



GENDER DISCRIMINATION & SEXUAL MISCONDUCT POLICY



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NWTC Mission and Vision

Mission: Northeast Wisconsin Technical College (“NWTC”) is a two-year technical College, serving Northeast Wisconsin by providing education, training, and life-long learning opportunities for individuals and businesses leading to the development of a skilled workforce. Our customers stimulate the economic vitality of our district as a result of the application of skills and knowledge acquired through the completion of certificates, degrees, diplomas, and courses.

Vision: NWTC is a cutting edge, life-long learning College that transforms, strengthens, and inspires.

Policy Introduction

The College is bound by, and supports, all applicable laws. The Title IX of the Higher Education Act of 1972 ensures the College does not discriminate on the basis of sex in its education programs and the Campus Sexual Violence Elimination Act (SAVE) of 2013 and Violence Against Women Reauthorization Act (VAWA) ensures that colleges and universities implement policies and programs to prevent sexual assault, dating violence, domestic violence, stalking, and hate crimes.

NWTC adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. NWTC does not discriminate on the basis of political affiliation, age, race, creed, color, sex, including sexual orientation and gender identity, national origin, disability, marital status, ancestry, religion, genetic testing or other applicable legislated categories, in its services, employment programs, and/or its educational programs and activities, including but not limited to admissions, treatment and access. Moreover, NWTC provides assurances that lack of English reading/speaking skills will not be a barrier to admittance and participation in the College.

Employees and students are subject to various federal, state and local laws, which regulate civil and criminal conduct. Title IX of the Higher Education Act of 1972 (“Title IX”) prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual assault and harassment are forms of sex discrimination that are prohibited under Title IX. Sexual assault is an act of sexual violence, which involves any form of sexual contact or conduct without a person's consent. Title IX and the Campus Sexual Violence Elimination Act of 2013 ensure that colleges and universities implement policies and programs to prevent sexual harassment, sexual assault, stalking, relationship based violence, and hate crimes.

Members of the NWTC community are encouraged to direct Title IX questions, concerns, and complaints to the Title IX Coordinator, the Title IX Employee Deputy Coordinator or the Title IX Student Deputy Coordinator. If the Title IX Coordinator or a Deputy Coordinator is alleged to be the person who engaged in discrimination or sexual misconduct, the report may be filed with another of the named offices or with the office of the Vice President, Human Resources or Vice President, Student Services. Complaints can also be filed with the Office of Civil Rights (OCR). The OCR encourages complainants to follow the College’s process prior to filing a complaint with OCR; however, it is not required. Generally, complaints must be filed with OCR within 180 days of the alleged event. Complaints can be filed with OCR via email at

ocr@ed.gov and by completing an electronic complaint form at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

Consistent with federal and state law and the intended culture of the College, NWTC strives to provide a safe and welcoming campus environment. In order to attain this goal, the College seeks to provide safety, privacy and confidentiality where possible, and support to victims of sexual assault and violence at all NWTC campuses and Regional Learning Centers. NWTC offers educational programming to promote the awareness and prevention of rape, acquaintance rape, sexual assault, sexual harassment, domestic violence, dating violence, and stalking. There are instances where content of a sexual nature is a legitimate part of the curriculum (e.g. illustrations in an anatomy class); whereas, the same content might be objectionable in another context. Reports involving violations of this policy will be taken seriously and incidents will be responded to in a prompt and equitable manner.

Laws and the requirements of this policy affect all relationships within the College community, including, but not limited to:

- Student relationships with other students
- Instructor and staff conduct toward students
- Supervisory conduct toward employees
- Student conduct toward instructors and staff
- Employee relationships with other employees
- Conduct between members of different genders
- Conduct between members of the same gender
- Conduct toward persons outside the NWTC community may be considered a violation of this policy if the College concludes there is a sufficient connection between the conduct and the College to warrant the College taking action
- Conduct between campus visitors and students or employees

NWTC believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate employee or student coordinator's attention, and a responding party has been found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are not repeated. This policy has been developed to:

- reaffirm these principles
- provide recourse for individuals whose rights have been violated
- define community expectations
- establish when expectations have been violated

On-campus violations include any violation which occurs: within the geographic confines of the college, including its land, institutional roads and buildings, its leased premises, common areas at least premises, the property, facilities and leased premises of organizations affiliated with the College.

Because off campus events can impact the learning environment while a student is attending NWTC, NWTC will also consider the effects of off-campus misconduct when evaluating whether there is a hostile environment on-campus or in an off-campus education program or activity. Members of the NWTC community should be aware that off campus violations that have a downstream effect on the College or its students are subject to disciplinary sanctions. As examples, sexual misconduct and harassment are within the College's interest when the behavior:

- Involves conduct directed at or by a college student or other member of the college community (e.g. outside employment)
- Occurs during college-sponsored events (e.g. field trips, social or educational functions, college-related travel, student recruitment activities, internships and service learning experiences)
- Occurs during the events of organizations affiliated with the College, including the events of student organizations
- Occurs during a Study Abroad Program or other international travel
- Poses a disruption or threat to the college community.

