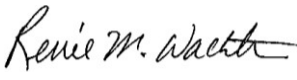


UNIVERSITY OF WISCONSIN – SUPERIOR

Policy Subject: **UW-Superior Sexual Violence and Harassment Policy**
Cabinet Division: **Chancellor (Title IX Office)**
Policy History: **Est. 02-10-16 (replaces sexual assault/harassment policy); update from 09-01-16**
Effective Date: **May 01, 2020**

Approval by Chancellor: _____  _____ 8/11/2020

I. Background and Purpose

I.1 Policy Statement. The University of Wisconsin–Superior is committed to providing educational programs, activities, and a workplace environment that are inclusive and free from discrimination, discriminatory harassment (including sexual harassment), sexual violence, and retaliation. Furthermore, UW-Superior is committed to the prompt and equitable resolution and/or investigative process of all complaints.

I.2 Purpose and Scope of Policy. This policy prohibits acts of sexual violence and sexual harassment on university property, at university-sanctioned or university-affiliated events (including Study Abroad locations), and where off-campus conduct affects a member of the university community. This policy applies to all university students, university employees, contracted employees, and volunteers. The university is committed to educating its community and to promptly and effectively respond to and redress conduct that violates this policy. This policy provides the UW-Superior community with information and resources to identify, report, and respond to sexual violence and sexual harassment including but not limited to sexual harassment, sexual assault, stalking, and dating and domestic violence. These efforts support the overall missions of UW-Superior and the UW System.

II. Constraints

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. Title IX requirements cover sex discrimination, sexual harassment, and sexual violence. In accordance with these requirements, UW-Superior is responsible for taking immediate and effective steps to respond to sexual misconduct and violence. Sexual violence may include physical sexual acts performed against a person’s will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including; rape, sexual assault, sexual battery, sexual exploitation, sex trafficking, and sexual coercion.

III. Definitions

See Appendix A.

IV. Role and Duties of University Officials and Employees

4.1. Title IX Coordinator. The duties of the UW-Superior Title IX Coordinator are described in the institutional position description. Those duties 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 any Deputy Title IX Coordinators and the Title IX Committee; coordinating the investigation of 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 will be guided by principles of trauma-informed care.
- 4.2. **Title IX Deputies.** The Title IX Coordinator has designated several Title IX Deputies to assist with the work of the Coordinator described above. These staff are trained on Title IX policy, procedures, and can provide information and answer questions about Title IX.
 - 4.3. **Title IX Committee.** The Title IX committee at UW-Superior meets on a regular basis 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. The following are represented on this committee Athletics, Dean of Students Office, Academic Affairs, Admissions, Residence Life, Equity Diversity and Inclusion and representatives from each governance group.
 - 4.4. **Dean of Students Office (DoSO).** DoSO is a place where students can report sexual harassment and sexual violence. DoSO supports students affected by these forms of violence and refers students to resources, assists them with requesting accommodations, and supports them throughout relevant disciplinary or criminal processes (if applicable).
 - 4.5. **Office of Human Resources.** The Office of Human Resources (OHR) provides programmatic and consultative HR services to the UW-Superior community, which includes developing and assisting with strategies to attract, develop, engage, and retain the university employees needed for the campus to excel as a nationally recognized university. OHR's responsibility includes providing guidance to university employees on appropriate action steps when a violation of this policy involves another employee, partners with the Title IX office to address violations of this policy, monitors required training for employees, and assists the campus in the prevention of sexual harassment and sexual violence in the workplace.
 - 4.6. **University Police Department, Clery Program.** The University Police Department (UPD) is responsible for coordinating Clery Act compliance for UW-Superior. In collaboration with other campus units, UPD's Chief of Police have the following responsibilities: collecting crime data and information, compiling the Annual Security Report and Annual Fire Safety Report, publishing the daily Clery Crime and Fire Log, coordinating identification and training of UW-Superior's Campus Security Authorities and providing guidance for the issuance of timely warnings and emergency notifications.
 - 4.7. **Responsible Employees.** UW-Superior has designated individuals with the following titles as "responsible employees" under this policy. The individuals are list in section 5.1.4. These individuals are properly trained to do the following:
 - 4.7.1. Be familiar with definitions of sexual violence and sexual harassment.
 - 4.7.2. Be familiar with this policy and other related policies.
 - 4.7.3. Be prepared to respond should an individual report an incident of sexual violence or sexual harassment and refer the report to the Title IX coordinator.
 - 4.7.4. Be familiar with resources on campus to which to refer a reporting individual.
 - 4.8. **Campus Security Authorities (CSAs) (applies to certain campus crimes, including all forms of sexual violence).** Campus Security Authorities are responsible for reporting to the University Clery Program certain campus crimes that are reported to them, including all forms of sexual violence. CSAs are not allowed to keep information reported to them, suggesting a campus crime has occurred, confidential. CSAs are trained annually to identify which crimes they are responsible for reporting and how to report those crimes to the Clery Program. More information about the responsibilities of [Campus Security Authorities](#) can be found on the University Police Department's website.

