

University of Wisconsin Colleges and University of Wisconsin-Extension
Sexual Violence and Sexual Harassment Policy
Adopted 03.13.18

Policy Statement

In accordance with its mission and institutional values, the University of Wisconsin Colleges and University of Wisconsin-Extension (hereby referred to as UWCX) is committed to providing a teaching, learning, and working environment in which faculty, staff, students, participants, volunteers, and guests can discover, examine, critically, preserve, and transmit the knowledge, wisdom, and values that will improve quality of life for all. To promote these institutional values, UWCX is committed to creating and maintaining a community environment that is free from sexual violence and sexual harassment.

Purpose and Scope of Policy

This policy prohibits acts of sexual violence and sexual harassment on institution property, at institution-sanctioned or institution-affiliated events, and where conduct on non-institutional property affects a member of the institution's community and/or its mission. This policy applies to all UWCX faculty, staff, students, participants, volunteers, and guests. UWCX is committed to educating its institutional community and to promptly and effectively respond to and redress conduct that violates this policy. This policy provides the UWCX community with information and resources to identify, report, and respond to sexual violence and sexual harassment including sexual assault, stalking, and dating and domestic violence. These efforts support the overall missions of UWCX and the UW System.

Title IX Statement

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.

I. Definitions

Clery Act. A federal law that requires Universities to report on-campus crimes and school safety policies, publish an Annual Security Report, Campus Sexual Assault Victim's Bill of Rights, and provide timely warnings to public safety on campus. [[20 USC § 1092\(f\)](#)].

Complainant. Any individual who is reported to have been subjected to sexual harassment, sexual assault, dating violence, domestic violence, or stalking, as defined in the relevant Administrative Code provisions or policies. *See definition of complainant in* Chpts. [UWS 4.015](#) (faculty), [UWS 11.015](#) (academic staff), and [UWS 17.02\(2m\)](#) (students).

Confidential Employee. Any employee, who is a licensed medical, clinical, or mental health professional, when acting in that role in the provision of services to a patient or client who is a UWCX student or employee. A Confidential Employee will not report specific information

concerning a report of sexual violence or sexual harassment received by that Employee in the Employee's professional capacity unless with the consent of the reporting individual or unless required by the Employee's license or by law. Confidential Employees may need to report statistical information for Clery reporting purposes, but will do so in a manner that will not risk identifying the survivor.

Confidential Resource. Individuals or agencies in the off-campus community, whose professional license or certification permits that individual or agency to preserve the confidentiality of the patient or client.

Consent. Words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to have sexual intercourse or sexual contact. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, unconsciousness [[§. 940.225\(4\), Wis. Stats.](#)] or under the age of 18 [[§ 948.01\(1\), Wis. Stats.](#)].

Dating Violence. Violence committed in a "dating relationship," which is defined as a romantic or intimate social relationship between individuals; "dating relationship" does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the individuals involved in the relationship [[§ 813.12\(1\)\(ag\), Wis. Stats.](#)], and UWCX will also use this method of determination.

Domestic Violence. Any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common [[§§ 813.12 \(1\)\(am\) and 968.075, Wis. Stats.](#)]:

1. Intentional infliction of physical pain, physical injury, or illness.
2. Intentional impairment of physical condition.
3. A violation of the state statute regarding sexual assault [[§ 940.225\(1\), \(2\) or \(3\), Wis. Stats.](#)].
4. A violation of the state statute regarding stalking [[§ 940.32, Wis. Stats.](#)].
5. A violation of the state statute regarding damage to property [[§ 943.01, Wis. Stats.](#)], involving property that belongs to the individual.
6. A threat to engage in any of the conduct under 1 through 5 listed above [[§§ 813.12 \(1\)\(am\) and 968.075, Wis. Stats.](#)].

Employee. Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment in UWCX. (See, e.g., UPS Operational Policy, GEN 0, General Terms and Definitions (<https://www.wisconsin.edu/ohrwd/download/policies/ops/gen0.pdf>))

Executive Order 54. Executive Order issued by Governor Walker in 2011 requiring that university employees report incidents of child abuse [[§948.03, Wis. Stats.](#)] and neglect [[§](#)

[948.21, Wis. Stats.](#)] which they observe, witness, or learn about in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services.

(https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf)

UWCX reporting requirements must also be followed and can be found at <http://uwc.edu/employees/admin/safety/reporting-child-abuse-and-neglect> and <http://uwex.edu/human-resources/childabuse/>

Hostile Environment. A hostile work, academic, or program-related environment is created when one engages in harassment that consists of unwelcome verbal or physical conduct directed at another individual because of that individual's sex, gender, gender expression, and/or sexual orientation. The harassment has the purpose or effect of creating an intimidating, hostile, or offensive work, academic, or program-related environment or has the purpose or effect of substantially interfering with that individual's work or academic performance. Substantial interference with an employee's, student's, or participant's work, academic performance, or participation in programs or activities or creation of an intimidating, hostile, or offensive work, academic, or program-related environment is established when the conduct is such that a reasonable person under the same circumstances as the student, participant, or employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's employment, education, or participation in programs or activities or to create an intimidating, hostile, or offensive work or learning environment. [*See, e.g., § 111.36(1)(b), Wis. Stats.*]

For more information on how sex, gender identity, gender expression, and similar terms are defined, please visit UWCX Gender Definitions webpage.