The college cannot FULLY address the continuing effects of off-campus sexual violence on campus or in an off-campus education program or activity unless it processes the complaint and gathers appropriate additional information in accordance with its established procedures.

Overview of Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals with unequal authority (such as an Instructor and student or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position has the authority. The relationship also may be viewed in different ways by each of the individuals, particularly in retrospect. Furthermore, circumstances may change, and conduct previously welcomed may become unwelcome and a consensual romantic or sexual relationship may no longer be consensual for both individuals. Outcomes associated with such relationships shall be wholly owned by the person with real or perceived authority. For the personal protection of all individuals associated with NWTC, relationships in which there may be real or perceived authority (Instructor-student, staff-student, administrator-student, etc.) are prohibited. Sanctions for violating said outcomes may include disciplinary actions, reassignment of work/position, and/or termination.

A consensual romantic or sexual relationship in which there is a direct supervisory or evaluative role over another individual is in violation of the Code of Conduct. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the immediate attention of their supervisor so arrangements to remedy the supervisory or evaluative conflict can be implemented.

Definitions

In addition to the following definitions, the Wisconsin statutory definitions of violent acts are included in the appendix of this policy.

Student

Any person who is currently enrolled for a course of studies except those on program hiatus.

Consent

Consent is informed, knowing and voluntary participation in any desired sexual activity. Sexual intimacy requires that all participants consent to the activity. Consent between two or more people is defined as an affirmative agreement to engage in sexual activity. Consent can be given by words or actions, as long as those words and actions create a clear and mutually understandable permission regarding the conditions of

sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of his or her actions when giving the consent. Lack of protest or resistance does not constitute consent, and silence alone cannot be interpreted as consent. Relying solely on non-verbal communication can lead to misunderstanding. Persons who want to engage in sexual activity are responsible for obtaining consent—it should never be assumed. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts.

Consent must be present throughout the sexual activity—at any time, a participant can communicate that he or she no longer consents to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

A person who is incapacitated cannot give consent to engage in sexual activity. The issue is whether a reasonable unimpaired person would know that the other person was incapacitated. Incapacitation can result from alcohol or other drug use, unconsciousness, blackout, mental disability, sleep, involuntary physical restraint, or from being drugged. A responding party cannot defend a violation of this policy by claiming that he or she was impaired from alcohol or drug use and unable to tell whether the reporting party was incapacitated.

Wisconsin law also states the following individuals are not able to provide consent:

- Individuals who are asleep or unconscious
- Individuals who are unable to communicate consent because of a mental or physical condition
- Minors under the age of 16

NWTC may conclude that an instance of sexual contact was sexual misconduct, because it was without another person's consent, even if that conduct would not meet the standard of a criminal sexual assault. For example, it is possible the College would conclude under some circumstances that a person who was intoxicated on alcohol could not consent, and therefore, did not give consent to sexual contact, even though the criminal courts might not reach the same conclusion.

Coercion

Coercion is defined as compelling someone to act based on:

- Harassment
- Threats
- Intimidation
- An Unreasonable amount of pressure

When someone makes clear that he or she does not want to engage in sexual conduct, wants it to stop, or does not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

Reporting Party

Any person who may have been the subject of any Title IX offense by an individual or organization covered under this policy regardless of whether the Reporting Party makes a report or complaint or seeks action under this policy. This person may also be identified as “complainant,” “victim,” and/or “survivor.”

Responding Party:

Any person or organization who has been accused of violating this policy. This person or organization may also be identified as “respondent,” “accused,” and/or “perpetrator.”

Responsible Employee:

An NWTC employee who has the authority to take action, duty of reporting incidents of sexual misconduct, and someone who may be perceived to have the authority or duty to do so. This person may also be identified as a [Non-Confidential Reporter](#).

Retaliation

Retaliating directly or indirectly against a person who has, in good faith, filed, supported, or participated in an investigation of a complaint of sexual misconduct, as defined above, is prohibited. Retaliation includes, but is not limited to, ostracizing the person, pressuring the person to drop or not support the complaint, or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Retaliation also includes similar conduct engaged in by a third party at the complainant's or respondent's request. Depending on the circumstances, retaliation may be unlawful and may constitute a violation of this policy, whether or not the Title IX complaint is ultimately found to have merit.

Hate Crime

The victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, political affiliation or disability.