4.9. All University Employees:

- 4.9.1. In accordance with [§ 36.11\(22\), Wis. Stats.](#), “Any person employed at an institution who witnesses a sexual assault on campus or who receives a report from a student enrolled student enrolled in the institution that the student has been sexually assaulted shall report to the dean of students of the institution.” Confidential employees, described below, are only required to report the occurrence of the sexual assault.
- 4.9.2. **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.

V. Reporting Options

5.1. **Reporting Options.** An individual who has been subjected to an incident of sexual violence or sexual harassment, or any other violation of this policy has options for reporting the violation, including the option not to report. For those who choose to report, the following options are available:

5.1.1. **Confidential Employees and Resources.** Individuals may report information to a confidential employee or resource below:

- **Student Health and Counseling Services (SHCS)** – 715-394-8236, Marcovich Wellness Center 1729, www.uwsuper.edu/shcs (NOTE: SHCS counselors provide confidential counseling and have a responsibility to report only general information about incidents of sexual misconduct to the Title IX Coordinator for the campus’ obligation to gather statistical information per [§ 36.11\(22\), Wis. Stats.](#))
- **Center Against Sexual and Domestic Abuse (CASDA)** - 800-649-2921 (24-hour hotline), 715-392-3136, 318 21st Ave E, Superior, WI 54880, www.casda.org
- **Employee Assistance Program (EAP)** –833-539-7285 or 877-334-0489 (TTY), <https://sowi.mylifeexpert.com/>
 - EAP is available to all University employees.
- **24-Hour National Domestic Violence Hotline** - 800-799-SAFE (7233)
- **Personal clergy/pastoral counselor**
- **Local hospitals**

5.1.2. **Title IX Title IX Coordinator or Dean of Students Office**

- Title IX Coordinator -- 715-394-8365; titleixcoordinator@uwsuper.edu
- Dean of Students Office --715-394-8244; dos@uwsuper.edu
- www.uwsuper.edu/incidentreport

5.1.3. **Report to law enforcement.**

- **Dial 911**
- **UW-Superior University Police Department**-- 715-394-8114, 606 Belknap Street, Superior, WI 54880
- **Superior Police Department** -- 715-395-7234, 1316 N 14th St #150, Superior, WI 54880
- **Local police jurisdiction** where sexual violence occurred.

5.1.4. **Report to a Responsible Employee.** Reports that are provided to responsible employees listed below are required to inform the Title IX Coordinator.

- [Dean of Students Office](#) – 715-394-8244

- [Chancellor](#) – 715-394-8223
- Vice Chancellors
 - [Provost and Academic Affairs](#) – 715-394-8449
 - [Dean of Academic Affairs](#) – 715-394-8595
 - [Administration and Finance](#) – 715-394-8473
 - [University Advancement](#) – 715-394-8598
 - [Enrollment and Marketing](#) – 715-394-8213
- [Director of Student Success](#) – 715-394-8185
- [Director of Admissions](#) – 715-394-8238
- [Director of Human Resources](#) – 715-394-8366
- [Campus Safety University Police Department](#) – 715-394-8114
- [Residence Life Staff](#) – 715-394-8438
 - Hall Managers, Assistant Hall Managers and Resident Assistance can be contacted in respective student halls.
- [Director of Athletics](#) – 715-395-4619
 - Assistant Director(s) of Athletics, Coaches, and Assistant Coaches can be contacted via their respective numbers found in the [Athletics Staff Directory](#).

5.1.5. **Complaint to the U.S. Department of Education, Office of Civil Rights (OCR).** Anyone who believes that UW-Superior has discriminated against them on the basis of race, color, national origin, sex (gender), sexual orientation, religion, disability or age, may file a report with the Office of Civil Rights at <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

5.2. Amnesty for Students. Complainants, victims, and witnesses to incidents of sexual violence, including sexual assault, will not be issued citations or subject to disciplinary sanctions for violations of university policy at or near the time of 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.

5.3. Confidentiality. Individuals, including victims, who report to any of the offices or individuals noted above, or to any other university 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 university policies or laws will be privy to certain information.

5.4. Resources and Accommodations.

5.4.1. **Accommodations.** The University will work with all parties involved in an incident of alleged sexual violence or misconduct to undertake any appropriate interim measures to provide remedies for the parties involved to address their safety and well-being. The accommodations or interim measures may include, but are not limited to: academic and employment accommodations, safety measures, relocation of living/work space, no contact directives, access to counseling services and support assistance, etc.

