Personal Empowerment Through Self-Awareness
Module 1: What you should know

1A: Minnesota Law and MnSCU Policy

In order to create the safest possible environment for students at Minnesota State Colleges and Universities, it’s important that each of us understands the law, and though it can seem overwhelming, it’s really not that complicated. According to Minnesota law, anyone having sex with someone without their consent has committed criminal sexual assault, a crime that is a serious felony. Anyone touching someone sexually without their consent has also committed a crime.

Minnesota State Colleges and Universities policy defines “consent” this way:

Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Most of the time, we think of consent in the negative. For example, she didn’t say no, or scream, or punch or kick. It is important to understand that consent is about saying “yes” much more than it is about not hearing “no.”

There are also laws relating to other forms of personal violence, such as dating and relationship violence and stalking. The bottom line is that Minnesota law is there to help you and understanding it is a powerful tool in ensuring your personal safety.

In addition to knowing about the law and possible criminal consequences, it’s important to understand that colleges and universities must also hold students accountable under their own disciplinary processes, which operate separately and independently from the criminal justice system. Students found in violation risk disciplinary action including expulsion; employees found in violation risk disciplinary action up to and including termination from their college, university or the system office. Regardless of whether a complaint of sexual violence has been reported to the legal authorities, Minnesota State Colleges and Universities will look into allegations of sexual violence. Even if a student or employee is not convicted of a crime, he or she may still be disciplined by the college or university.

Another important distinction to understand is that the federal government expects colleges and universities to adjudicate sexual misconduct cases under the “preponderance of evidence” standard and not the “beyond a reasonable doubt” standard you might be familiar with from the criminal process.

Student Voice:
I know all of this is complicated. It’s all described in our policies, and if you have questions, please let us know and we’ll answer them or point you in the right direction.
If you experience stalking, sexual harassment, relationship violence, or sexual violence at your college or university from another student, from a faculty member, from a staff member, or from anyone during a college or university-related event, on or off-campus, you should contact the designated officer on your campus. Also, if you have experienced sexual misconduct OFF campus that impacts your time ON campus, we are here for you. We want to know about any incidence of sexual misconduct that occurs on or is related to our campus communities.

Even if you are just wondering if something is serious enough to report, you should contact us to find out what your options are. The Equal Opportunity and Nondiscrimination in Employment and Education and the Sexual Violence policies are designed to protect you and your educational experience.

1B: Consent

“But they were both drunk.”
“But I heard they were good friends.”
“But I heard they were dating.”
“Look at what she was wearing.”
“She was asking for it.”
“She never says no.”
“She sleeps around.”
“That’s just how she is.”
“What’s the big deal?”
“I heard he likes it rough.”
“But that was last year.”
“That happened forever ago.”
“Everyone else was doing it.”
“Did you see the way they were dancing?”
“She came on to him!”
“Have you seen her profile pics?”
“Once we got started, I couldn’t stop.”

You may have heard explanations such as these for why it wasn’t rape, as if the rapist is not responsible for their behavior while drunk. In fact, under Minnesota law a perpetrator of sexual violence is still responsible despite being under the influence of drugs or alcohol.

Ultimately, having sex is a mutual decision. Both parties must be aware and sober enough to understand their decisions. No means no.

“I’m not in the mood” means no. Silence means no. “I really like you, but...” means no. “I’m not sure” means no. Well, you get the point.

Which brings us to the date rape drug. You should know that the number one date rape drug is alcohol and that others include Rohypnol, GHB, Ambien and Ketamine, which have a variety of street names. Remember that the taste of date rape drugs is often masked in drinks, especially sweet ones, and your drink does not need to be alcoholic to be spiked. Symptoms can include loss of coordination, problems seeing or focusing, dizziness and slurred speech. Watch your drink at all times and do not drink something you have left unattended.
So be aware. Trust your instincts. If something doesn’t feel right, get somewhere safe. Help a friend get to safety. Remember that you can personally make a difference in making a campus safer for everyone. It can save your life.

**Postscript**

Female Student:
You may be wondering: What if two people who have been drinking hook up? Hooking up implies that both people involved still have the capacity to consent. So when is that line crossed? If the person you are with is slurring his or her words, falling down, or passing out, that person is no longer able to consent. Alcohol affects people differently, and, remember, if you are taking prescription drugs, alcohol can affect you more than usual.

Male Student:
You may have noticed that PETSA focuses on female victims. We can’t ignore the statistics that women experience 96% of the sexual violence in our society. But men can and do experience rape, sexual harassment, domestic or dating violence, and stalking. If you are a man who has experienced sexual misconduct, campus resources like the Designated Officer, the LGBT center, and the counseling center are available on many MnSCU campuses.

**1C: Predatory Behavior**

You have seen one way in which rape can happen, through issues around consent. It can also happen by being intentionally singled out, or targeted.

Just as there are myths surrounding rape, there are also false stereotypes surrounding those who perpetrate rape. In reality, four out of five rapes are committed by someone who is known to the victim, like a boyfriend, a friend or a classmate.

This is very important. From a young age, we are taught that we are safe around acquaintances, and we expect familiar people to act in familiar ways, so we are thrown off guard when they act out of the ordinary. These rapists know exactly what they are doing and they have a premeditated plan. These are predators. They intentionally select someone to prey on who is vulnerable or who can be made vulnerable through drugs, alcohol or fear.

Research suggests that these rapists see violence as normal, see victims as objects to be dominated, show limited empathy for others, and who may believe violence is exciting. These predators are not looking for a relationship. They are looking to take and to get at any cost because they feel they deserve it and should have it. This is a relatively small population who commit multiple sexual assaults, but they are dangerous and you need to watch out for them.

If you see predatory behavior or hear about it, trust your gut. Get out of the situation. Get help. Report it. Call 911.

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