Sexual Misconduct

Sexual misconduct is a broad term encompassing any non-consensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome.

Sexual misconduct includes:

- sexual assault
- sexual exploitation
- sexual harassment
- stalking
- relationship violence (domestic and dating)
- hostile environment

Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can occur between members of the same or different gender and can also occur while individuals are fully clothed.

Sexual Assault

Sexual assault is defined very broadly by criminal law. It includes a wide variety of conduct from sexual intercourse to sexual contact, without the consent of the other person. Criminal sexual contact can be as limited as a single instance of touching a woman's breast, buttocks, or genital area, or touching a man's

buttocks or genital area, without that person's consent, even if the person touched is fully clothed. Other examples of sexual assault include:

- Rape
- Acquaintance rape
- Forcible fondling
- Sodomy (oral or anal intercourse)
- Sexual penetration with an object

Sexual Exploitation

Sexual exploitation involves taking non-consensual sexual advantage of another person, even though the behavior might not constitute one of the other sexual misconduct offenses. Examples can include, but are not limited to the following behaviors:

- Distribution or publication of sexual or intimate information about another person without consent, including by means of social media
- Electronic recording, photographing, or transmitting sexual or intimate utterances, sounds, or images without knowledge and consent of all parties
- Engaging in indecent exposure
- Voyeurism - Voyeurism involves both secretive observation of another's sexual activity and secretive observation of another for personal sexual pleasure
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex)

Sexual Harassment

Sexual Harassment is defined as unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that persistent or pervasive that is used as the basis for unlawful discriminatory practice or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment for employees and students. Sexual harassment includes:

- Unwelcome sexual advances or requests for sexual favors
- Unwelcome verbal or physical conduct of a sexual nature
- Making submission to, or rejection of, such conduct a factor in academic or employment decisions affecting the student or employee
- Permitting such conduct to unreasonably interfere with a student's academic performance or an employee's work performance
- Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature or submission to or rejection of such conduct results in adverse educational or employment action (Quid pro quo)
- Adverse educational or employment action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct (retaliatory harassment)

Examples of Sexual Harassment:

- An instructor insists that a student have sex with him or her in exchange for a good grade. This is harassment regardless of whether or not the student submits to the request

- A student repeatedly sends sexually oriented jokes through social media, even when asked to stop, causing one recipient to avoid the sender
- Explicit sexual pictures are displayed in an instructor's office, on a bulletin board in a lab or on a computer monitor in a public space
- An instructor engages students in discussions about their past sexual experiences, yet the conversation is not in any way relevant to the subject matter of the class. An instructor probes for explicit details and demands that students answer although they are clearly uncomfortable and hesitant
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend turning him into a social outcast on campus

Stalking

Stalking involves harassment, intimidation, surveillance or a similar course of repeated conduct that is intended to cause a reasonable person to fear for his or her safety or suffer substantial emotional distress, serious physical injury, or death. Stalking includes conduct directed at the victim's immediate family, a spouse, or intimate partner. Stalking can also be a form of sexual harassment and/or it can involve a total stranger.

Relationship Violence

Relationship violence is conduct in which the parties involved know each other or had a prior relationship and may include acquaintance rape, dating violence and domestic violence.

Domestic Violence

Domestic Violence refers to violence committed by a:

- current or former spouse or intimate partner
- current or former cohabitant
- person with whom a victim shares a child in common
- person similarly situated to a spouse under domestic or family violence law
- anyone else protected under domestic or family violence law

Dating Relationship

Dating violence is inappropriate conduct when the parties involved are, or have been, in a romantic or intimate relationship and does not include a causal relationship between two individuals in a business or social context. Whether a relationship exists will depend on the length, type, and frequency of interaction.

Hostile Environment

Hostile Environment includes any situation in which there is harassing conduct based on a protected class that is sufficiently severe, persistent or pervasive such that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is “hostile” must be based on all of the circumstances listed here. These circumstances may include, but are not limited to:

- The frequency of the conduct
- The nature and severity of the conduct
- Whether the conduct was physically threatening
- Whether the conduct was humiliating
- The effect of the conduct on the alleged victim’s mental or emotional state
- Whether the conduct was directed at more than one person
- Whether the conduct arose in the context of other discriminatory conduct
- Whether the conduct unreasonably interfered with the alleged victim’s educational or work performance

Other Misconduct Offenses (when gender based)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
- Pregnancy and Childbirth Related Concerns

Pregnancy and Childbirth Related Concerns

Under Title IX it is illegal for colleges and universities to exclude a pregnant student from participating in any part of an educational program. Special services provided to students who have temporary medical conditions must also be provided to a pregnant student. Therefore, NWTC must excuse a student’s absences because of pregnancy or childbirth for as long as the student’s doctor deems the absences medically necessary.

