassed a student as defined by Title IX.

The informal resolution does not involve a full investigation and adjudication provided that the College still provides the parties with written notice that discloses the allegations, the requirements of the informal resolution process, and that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal grievance process with respect to the formal complaint, and any consequence resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Outcomes of Informal Resolution

The informal resolution process may include, but is not limited to, the following outcomes:

- Facilitated agreement between the Complainant and the Respondent
- Formal restorative conference
- Informal restorative conference
- Counseling sessions
- Alcohol education
- Extension of No Contact Order
- Completion of education plan

Records

All resolution proceedings, whether informal or formal, are conducted in compliance with the requirements of FERPA and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

Other than College expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record:

1. Disciplinary records are maintained by Student Conduct Office.
 - a. Within 45 days of graduation, all hard copies of student disciplinary records shall be destroyed for students involved in disciplinary matters resulting in sanctions other than College suspension or College expulsion. Personal identifiers are removed from electronic disciplinary records. However, the College maintains numeric identifiers which are discoverable if the College receives a subpoena or search warrant. Disciplinary records of students involved in a pending College disciplinary proceeding, criminal matter, or civil matter related to a Clery Act-specific crime (Rape, Fondling, Statutory Rape, Incest, Stalking, Domestic Violence or Dating Violence) requiring retention of the record may be retained for seven years from the date of the initial report to the College.
 - b. All records from the Title IX Grievance Process will be retained for seven years from the date of the initial report to the College. This includes each sexual harassment investigation, any audio or audio-visual recording of the live hearing, records of any sanctions imposed on the Respondent, and any remedies provided to the Complainant. Additionally, all records from the appeal process, if either party submitted an appeal, and any documents from any informal resolution process under the Title IX Grievance Process will be retained.
 - c. Disciplinary records of students who have been suspended will be retained for at least seven years after graduation or withdrawal. "Suspension" will be noted on the transcript for the duration of the suspension.
 - d. Disciplinary records of students who have been expelled will be retained indefinitely in addition to a permanent notation on the student's transcript.
 - e. Disciplinary records of students who have withdrawn from the College and have not been suspended, expelled, involved in a pending criminal matter, or those found responsible for a violation of the Sexual Violence and Title IX Sexual Harassment policy, specifically, sexual assault, domestic violence, dating violence, stalking, and sexual harassment will be retained for at least seven years after the date of the incident.
2. Information and disciplinary records are generally not released to third parties without the student's permission. There are two main areas of exception:
 - a. The College may release information to parents without student consent when deemed appropriate and is not otherwise prohibited by FERPA or other applicable laws. The College's complete FERPA policy may be on the College's website here: <https://www.century.edu/students/data-privacy>.
 - b. Information and/or records may be produced in response to a subpoena, warrant, or court order.
3. In situations involving both a Respondent(s) and a student Complainant who is the victim or target of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the records of the Respondent and Complainant students.
4. For cases involving a report, complaint, investigation, or informal conduct resolution, or formal conduct resolution under the purview of the Sexual Violence and Title IX Sexual Harassment Policy, specifically for students found responsible for sexual assault, domestic violence, dating violence, stalking, and sexual harassment, the Dean of Students Office will retain a record of the report, complaint, investigation, informal, and/or formal conduct resolution for a period of no less than seven years after graduation or withdrawal. Personal identifiers will be removed from all records in accordance with the disciplinary records retention policy. These cases are discoverable by search warrant, subpoena, or federal audit.
5. Affirmative findings of responsibility in matters resolved through formal conduct resolution are part of a student's conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record until graduation.

6. Students seeking transfer to other schools or participation in off-campus study programs may also be requested or required to release their disciplinary records. Graduate schools, medical schools, law schools, and some governmental agencies may also request disclosure of student disciplinary records.
7. Regarding students who withdraw from Century College with outstanding charges of a violation of the Sexual Violence and Title IX Sexual Harassment Policy: Upon receiving the appropriate release of information form signed by the student or former student, institutions and agencies (e.g., Common Application) inquiring as to a student's conduct record and/or eligibility to return or re-enroll at Century College may be provided with information regarding the outstanding charges.

College-initiated Range of Protective Measures

In addition to those protective measures previously described, the Title IX Coordinator, Human Resources, or designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to:

- College order of No Contact;
- Safety escort;
- Academic, employment, living or transportation arrangements;
- Leave of absence;
- Reassignment to a different supervisor or position;
- Emotional support; and/or
- Emergency removal - to provide for the safety of any person or the broader campus community, or for any other lawful purpose, the College may remove a Respondent from a Century College education program or activity on an emergency basis. The College will undertake an individualized safety and risk analysis to determine whether an immediate threat to the physical health or safety of any community member or other individual arising from the allegation of sexual misconduct justifies the removal. The College will provide the Respondent with notice and an opportunity to challenge the decision immediately following the decision.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined the Title IX Coordinator or Director of Human Resources.

Sanctions for a Formal Complaint of Sexual Misconduct

Below is a list of all sanctions that may be assigned by a, Student Conduct Administrator, Student Rights and Responsibilities Board, Adjudicator, Appeals Officers, Provost, Dean of Students Affairs or Director Human Resources. This group will be referred to here after as Conduct Administrator. If a party is found responsible for a violation of policy, the following sanctions may be imposed upon any party found to have violated the Student Code Conduct the Employee Code Conduct, or The Sexual Violence and Title IX Sexual Harassment Policy. Additionally, the sanctions below can be assigned when there is a finding of responsible, by the decision-maker(s), for violations of policy under the Sexual Violence and Title IX Sexual Harassment Policy.