Incapacitation. As it applies to this policy, the state of being unable to physically and/or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

Office for Civil Rights. The U.S. Department of Education office that is responsible for enforcing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other education-based discrimination acts.

<http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

Participant. An individual who registers, attends, or otherwise engages in an official UWCX event, program, or initiative. Participants are not students or employees.

Physical abuse of a child. As it applies to this policy, abuse of a person under 18 years may qualify as physical abuse of a child as defined by [§948.03, Wis. Stats.](#)

Preponderance of the Evidence. Information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than "clear and

convincing evidence” and is the minimum standard for a finding of responsibility. [Sections [UWS 17.02\(13\)](#), [UWS 11.015\(7\)](#), [UWS 4.015\(7\)](#), and [UWS 7.015\(5\)](#), Wis. Admin. Code]

Respondent. A student who is accused of violating a policy under Chapter UWS 17, Wis. Admin. Code, or an employee who is accused of violating a policy under Chapters UWS [4](#), [7](#), or [11](#), Wis. Admin. Code, or a participant who is accused of violating a policy under Chapter UWS [18](#), Wis. Admin. Code and/or specific participation agreements/MOUs of the program.

Responsible Employee. Any employee (other than a “confidential resource”):

1. Who has the authority to take action to redress sexual misconduct;
2. Who has been given the duty of reporting incidents of sexual misconduct by students or employees to the Title IX coordinator or other appropriate school designee; or
3. Who a student or participant could reasonably believe has this authority or duty. April 29, 2014 “Dear Colleague Letter”, *available at* <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

Retaliation. An adverse action taken against an individual in response to, motivated by, or in connection with an individual’s complaint of discrimination, harassment, and/or violence; participation in an investigation of such complaint; and/or opposition of discrimination, harassment, and/or violence in the educational, workplace, and/or living setting.

Sex or Gender Discrimination. Discrimination on the basis of sex or gender. Sexual harassment and sexual assault are forms of sex discrimination. [See [20 USC §§ 1681-1688](#)] Discrimination on the basis of gender identity, gender expression, or sexual orientation are covered under UWCX’s nondiscrimination policy. [See [UWCX nondiscrimination policy](#)]

Sexual Assault. Sexual contact or sexual intercourse with another person without the consent of that person. [See [§ 940.225, Wis. Stats.](#)]

Sexual Assault of a child. See legal definition at [§ 948.02, Wis. Stats.](#)

Sexual Contact. Intentional touching, whether direct or through clothing, if that intentional touching is for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the respondent or if the touching contains the elements of actual or attempted battery under [§ 940.19\(1\)](#). Additional definitions for sexual contact found at [§ 940.225\(5\)\(b\)\(1\), Wis. Stats.](#)

Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational experience, (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work, academic performance, or program participation or creating an intimidating, hostile, or offensive working, living, or learning environment. [Adapted from [29 C.F.R. § 1604.11 \(1980\)](#).]

Sexual Intercourse. Penetration, as well as cunnilingus, fellatio, or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the respondent or upon the respondent's instruction [[§ 940.225\(5\)\(c\), Wis. Stats.](#)].

Sexual Violence. The phrase, as used in this policy, refers to incidents involving sexual assault, sexual harassment, stalking, dating violence, and domestic violence.

Stalking. Intentionally engaging in a course of conduct that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of themselves or a member of their family or household [[§. 940.32, Wis. Stats.](#)].

- Nonconsensual repeated communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts, ordering goods or services, or any other communications that are undesired;
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a recipient of unwelcome conduct;
- Monitoring online activities, surveillance, and other types of observation, whether by physical proximity or electronic means, attempting to gather information about the recipient of unwelcome conduct;
- Vandalism, including attacks on data and equipment;
- Direct physical and/or verbal threats against a recipient of unwelcome conduct or loved ones of a recipient of unwelcome conduct, including animal abuse;
- Gathering of information about a recipient of unwelcome conduct from family, friends, coworkers, and/or classmates;
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the recipient of unwelcome conduct;
- Defamation or slander against the recipient of unwelcome conduct; posting false information about the recipient of unwelcome conduct; posing as the complainant in order to post to websites, news groups, blogs, or other sites that allow public contributions; and/or encouraging others to harass the recipient of unwelcome conduct;
- Posing as someone other than oneself to initiate transactions, financial credit, loans, or other contractual agreements;
- Arranging to meet the recipient of unwelcome conduct under false pretenses.