NWTC requires a student who has given birth to submit medical documentation for school participation since documentation is required of students who have been hospitalized for other conditions. Instructors or administrators should not tell a student to drop out of their classes or program or change their educational plans due to pregnancy. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before the medical leave began.

Prompt and appropriate communication by the student is necessary to ensure appropriate accommodations are provided. It is the intent of NWTC to support the learning needs of all students and early notification of medical concerns related to pregnancy or childbirth is helpful to ensure a plan for success. This allows for time for advising, planning schedules, and arranging accommodations before they are needed.

If you would like more information related to pregnancy and childbirth accommodations, please contact Kelly Schumacher, Manager of Accommodation Services/Title IX Student Deputy Coordinator, on the Green Bay Campus at (920) 498-6390 or Kelly.schumacher@nwtc.edu

Title IX Coordinator

The Title IX Coordinator position has been established to oversee all sex discrimination, sexual harassment, and sexual assault and relationship violence complaints at the College, and to promote an environment that is free of gender bias and misconduct. The Title IX Coordinator is responsible for conducting an annual report and review of complaints to ensure compliance with Title IX, make improvements, and identify any patterns or systemic problems within the College Community. The Title IX Coordinator serves as a neutral administrator and resource to students and employees to answer questions, to coordinate reporting and handling of complaints, to review internal disciplinary proceedings and remedies, to provide education, training, and guidance to public safety, student development, human resources and other personnel involved with investigations and disciplinary proceedings. NWTC's Title IX Coordinator is:

Mohammed Bey
Director, Diversity & Inclusion
Human Resources
(920) 498-6826
mohammed.bey@nwtc.edu

Title IX Deputy Coordinators

The College has designated Deputy Title IX Coordinators to assist the Title IX Coordinator. A Title IX Deputy Coordinator is responsible for assisting the Title IX Coordinator to conduct training, climate assessments, and facilitate communications on behalf of the College with the student or employee who reports a violation, the responding party, and with any administrators responsible for administering this policy.

NWTC has three (3) Title IX Deputy Coordinators:

Title IX Employee Deputy Coordinator:

Lisa Maas
Director, Talent Management
Human Resources
(920) 498-6828
lisa.maas@nwtc.edu

Title IX Student Deputy Coordinators:

John Grant
Dean, Student Development
Student Center
(920) 498-6984
john.grant@nwtc.edu

Kelly Schumacher
Manager, Accommodation Services

Student Center
(920) 498-6390
kelly.schumacher@nwtc.edu

Confidential Resources

Confidential contacts are employees or agents, designated by the college, who are prohibited from sharing student and employee concerns regarding potential discrimination and misconduct. Healthcare professionals within Campus Care and the NWTC Licensed Professional Counselors are confidential resources.

Students

- NWTC Licensed Professional Counselors
 1. Judy Roemer SC 231 C (920) 498-6806 judith.roemer@nwtc.edu
 2. Wes Johnson SC 231 B (920) 498-6808 wes.johnson@nwtc.edu
- * <http://www.nwtc.edu/services/advising-counseling/counseling/Pages/home.aspx>

Employees

- Bellin Campus Care 920-498-6993; SC 120
 - Employee Assistance Program: (920) 403-7600

Non-Confidential Reporters

All College employees, other than confidential resources listed above, have an obligation to report to a Title IX Coordinator or Deputy Coordinator, information regarding sexual misconduct incidents made known to them, or that they have reasonable cause to suspect that such conduct might have occurred. Employees are required to caution students and other employees about confidentiality issues and to advise students and employees that the employee is required to report potential or alleged violations of this policy. Even if the student or employee refuses to file a complaint with the College or the police or participate in a disciplinary proceeding, the College may need to further investigate reports of sexual misconduct. To the extent possible, the reporting party's privacy will be maintained and information will only be shared with individuals on a "need to know" basis.

ATTENTION STUDENTS AND EMPLOYEES WHO ARE SEEKING ASSISTANCE UNDER THIS POLICY:

If you are unsure of someone's responsibilities and duties for maintaining your privacy, ask them BEFORE you talk to them. They should be able to tell you and help you make decisions about who can best help you while maintaining your privacy.

Training

Sexual misconduct awareness and prevention training takes place during Welcome Week for new students and during In-service for current and new employees. Additional programs and offerings will be available through Human Resources and Student Involvement. Resources and training materials can be found on the NWTC web site at: <https://www.nwtc.edu/About-NWTC/Overview/Policies/Sexual-Misconduct>, on the HUB at <https://intranet.nwtc.edu/hr/SitePages/Title%20IX.aspx>, and in other publications, such as the NWTC Student handbook. In accordance with NWTC's mission and vision, as well as Federal guidelines, training about the policy and procedures regarding sexual assault and relationship violence is required for all students, Instructors, and staff. Best practices identified through the United States Department of Education and [Violence Against Women Act](#) will be used to develop awareness programs.