5.4.2. **Resources.** The University offers a variety of resources to individuals involved in incidents of sexual violence or sexual harassment, including:

5.4.2.1. Student Health and Counseling Services – 715-394-8236 (for students)

5.4.2.2. Center Against Sexual and Domestic Abuse (CASDA) – 715-392-3136 or 800-649-2921 (24-hour Hotline) (for students and university employees)

- 5.4.2.3. Essentia Health St. Mary's – Superior Clinic –715-817-7100 or 1-800-506-9234 (for students)
- 5.4.2.4. [Health Care Clinic](#) – 715-394-4117 (for students)
- 5.4.2.5. Employee Assistance Program –833-539-7285 or 877-334-0489 (TTY) (for university employees)

5.4. Investigatory and Disciplinary Procedures -- Investigations regarding alleged violations of this policy will be conducted using the applicable University investigatory or disciplinary procedures. Before any sanctions can be imposed, the disciplinary procedures that will be used will be based on the relationship of the respondent with the University.

- 5.4.1. When the respondent is a **student**, the University will use the investigatory and disciplinary procedures set forth in Chapter 17 of the University of Wisconsin Administrative Code (UWS).
- 5.4.2. When the respondent is a **member of the Faculty**, the University will use the investigatory and disciplinary procedures set forth in [Chapters UWS 4, 6, and 7](#), Wisconsin Administrative Code and in UW-Superior Faculty Policies and Procedures handbook.
- 5.4.3. When the respondent is a **member of the Academic Staff**, the University will use the investigatory and disciplinary procedures set forth in [Chapter UWS 11](#) and [13](#), Wisconsin Administrative Code and the any procedures outlined in UW-Superior's Academic Staff manual.
- 5.4.4. When the respondent is a **member of the University Staff**, the respondent's supervisor, in consultation with the Title IX Coordinator and the Office of Human Resources staff, will determine the appropriate course of action including but not limited to investigation, disciplinary action, etc.
- 5.4.5. When the respondent is a **limited appointee or an academic staff member or University staff member in their initial evaluation period (i.e., probationary period)**, the respondent's supervisor, in consultation with the Title IX Coordinator and the Office of Human Resources staff will determine the appropriate course of action.
- 5.4.6. When the respondent is a **student employee or graduate assistant** (i.e., student hourly, teaching assistant, research assistant, project assistant, resident, post doc, or fellow) and is alleged to have engaged in the misconduct in their role as an employee, the University will use procedures set forth in Chapter 17 of the University of Wisconsin Administrative Code (UWS). The respondent's supervisor and Title IX Coordinator will also consult on this matter.
- 5.4.7. When the respondent is a **visitor, a vendor, a contracted employee, etc.**, the Title IX Coordinator will consult with appropriate entities such as the respondent's supervisor, the employing unit's/contracting agency's human resources staff, and/or UW-Superior Office of Human Resources staff to determine the appropriate course of action.
- 5.4.8. When the respondent falls into more than one of the categories described in this section, multiple procedures may be utilized to determine appropriate disciplinary outcomes for each of the respondent's statuses. (For example, if a respondent is both a student and an academic staff member, the University will follow UWS Chapter 17 to assess whether to impose discipline on the respondent's student status and the University will follow [Chapter UWS 11](#) and [13](#), Wisconsin Administrative Code and any procedure outline in the UW-Superior's Academic Staff handbook to assess whether to impose discipline on the respondent's academic staff status.)

5.5 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.

5.5.1 **Potential Sanctions.** The procedures identified above provide for disciplinary action against staff members and students who are found responsible for violating this policy. The nature of the disciplinary action will be based on a preponderance of the evidence found during the investigative process and will take into account several factors, including the nature and severity of the incident, the sanctions available to the Disciplinary Procedures outlined in Section 5.4 above, and any past disciplinary history of the respondent.

5.5.1.1 For students, sanctions may include but are not limited to restrictions on a course or program, probation, suspension, or expulsion (see [Chapter 17.085, Wis. Admin. Code](#) for a comprehensive list of potential sanctions for students.)

5.5.1.2 For University Employees sanctions may range from written warning to dismissal from employment.

5.5.1.3 For program participants, sanctions may include restrictions upon participation in or exclusion from the program.

5.5.1.4 For visitors to campus, sanctions may include a ban from portions or all of campus.

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

5.6 **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, campus law enforcement, or local law enforcement. (*See* contact information in Section 5.1.)