When determining the appropriate sanctions, the conduct administrator may take into account any previous violations or sanctions imposed in a prior conduct proceeding. The conduct administrator may issue one or a combination of the following or similar types of sanctions:

- A. **College Expulsion** – permanent separation of the student from the College. A letter will be sent to parents or guardian notifying them of this sanction. Records will be permanently maintained by the College, and the transcript will note the expulsion.
- B. **College Suspension** – separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended forfeit all fees that have been paid to the College; and are ineligible to visit the campus unless permission is granted by the conduct administrator. In addition, a "suspension" notation is placed on their college transcript until the term of suspension has expired. Students must seek readmission as outlined in College policy.

- C. **Revocation of Admission** – Applicants and admitted students are expected to abide by the same code of conduct as Century College students and are covered by the same Code of Conduct. Century College reserves the right to revoke admission to admitted or deposited students for fraud, misrepresentation, violation of college standards, or for other serious violations committed by a student prior to enrolling at Century College.
- D. **Withholding and/or Revocation of Degree** – Century College reserves the right to withhold or revoke a degree awarded from the College for sexual assault and other violations of sexual misconduct.
- E. **Withholding Diploma** – the College may withhold a student’s diploma for a specified period of time. The student may also be denied participation in commencement exercises while charges are pending or as a sanction. In addition, the College may withhold a student’s transcript if the student has judicial charges pending or the student was found responsible for violating Policy.
- F. **Conduct Probation** – a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions, such as suspension or expulsion, if the student is found to violate any institutional regulation(s) during the probationary period.
- G. **Loss of Privileges** – denial of specified privileges for a designated period of time. This includes, but is not limited to, loss of position in club or organization, suspension from athletic team or performing group, loss of privileges to use specified facilities, or prohibition from participation in co-curricular activities
- H. **Restitution** – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- I. **Discretionary Sanctions** – work assignments, essays, behavioral contracts, alcohol and drug assessment or substance use advising, service to the College, community service, or other related discretionary assignments.
- J. **No contact directive** – the College may impose a "no contact" directive in cases where an agreement cannot be reached or is not applicable. Generally, "no contact" is defined as having no direct or indirect contact at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A "no contact" directive may include additional restrictions and terms. Students found responsible for violation of the no contact may face sanctions that result in immediate removal from campus, suspension, or expulsion.
- K. **Educational Activity** – the student is required to complete a project or activity designed to help the student understand why the behavior was inappropriate. The educational activity is designed to correspond to the severity and nature of the violation and to clarify the impact of that behavior on members of the College Community. Educational activities may include, but are not limited to, assessments of behaviors, community service, workshops, papers and similar assignments.

Student Group or Organization Sanctions may also include, but are not limited to:

- A. **Student Group Expulsion.** Permanent loss of privileges, including College recognition. When a student group fails to fulfill the College’s expectations of previously imposed conduct probation or has what a reasonable person would consider an egregious violation of college policy, conduct administrator may decide to permanently terminate the recognition of the student group. This could include actions taken by unauthorized/unrecognized members, or violations by individuals acting on behalf of the group while suspended from campus.
- B. **Student Group Suspension.** Loss of all privileges, including College recognition, for a specified period of time. When a student group fails to fulfill the College’s expectations or violates the terms of previously imposed conduct probation, the conduct administrator may decide to terminate the recognition of or suspend the organization.
- C. **Event Probation.** A loss of privilege to host events on campus or off-campus for a specified period of time.
- D. **Loss of selected rights and privileges** for a specified period of time.

Employee Sanctions may include but are not limited to:

- A. **Training** – the employee will be required to complete training to help the employee understand why their behavior was inappropriate. The training is designed to correspond to the severity and nature of the violation and to clarify the impact of that behavior on members of the College community.

- B. **Verbal Warning** - the verbal warning is the first official step in the College's progressive discipline process for employees. The purpose of the verbal warning is to remind the employee of their personal responsibility and to set guidelines for acceptable behavioral changes required to satisfactorily address the concern. This action is only appropriate in cases that are relatively minor.
- C. **Written Letter of Reprimand**- a written letter of reprimand is used to identify and describe the continuing problem and to restate the essentials of desired performance or behavior and the employee's obligation to meet it.
- D. **Suspension Without Pay** - occasionally, the employee may be suspended without pay while the College conducts an investigation into the alleged violation of misconduct.
- E. **No Contact Directive** - the College may impose a "no contact" directive in cases where an agreement cannot be reached or is not applicable. Generally, "no contact" is defined as having no direct or indirect contact at any time. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication; including, but not limited to, email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A "no contact" directive may include additional restrictions and terms. Employees found responsible for violation of the no contact may face sanctions that result in immediate removal from campus, suspension, or expulsion.
- F. **Restrictions of Professional Development Funds or Limited Travel** - on occasion, professional development funds may be restricted, or a travel ban for professional work may be instituted.
- G. **Termination of Employment**- for the most egregious kind of conduct or after all measures of progressive discipline have been established, termination of employment may be appropriate