Bystander Intervention training will provide tips and resources to assist members of the NWTC community when faced with a situation to safely intervene if someone is at risk of being assaulted. In addition, the College will periodically conduct a campus climate survey to gain a stronger understanding of social issues impacting students, instructors and staff, and the effectiveness of College prevention efforts, policies, and resources that address them.

NWTC Policy Application

NWTC's policy to address cases of alleged sexual misconduct is designed to:

- Consider the rights of the reporting party, the rights of the responding party, the safety of the community, and compliance with applicable laws and College policies
- Conduct a timely, fair, impartial, and equitable investigation and adjudication process with thoroughness and respect for all involved parties
- Protect the privacy of all parties to the extent practical, while balancing the need to perform an investigation, follow the procedures outlined below, comply with applicable law, and maintain campus safety
- Provide appropriate remedies and sanctions to address the discriminatory effects of sexual misconduct on the reporting party and others
- Support the needs of the reporting party and responding party in the areas of emotional and mental health, physical well-being, and safety from future violence or retaliation

NWTC specifically prohibits all forms of sexual misconduct and violence including, but not limited to, rape, acquaintance rape, sexual assault, sexual harassment, dating violence, domestic violence, stalking, and hate crimes between or against members of its college community. This policy will apply regardless of whether a criminal proceeding has been initiated, the conduct occurred on campus, or involved a College sponsored activity. The College will take appropriate measures to address violations of this policy in a manner that is reasonable to prevent such conduct from recurring and to minimize the effects on victims and the NWTC community. Retaliation for filing a report or complaint or for participating in a related investigation or disciplinary proceeding is also a violation of this policy.

In instances where a reporting party insists on confidentiality, it may limit the College's ability to respond. Depending upon the circumstances, the College may not be able to ensure confidentiality because of its obligation to provide a safe and non-discriminatory environment for all. Factors that may impact the request include the seriousness of the alleged conduct and whether there have been other complaints

about the same individual. Confidential resources available to consult with students, instructors and staff are listed in this policy.

Once a NWTC employee (non-confidential reporter) has either been told or should have known about an incident(s) of sexual harassment or sexual misconduct, NWTC will:

- Take immediate and appropriate steps to investigate what occurred
- Take prompt and effective action to:
 - Stop the harassment
 - Remedy the effects of the behavior
 - Prevent the recurrence of said behavior

Student Complaint Procedure

Notice

Any student who believes he, she or another student has been the victim of any form of sexual misconduct is encouraged to file a complaint identifying the alleged individual and describing the conduct, incident(s) or occurrence(s) that form the basis for the complaint. Students may file complaints with any NWTC College employee, who will then notify the Title IX Coordinator or one of the Title IX Student Deputy Coordinators. If the Title IX Coordinator or any of the Title IX Student Deputy Coordinators are alleged to be the person(s) who engaged in discrimination or sexual misconduct, the incident will be investigated by the Title IX Employee Deputy Coordinator.

Any NWTC staff member can help with filling out the incident report. It is preferred that the complaint be submitted via an electronic incident report. Incident reports can be found at: https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=9. If, due to a disability, accommodations are needed to assist the student with filing a complaint, please contact: Accommodation Services at (920) 498-6904. The reporting party is encouraged to file the complaint as soon as possible after the incident to ensure a prompt and equitable process for all the parties involved in the situation.

If the reporting party requests confidentiality or requests that the complaint not be pursued, a Title IX Student Deputy Coordinator (or trained investigator) will take all reasonable steps to investigate the complaint and respond consistently with the reporting party's request. If the College determines that an investigation needs to continue, the alleged responding party will be told that the reporting party requested the College to not proceed. Information will only be shared with individuals responsible for addressing incidents of sexual violence. Prior to disclosing information, the reporting party will be notified of the information to be disclosed, whom it will be disclosed to, and why the information needs to be disclosed. Honoring a request for confidentiality may limit the College's ability to respond to the allegation, including pursuing sanctions and remedies against the responding party (ies) In addition, the College will need to determine if the confidentiality request can be honored while providing a safe and non-discriminatory environment. The College will take steps to maintain confidentiality of persons reporting incidents of sexual misconduct and relationship violence in records available for public inspection by using alternative means of identification and not including personally identifiable information in the annual campus security report, campus crime log, and emergency warning notices required under the Clery Act. Requests for confidentiality

will be evaluated in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students.

