REPORTING SEXUAL VIOLENCE
AND ABUSE AND NEGLECT OF CHILDREN AND VULNERABLE ADULTS

The following questions and answers about reporting sexual violence against any individual, or abuse or neglect of children and vulnerable adults, are designed to provide general information. Please review the resources listed for more information.

WHERE CAN I FIND THE BOARD POLICY AND SYSTEM PROCEDURE ON SEXUAL VIOLENCE?

- Board Policy 1B.3: [http://www.mnscu.edu/board/policy/1b03.html](http://www.mnscu.edu/board/policy/1b03.html)
- System Procedure 1B.3.1: [http://www.mnscu.edu/board/procedure/1b03p1.html](http://www.mnscu.edu/board/procedure/1b03p1.html)

WHAT IS INCLUDED AS “SEXUAL VIOLENCE” UNDER SYSTEM POLICY AND PROCEDURE?

Sexual violence is defined in Board Policy 1B.3 as “a continuum of conduct that includes sexual assault, and non-forcible sex acts, as well as aiding acts of sexual violence.”

- Sexual violence often is a criminal violation subject to prosecution by law enforcement authorities, and may constitute the basis for employee or student discipline.

- Sexual assault means an actual, attempted, or threatened sexual act with another person without that person’s consent, regardless of the person’s age. This includes, but is not limited to, the following examples:
  - Forced sexual intercourse
  - “Date rape”
  - Involvement in any sexual act with a person who is not able to give consent
  - Intentional and unwelcome touching, coercion, forcing, or attempting to force someone to touch a person’s intimate parts.

WHAT DOES “CONSENT” MEAN?

Under the policy, consent must be informed, freely given and mutually understood.

- Consent does not exist where
  - Threats, force or intimidation are used.
  - An individual is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature or extent of the sexual situation

- Consent cannot be assumed based on a person’s silence or consent for past sexual activities
WHO IS REQUIRED TO REPORT SEXUAL VIOLENCE?

Any person with knowledge of a suspected incident of sexual violence should report it as soon as possible. In addition, you are required to report sexual violence if you are a college or university employee with supervisory or student-advising responsibility and you have been informed of sexual violence against an individual on college/university property or related to college/university activities. Required reporters include:

- Campus security department staff
- Other staff with security responsibilities
- Advisors to recognized student organizations
- Athletic coaches
- College or university personnel with significant responsibility for student or campus activities (for example, student housing, student discipline, and campus judicial proceedings).

It is critical that all reporting be done with utmost sensitivity and, to the extent possible, confidentiality. All required reporters must familiarize themselves with their responsibilities and appropriate procedures, including data privacy and confidentiality. (See the link to system policy and procedure, above.)

HOW DO I MAKE A REPORT OF SEXUAL VIOLENCE OR ABUSE, NEGLECT OF A CHILD OR VULNERABLE ADULT?

- If you see an act of violence or abuse occurring, call 911 and notify law enforcement immediately that you believe a crime is occurring and provide the necessary details.

- Acts of sexual violence that already have occurred should be reported as quickly as possible to any campus security authority; campus security authority names and contact information should be posted on the college or university Web site. If in doubt, contact campus security for further assistance. The name or other personally identifiable information about the person against whom the violence was directed will be provided to law enforcement authorities only with that person’s consent, except as required or permitted by law (for example, when the subject is a child under 18).

- Reports of abuse or neglect of a child or vulnerable adult, where the individual is not in immediate danger, must be made to law enforcement or state or county social service agencies. Further information about mandated reporting of abuse or neglect of children is available at:
  
  - Guidance from the Minnesota Department of Human Services on Reporting Maltreatment of Minors: https://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-2917-ENG; Minnesota Statutes section 626.556 https://www.revisor.mn.gov/statutes/?id=626.556
WHERE CAN I GET ADDITIONAL TRAINING ABOUT SEXUAL VIOLENCE PREVENTION PROGRAMS AND PROCEDURES FOR RESPONDING TO INCIDENTS OF SEXUAL VIOLENCE?

Check your college or university policy on responding to sexual violence for information about training and education on these topics.

WHO IS REQUIRED TO REPORT ABUSE OR NEGLECT OF CHILDREN OR VULNERABLE ADULTS?

Minnesota law provides special protection for children under 18 and vulnerable adults. These laws, Minnesota Statutes sections 626.556 and 626.557, identify those who are mandated to report neglect or abuse of children under 18 and maltreatment of vulnerable adults; further information about reporting requirements is available at the links noted above.

Faculty, student teachers or clinical participants, day care personnel, and others involved in education or services to children or vulnerable adults may be considered mandated reporters under both of these laws.