Student. "Student" means any person who is registered for study in a University of Wisconsin System institution for the academic period in which the alleged act of sexual violence or sexual harassment occurred, or between academic periods for continuing students. [See [Chapter UWS 17.02\(14\), Wis. Admin. Code.](#)]

Title IX. Title IX of the Education Amendments of 1972 (20 U.S.C. sec. 1681 et seq.; 34 C.F.R. Part 106)(as amended) is a federal law that states, “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” [20 U.S.C. § 1681\(a\)](#).

Title IX Coordinator (and Deputies). An employee designated to coordinate compliance with Title IX, who plays an important role in an institution’s efforts to ensure equitable opportunity for all students, employees, and [participants] and who works with UWCX administrators to remind the UWCX community that students, employees, and [participants] must have equal access to all programs. (Adapted and revised from April 24, 2015, “Dear Colleague Letter” available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>).

Trauma-Informed Care. Trauma-informed care reflects an understanding of trauma and emphasizes creating services and programs that are sensitive and directly responsive to the trauma that many victim/survivors experience following a violent crime. Trauma-informed care programs identify and limit potential triggers to reduce their re-traumatization and protect their mental and emotional health. <https://www.justice.gov/ovw/blog/importance-understandingtrauma-informed-care-and-self-care-victim-service-providers>. Trauma-informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed care also emphasizes physical, psychological, and emotional safety for both consumers and providers, and helps victim/survivors rebuild a sense of control and empowerment. *See also:* <http://www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf>; and http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building_cultures-of-care.pdf

Violence Against Women Act (VAWA). Federal law enacted in 1994, which promotes the investigation and adjudication of violent crimes against women, among other objectives. Recently, it affected amendments to the Clery Act [[42 U.S.C. §§ 13701-14040](#)], through the Campus Sexual Violence Act (SaVE) provision, Section 304.

Volunteer. “Volunteer” means any person who performs hours of service for UWCX without promise, expectation, or receipt of compensation for services rendered.

II. Role and Duties of University Officials and Employees

A. Title IX Coordinator and Deputy Title IX Coordinators

The duties of the UWCX Title IX Coordinator and Deputies include: receiving reports of sexual violence and sexual harassment; maintaining appropriate records; providing or supporting the provision of appropriate education and training; maintaining ongoing communication with the Title IX Committee; investigating allegations of sexual violence and sexual harassment, as appropriate; ensuring that applicable policies, resources, and other information is up-to-date and properly disseminated. The duties of the Title IX Coordinator and Deputies will be guided by principles of trauma-informed care.

B. Title IX Committee

The Title IX committee at UWCX meets on a biannual basis or as needed to discuss policy implementation and revision; to assess the effectiveness of trainings and educational programming; to address campus climate issues; and to provide guidance to the Title IX Coordinator and Deputies. The following are offices represented on this committee: Office of Equity, Diversity, and Inclusion; Office of Conduct, Compliance, and Residence Life; and Office of Prevention.

C. All Employees are Responsible Employees, except Confidential Employees

In accordance with § [36.11\(22\)](#), Wis. Stats., employees who witness an act of sexual assault, or who receive a first-hand report of sexual assault from an enrolled student, must report that information to the appropriate Title IX Coordinator or Deputy (see the [UWCX Title IX Coordinator Contact Page](#)).

UWCX has designated all individuals as responsible employees, except confidential employees. All employees should be properly trained to do the following:

1. Be familiar with definitions of sexual violence and sexual harassment.
2. Be familiar with this and other related policies.
3. Be prepared to respond should an individual report an incident of sexual violence or sexual harassment.
4. Be familiar with resources on campus to which to refer a reporting individual.

All employees must comply with Executive Order 54 which requires that university employees report incidents of child abuse and neglect which they observe or witness in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services. [*See definition of Executive Order 54 above*]

Confidential employees, described in Section I. Definitions, are only required to report the occurrence of the sexual assault.

III. Reporting an Incident of Sexual Violence or Sexual Harassment

A. Reporting Options

Those who have been subjected to an incident of sexual violence or sexual harassment, or who have received a report of or witnessed an incident of sexual violence or sexual harassment, have several options for reporting the incident including electing not to report (unless the individual is an employee who has information about a sexual assault as described in II.D. above), reporting to a confidential resource, reporting to a Title IX

Coordinator or Deputy, and/or reporting to local law enforcement. For more information about the resources listed above, please visit our [UWCX Title IX Reporting Options](#) webpage.

Note: An individual may make a report to *one or more* of the offices or individuals noted above.