A reporting party has the option to file a criminal report with a local law enforcement agency. The Title IX Investigator/Security Department will offer to provide assistance if the individual elects to contact the police. Declining to speak with an investigator or the police at the time of the initial report does not prevent the individual from filing a criminal report or a Title IX complaint at a later date. The NWTC Security Department may seek the assistance of local law enforcement agencies in the investigation.

Any individual who advises that they have been a victim of domestic violence, dating violence, sexual assault or stalking, will be provided a written notice in compliance with the Violence Against Women Act, which details:

- 1) The importance of preserving evidence as may be necessary in the college and/or criminal process or to obtain a protective order
- 2) The specific individuals the alleged offense should be reported to, including the options regarding reporting to law enforcement and/or campus authorities
- 3) The options available through the college to provide assistance in notifying law enforcement
- 4)The rights of victims relative to the college's responsibilities to follow the law regarding orders of protection, no contact orders, or similar lawful orders issued by a court of competent jurisdiction
- 5) The college's procedures for institutional disciplinary actions, which include a prompt, fair and impartial investigation and resolution conducted by officials who receive annual training pursuant to the requirements set forth in the Violence Against Women Act; equal opportunity to be present and represented by an advisor of their choice at disciplinary hearings; simultaneous notice of both the accuser and accused of the outcome and final determination and status of any appeals in the disciplinary process.

This policy contains additional details about the protection of confidential information, recordkeeping, options of on-campus and community health and counseling services, changing academic, living, transportation and working situations, and the resources available to provide assistance accessing available options.

The College will not condone false reporting. Any person who makes a report that is later found to have been intentionally given falsely or made maliciously without respect for the truth may be subject to suspension or expulsion.

Initial Remedies

Prior to initiating an investigation, the Title IX Coordinator or a Title IX Student Deputy Title IX Coordinator will meet with the reporting party to explain the investigation process and the eventual resolution process to the student. The Title IX Coordinator or Title IX Student Deputy Title IX Coordinator will encourage him/her to participate fully in the investigation and disciplinary hearing processes as well as provide a list of resources. Students will also be notified of their rights and the process to file a complaint with local law enforcement.

If necessary, initial remedial actions will be discussed such as:

- No contact agreement between reporting party and responding party
- Change in academic and office assignment situations if requested by reporting party or responding party and reasonably available, for the reporting party and responding party
- Modification of absence and assignment requirements
- Request for leave of absence or withdrawal from classes without adverse consequences
- Plan to address safety concerns

Preliminary Investigation

Throughout the investigation, appropriate support for the reporting party and responding party will be provided. Reporting parties and responding parties will be informed of campus and community resources, including counseling and other health services. These options will be made available to the individual regardless of whether he or she proceeds with a formal complaint under NWTC College policy or files a criminal report or complaint with the police. In compliance with Title IX and as explained in guidance by Office of Civil Rights (OCR), NWTC uses a “preponderance of the evidence” (more likely than not) standard for determining responsibility. This is different than the standard used in a criminal investigation.

A preliminary investigation will be conducted to determine if there is reasonable cause to believe a policy was violated. *If no reasonable grounds for the complaint are found, the Title IX Coordinator will dismiss the case.* The reporting party will be informed why the act does not constitute sexual misconduct and voluntary, informal methods may be used to resolve the complaint, except when allegations of sexual violence exist. If it is determined by the Title IX Coordinator that there may be some validity to the allegation, a formal investigation will begin immediately.

Sanction Statement

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct to protect students’ rights and personal safety. Such measures include, but are not limited to, class schedule modifications, interim suspension from campus pending a hearing, and reporting the matter to the local police.

Not all forms of sexual misconduct will be deemed to be equally serious offenses and the College reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. Previous conduct code violations will be considered in determining the appropriate sanction. The College will consider the concerns and rights of both the reporting party and the responding party of sexual misconduct.

The Title IX Coordinator has the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The initial investigative team, appeals body, or designee may not deviate from the range of recommended sanctions unless there is compelling justification to support a deviation.

Formal Investigation Process

A prompt and equitable investigation will be conducted generally within sixty (60) days unless extended for good cause. The following process will be used to further investigate allegations:

- a) Upon receiving a complaint, one of the Title IX Student Deputy Coordinators will facilitate a fact-finding investigation which will include assigning a trained Title IX Investigator to review the complaint. The Title IX Student Deputy Coordinator and/or a trained Title IX investigator will conduct interviews with the reporting party, responding party, and other appropriate individuals. The investigation will be prompt, thorough and impartial.
- b) The intent of the interview with the reporting party, responding party and potential witnesses is to determine a true and complete account of the complaint. The following information will be sought during the interview process:
 - The facts and circumstances of the alleged misconduct
 - The severity of the conduct
 - The number and frequency of acts of alleged harassment
 - The apparent intent of the person alleged to have engaged in sexual misconduct
 - The relationship of the parties
 - The response of the reporting party at the time of the incident(s)
 - The relevant educational/work environment
- c) Periodic updates to the reporting party and responding party will be provided during the entire process.
- d) All persons involved in a sexual misconduct investigation will be reminded that the incident is not to be discussed and that retaliatory action against the reporting party, responding party or witnesses will not be tolerated.
- e) The Title IX Student Deputy Coordinator will submit a report to the Title IX Coordinator detailing the allegations, evidence collected, and statements from the r and any relevant witnesses to the conduct. The report will include the Title IX Student Deputy Coordinator finding as well as any recommendations for sanctions, if warranted.

