

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 2126

(SENATE AUTHORS: DZIEDZIC)

DATE	D-PG	OFFICIAL STATUS
04/28/2015	2928	Introduction and first reading Referred to Higher Education and Workforce Development

1.1

A bill for an act

1.2

relating to education; requiring sexual assault and sexual harassment policies to

1.3

contain an affirmative consent standard; encouraging good-faith reporting of

1.4

incidents of sexual harassment and sexual violence; requiring sexual harassment

1.5

and sexual violence outreach and prevention; establishing a grant program to

1.6

create a consent curriculum for middle and high school students; appropriating

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money; amending Minnesota Statutes 2014, section 135A.15, subdivision 1,

1.8

by adding subdivisions.

1.9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10

Section 1. Minnesota Statutes 2014, section 135A.15, subdivision 1, is amended to read:

1.11

Subdivision 1. **Policy required.** The Board of Trustees of the Minnesota State

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Colleges and Universities shall, and the University of Minnesota is requested to, adopt

1.13

a clear, understandable written policy on sexual harassment and sexual violence that

1.14

informs victims of their rights under the crime victims bill of rights, including the right to

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assistance from the Crime Victims Reparations Board and the commissioner of public

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safety. The policy must apply to students and employees and must provide information

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about their rights and duties. The policy must apply to criminal incidents occurring on

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property owned by the postsecondary system or institution in which the victim is a

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student or employee of that system or institution. It must include procedures for reporting

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incidents of sexual harassment or sexual violence and for disciplinary actions against

1.21

violators. During student registration, each technical college, community college, or state

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university shall, and the University of Minnesota is requested to, provide each student with

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information regarding its policy. A copy of the policy also shall be posted at appropriate

1.24

locations on campus at all times. Each private postsecondary institution that is an eligible

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institution as defined in section 136A.155, must ~~adopt a policy that meets the requirements~~

1.26

~~of this section~~ comply with the requirements of this section.

2.1 Sec. 2. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3. **Affirmative consent.** The policy required under subdivision 1 shall
2.4 include a provision that establishes an affirmative consent standard. An institution's
2.5 affirmative consent standard, at a minimum, must incorporate the following elements:

2.6 (1) all parties to sexual activity must express affirmative consent. Consent must be
2.7 knowing and voluntary and not the result of force, coercion, or intimidation. Consent must
2.8 be active. Consent must be given by words or actions that create mutually understandable,
2.9 unambiguous permission regarding willingness to engage in, and the conditions of,
2.10 sexual activity;

2.11 (2) silence, without active indications of consent, is not consent;

2.12 (3) consent to any one form of sexual activity does not imply consent to any other
2.13 forms of sexual activity;

2.14 (4) consent may be withdrawn at any time;

2.15 (5) previous relationships or prior consent do not imply consent to future sexual
2.16 acts; and

2.17 (6) a person is deemed incapable of consenting when that person is mentally
2.18 defective, mentally incapacitated, or physically helpless due to drugs or alcohol, or
2.19 because the person is asleep.

2.20 Sec. 3. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
2.21 to read:

2.22 Subd. 4. **Uniform amnesty.** The Board of Trustees of the Minnesota State Colleges
2.23 and Universities shall, and the University of Minnesota is requested to, include in the
2.24 system's sexual harassment and violence policy a provision that no student who reports,
2.25 in good faith, an act of sexual harassment or sexual violence shall be sanctioned by the
2.26 institution for admitting to a violation of the institution's student conduct policy on the use
2.27 of drugs or alcohol as part of the report.

2.28 Sec. 4. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
2.29 to read:

2.30 Subd. 5. **Outreach and prevention.** (a) The Board of Trustees of the Minnesota
2.31 State Colleges and Universities shall, and the University of Minnesota is requested
2.32 to, implement comprehensive prevention and outreach programs addressing sexual
2.33 harassment and sexual violence. A comprehensive prevention program shall include a
2.34 range of prevention strategies, including, but not limited to, empowerment programming

for victim prevention, awareness-raising campaigns, primary prevention, bystander intervention, and risk reduction. Outreach programs shall be provided to make students aware of the institution's policy on sexual harassment and sexual violence, including the definition of consent established under this section. At a minimum, an outreach program shall include a process for contacting and informing the student body, campus organizations, athletic programs, and student groups about the institution's overall sexual harassment and sexual violence policy, the practical implications of an affirmative consent standard, and the rights and responsibilities of students under the policy.

(b) The Board of Trustees of the Minnesota State Colleges and Universities shall, and the University of Minnesota is requested to, include outreach programming as part of every incoming student's orientation.

Sec. 5. **APPROPRIATION.**

\$..... in fiscal year 2016 is appropriated from the general fund to the Department of Education for a grant to the Sexual Violence Center for the creation of an age-appropriate affirmative consent curriculum to be available for use in middle and high school.