Individuals have the option to file a complaint with the **U.S. Department of Education, Office for Civil Rights**: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

B. Amnesty for Students and Participants

Complainants and witnesses to incidents of sexual violence, including sexual assault, will not be issued citations or subject to disciplinary sanctions for violations of institution policy if the misconduct is related to the incident unless the institution determines that the violation was egregious, including actions that place the health or safety of any other person at risk.

C. Confidentiality

Individuals, including complainants, who report to any of the offices or individuals noted above, or to any other institution employee, except those noted below, cannot be assured absolute confidentiality. However, information provided in the report and in any subsequent, related proceeding will be maintained in a confidential manner; only those individuals who have a need to know to fulfill obligations consistent with institution policies or laws will be privy to certain information.

D. Resources and Accommodations

1. Accommodations

The institution will work with individuals involved in alleged incidents of sexual violence and sexual harassment to undertake reasonable measures to assist in their safety and wellbeing. These may include but are not limited to: no-contact directives, academic or work modifications, and relocation of learning, living, and/or working space.

2. Resources

The institution offers a variety of resources that are available to individuals involved in incidents of sexual violence or sexual harassment, which are available and updated annually on the [UWCX Title IX Resources](#) webpage.

E. Procedures

1. When a report is made to the Title IX Coordinator or Deputy alleging that a student has engaged in an act of sexual violence or sexual harassment against another student, the procedures linked here apply: [UWCX, Reporting a Concern](#). If it is determined that case will proceed with the conduct process, [UWS 17, Wis. Admin. Code](#) may apply.

2. When a report is made to the Title IX Coordinator or Deputy that an employee, participant, or volunteer has engaged in an act of sexual violence or sexual harassment, the Title IX Coordinator or Deputy will follow the procedures outlined here.
 - a Faculty member [UWS 4, 6, and 7](#), Wis. Admin. Code
 - b Academic staff, including non-instructional academic staff, Link to Chapters [UWS 11 and 13](#), Wis. Admin. Code.
 - c University staff, [UW Colleges & UW-Extension Procedures Related to Concerns and Complaints of Unlawful Discrimination, Sexual Harassment, Protected Status Harassment, & Retaliation](#).
3. When a report is made to local law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures for local law enforcement apply.

When a report is made to more than one of the offices noted above, the offices will endeavor to cooperate as they are able. Attempts will be made to limit the number of times a complainant or respondent is required to repeat information about the allegations.

F. Prompt Resolution

The offices and individuals receiving a report of sexual assault or sexual harassment will endeavor to resolve the matter in a timely manner, with consideration to available information and context.

1. Potential Sanctions

The procedures identified above provide for disciplinary action against employees, students, and participants who are found responsible for violating institution policy. Such sanctions may include but are not limited to restrictions on a course or program, suspension, expulsion, suspension and dismissal from employment duties. Chapter [UWS 17.10](#), Wis. Admin. Code provides a more comprehensive list of potential sanctions against students. Employee sanctions may include suspension from duties and dismissal.

2. Notice of Outcome

Both the complainant and the respondent will be provided with notice of the outcome of the final resolution of the complaint.

G. Prohibition against Retaliation

This policy prohibits retaliation against an individual who reports, assists an individual in reporting, or participates in proceedings involving an allegation of sexual violence or sexual harassment. Retaliation under this policy includes threats, intimidation, or adverse employment/academic actions. Those who believe they have been subjected to retaliation under this section may report the allegations to the Title IX Coordinator or Deputy, whose contact information is found on the [UWCX Title IX Coordinators](#) webpage.

IV. **Education and Training**

The Title IX Coordinator and Deputies will be primarily responsible for facilitating the training and educational programs to the campus community. At a minimum, all students and employees will be required to complete the campus-supported online training covering issues of sexual violence and sexual harassment.

The Chancellor or designee will identify and offer more in-depth training for employees who are executives, supervisors, managers, directors, department heads, responsible employees, and those connected with the disciplinary process.

V. Record Keeping and Data Collection

As noted above, the Title IX Coordinator and Deputies will maintain records of reports of sexual violence and sexual harassment consistent with the institutional records-retention policy. In addition, the Title IX Coordinator and Deputies will track compliance with mandatory training programs, and maintain a list of training and education offered on campus.

The Deputy Title IX Coordinators will collect, maintain, and submit the Annual Security Report, consistent with the federal Clery Act.

The Office of the Dean of Students, or other appropriate office, will collect appropriate data and compile the state report required under § [36.11\(22\), Wis. Stats.](#)

VI. Assessment

Climate studies will be conducted study that seek to gather data and information concerning sexual violence and harassment on or near campus. All students and employees are encouraged to participate. The office will also work to design methods for effectively evaluating the outcomes of campus training and educational programming. It is imperative that UW System institutions proactively integrate empirically informed assessment and evaluations into sexual violence and harassment prevention and awareness programs to measure whether they are achieving the intended outcomes.