A written record of the investigation will be made, including all notes made of interviews, conversations, or verbal responses to questions posed by the Title IX Investigator(s) to the complainant, witnesses or respondent, and any other aspects of the investigation.

- f) The Title IX Coordinator will review the investigative report, evidence and all known circumstances from the Title IX Student Deputy Coordinator and make a final determination. The preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred) will be used to investigate allegations of sexual harassment or violence.
- g) Potential sanctions for students who are found responsible for acts of sexual misconduct could be, but are not limited to, the following:
 - Disciplinary action, up to and including, expulsion of a person found responsible for violating these policies
 - Referral to law enforcement when there is danger or threat to community and/or when requested by victim

- Referral to counseling, mental health, and student services both on campus and in the community
- h) Communication from the Title IX Coordinator regarding the outcome is communicated to the complainant and the respondent.

A student who disagrees with the findings of responsibility or the sanctions levied may choose to request an appeal to the Vice President, Student Services. The request for an appeal must be made in writing to the Title IX Coordinator and the Vice President of Student Services within five business days of the Title IX Coordinator's decision.

Appeal Process

All students have the right to appeal disciplinary decisions. Appeal requests must be made in writing to the Vice President of Student Services within five business days after written notification of the decision or sanction. A student may appeal for two reasons which include:

- Procedural error/ failure to uphold the student's rights that may substantially alter the outcome of the decision
- New evidence that was unknown or unknowable at the time of the investigation and hearing not previously available

An appeal must include the following information:

1. The name, address and telephone number of the party
2. A clear statement explaining the nature and circumstances of the appeal, citing the new evidence and/or the explanation with specifics of the alleged lack of fairness in the prior hearing.

The Vice President of Student Services will render and cause a decision to be sent to the student within 7 business days after receipt of the appeal. The appeal decision shall be considered final.

Appeals will be conducted in accordance with the following guidelines:

- The student will be provided a full and fair opportunity to present evidence relevant to the issues raised by the student relating to the subject matter of the appeal
- All parties have the right to be assisted by legal counsel at any time during the process
- The decision will be:
 - Provided in writing
 - Based solely on the evidence presented in the appeal notice and will include a summary of the evidence and the reasons for the decision

Disclosures – FERPA Exemptions:

The final results of a disciplinary proceeding will be disclosed to the reporting party. This includes the charges, finding, sanction(s) related to the victim and the rationale for the decision.

NWTC may not disclose the name of any other student, including the reporting party or witness, without prior written consent of the student. More information on disclosure and re-disclosure limitations can be found in the student handbook.

The final results of a disciplinary proceeding can be disclosed to anyone if NWTC determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and with respect to the allegations made against him or her, the student has committed a violation of the institution's rules or policies.

However, NWTC may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This disclosure is not subject to the re-disclosure limitation and notice requirements otherwise identified in FERPA.

Employee Complaint Procedure

Notice

Any employee who believes he, she or another has been subject to or witnessed sexual misconduct (harassment) is encouraged to promptly come forward to file a complaint with the College. If the complaint is made in writing, the reporting party alleging the sexual misconduct, will be asked to sign the statement. If the complaint is made verbally, then the reporting party will be requested to sign a written report acknowledging the content of the statement. All reports must include details regarding the incident or conduct giving rise to the complaint, location and dates of the incident, any witnesses to the alleged incident and any action requested to resolve said incident. If the Title IX Coordinator or Title IX Employee Deputy Coordinator is alleged to be the person who engaged in discrimination or sexual misconduct, the incident will be investigated by either of the Title IX Student Deputy Coordinators.

Verbal or written complaints may be submitted to the Deputy Title IX Coordinator - Employees or the Title IX Coordinator in the Deputy's absence or at:

https://publicdocs.maxient.com/reportingform.php?NortheastWisconsinTC&layout_id=6.