5.7 **False Accusations.** Knowingly making a material misstatement of fact in connection with reporting under this policy may subject the individual to disciplinary action. Anyone who believes that they have been the subject of a false complaint may meet with the Title IX Coordinator to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

IV. Education and Training.

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

The UW-Superior University Police Department will collect, maintain, and submit the [Annual Security and Fire Report](#), consistent with the federal Clery Act.

The University Police Department, the Office of the Dean of Students, and the Title IX Coordinator will collaboratively collect appropriate data and compile the state report required under [§ 36.11\(22\), Wis. Stats.](#)

VI. Assessment

UW-Superior Office of Institutional Research will conduct a study that seeks to gather data and information concerning sexual violence and harassment on or near campus. Efforts will be made to conduct such a study once every 1-3 years. 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.

VI. Attachments

RPD 14-2, “Sexual Violence and Sexual Harassment”

RPD 14-3, “Equal Opportunities in Education: Elimination of Discrimination Based on Gender”

RPD 14-6, “Discrimination, Harassment, and Retaliation”

RPD 14-7, “Implementation of Statute on Discrimination Against Students”

RPD 14-8, “Consensual Relationships”

Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) § 36.11(22), Wis. Stats., Orientation Program; Information on Sexual Assault and Harassment Violence Against Women Act (1994) 42 U.S.C. §§ 1371-14040

VII. Appendix A - Definitions

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, e.g.*, Chs. [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 university 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 Resource. Individuals or agencies in the 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, or unconsciousness [[§. 940.225\(4\), Wis. Stats.](#)].

Dating Violence. Violence committed in a “dating relationship,” which is defined as a romantic or intimate social relationship between two adult 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 adult individuals involved in the relationship [[§ 813.12\(1\)\(ag\), Wis. Stats.](#)].

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. See University Employee.

Executive Order 54. Executive Order issued by Governor Walker in 2011 requiring 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.

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

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 gender, and that 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 work or academic performance 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 or employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work or academic performance or to create an intimidating, hostile, or offensive work or learning environment. [*See, e.g.,* § 111.36(1)(b), Wis. Stats.]

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>

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, Wisc. Admin. Code, or an employee who is accused of violating a policy under Chapters UWS 4, 7, 11, Wisc. Admin. Code.

Responsible Employee. An employee designated on campus 1) who has the authority to take action to address sexual violence and 2) who has been given the duty to report incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee, or 3) who a student 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>.

UW-Superior **responsible employees** are staff in the Dean of Students Office, Chancellor, Vice Chancellors, Director of Human Resources, Dean of Faculties and Graduate Studies, Campus Safety Officers, Director of Residence Life, Assistant Director Residence Life, Hall Managers, Assistant Hall Managers, Resident Assistants, Director of Athletics, Assistant Director(s) of Athletics, Athletic Coaches and Assistant Coaches. (Not to be confused with Wisconsin Statute 36.11(22) or Clery Campus Security Authorities or CSAs.)

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

Sex Discrimination. Discrimination on the basis of sex or gender. Sexual harassment and sexual assault are forms of sex discrimination. [See [20 USC §§ 1681-1688](#)]

Sexual Assault. ... sexual contact or sexual intercourse with another person without the consent of that person,

- (1) FIRST DEGREE SEXUAL ASSAULT. Engaging in any of the following constitutes First Degree Sexual Assault:
 - (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
 - (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
 - (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- (2) SECOND DEGREE SEXUAL ASSAULT. Engaging in any of the following constitutes Second Degree Sexual Assault:
 - (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
 - (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
 - (c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

(d) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.

(e) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

(f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

(3) THIRD DEGREE SEXUAL ASSAULT. Having sexual intercourse with a person without the consent of that person.

(4) FOURTH DEGREE SEXUAL ASSAULT. Having sexual contact with a person without the consent of that person. [[§ 940.225, Wis. Stats.](#)]

Sexual Contact. Means intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading, or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted batter under [§ 940.19\(1\)](#) or [§ 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 or academic performance or creating an intimidating, hostile, or offensive working 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 defendant or upon the defendant'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. When one intentionally engages in a course of conduct directed at a specific person 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 himself or herself or a member of his or her family or household, [[§. 940.32, Wis. Stats.](#)].

Student. "Student" means any person who is registered for study in a Universities 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 and employees, and who works with school officials to remind the school community that students and employees 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 victims and 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-understanding-trauma-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 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

University Employee. Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment. (*See, e.g.,* UW System Administrative Policy 1225 (formerly GEN 0), General Terms and Definitions (<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/general-terms-and-definitions/>))

Violence Against Women Act (VAWA). Federal law enacted in 1994, which promotes the investigation and prosecution 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 Elimination Act (SaVE) provision, Section 304.