If the reporting party requests confidentiality or requests that the complaint not be pursued, the Title IX Employee Deputy Coordinator (or trained investigator) will take all reasonable steps to investigate the complaint and respond consistently with the reporting party request. If the College determines that an investigation needs to continue, the alleged responding party will be told that the reporting party requested the College to not proceed. Information will only be shared with individuals responsible for addressing incidents of sexual violence. Prior to disclosing information, the reporting party will be notified of the information to be disclosed, whom it will be disclosed to, and why the information needs to be disclosed. Honoring a request for confidentiality may limit the College's ability to respond to the allegation, including pursuing sanctions and remedies against the reporting party (ies). In addition, the College will need to determine if the confidentiality request can be honored while providing a safe and non-discriminatory environment. Requests for confidentiality will be evaluated in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students.

A reporting party has the option to file a criminal report with a local law enforcement agency at any time.

The College will not condone false reporting. Any person who makes a report that is later found to have been intentionally given falsely or made maliciously without respect for the truth may be subject to suspension or expulsion.

Initial Remedies

Prior to initiating an investigation, the Title IX Coordinator or Title IX Employee Deputy Coordinator will meet with the reporting party to explain the investigation process and the eventual resolution process to the employee. The Title IX Employee Deputy Coordinator will encourage him/her to participate fully in the investigation and hearing processes as well as provide a list of resources. Employees will also be notified of their rights and the process to file a complaint with local law enforcement.

If necessary, initial remedial actions will be discussed such as:

- No contact agreement or directive between reporting party and responding party
- Change in academic and office assignment situations if requested by reporting party or responding party and reasonably available, for the reporting party and responding party.
- Request for leave of absence

Preliminary Investigation

Throughout the investigation, appropriate support for the reporting party and responding party will be provided. Reporting parties and responding parties will be informed of campus and community resources, including Bellin Campus Care and other health services. These options will be made available to the individual regardless of whether he or she proceeds with a formal complaint under NWTC College policy or files a criminal report or complaint with the police. In compliance with guidelines distributed by Office of Civil Rights (OCR), in their 2011 Dear Colleague Letter, NWTC uses a “preponderance of the evidence” (more likely than not) standard for determining responsibility. This is different than the standard used in a criminal investigation.

A preliminary investigation will be conducted to determine if there is reasonable cause to believe a policy was violated. *If no reasonable grounds for the complaint are found, the Title IX Coordinator will dismiss the case.* The reporting party will be informed why the act does not constitute sexual misconduct and voluntary, informal methods may be used to resolve the complaint. If it is determined by the Title IX Coordinator that there may be some validity to the allegation, a formal investigation will begin immediately.

Sanction Statement

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct to protect employees’ rights and personal safety. Such measures include, but are not limited to, work modifications, interim suspension from campus pending a hearing, and reporting the matter to the local police.

Not all forms of sexual misconduct will be deemed to be equally serious offenses and the College reserves the right to impose different sanctions, ranging from verbal warning to termination of employment, depending on the severity of the offense. Previous conduct code violations will be considered in determining the appropriate sanction. The College will consider the concerns and rights of both the reporting party and responding party of sexual misconduct.

The Title IX Employee Deputy Coordinator has the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The initial investigative team, appeals body, or designee may not deviate from the range of recommended sanctions unless there is compelling justification to support a deviation.

Formal Investigation Process

The following process will be used to further investigate allegations:

- i) Upon receiving a complaint, the Title IX Employee Deputy Coordinator will facilitate a fact-finding investigation which will include assigning a trained Title IX investigator to review the complaint. The Title IX Employee Deputy Coordinator and/or a trained Title IX investigator will conduct interviews with the reporting party, responding party, and other appropriate individuals. The investigation will be prompt, thorough and impartial.
- j) The intent of the interview with the reporting party, responding party and potential witnesses is to determine a true and complete account of the complaint. The following information will be sought during the interview process:
 - The facts and circumstances of the alleged misconduct
 - The severity of the conduct ~~The severity of the conduct~~
 - The number and frequency of acts of alleged harassment
 - The apparent intent of the person alleged to have engaged in sexual misconduct
 - The relationship of the parties
 - The response of the reporting party at the time of the incident(s)
 - The relevant educational/work environment
- k) Periodic updates to the reporting party and responding party will be provided during the entire process.
- l) All persons involved in a sexual misconduct investigation will be reminded that the incident is not to be discussed and that retaliatory action against the reporting party, responding party or witnesses will not be tolerated.
- m) The Title IX Employee Deputy Coordinator will submit a summary of the report to the College Title IX Coordinator and another report to the Director or Dean of the department detailing the allegations, evidence collected, and statements from the reporting party, responding party and any relevant witnesses to the conduct. The report will include the Title IX Employee Deputy Coordinator finding as well as any recommendations for sanctions, if warranted.

A written record of the investigation will be made, including all notes made of interviews, conversations, or verbal responses to questions posed by the Title IX Investigator(s) to the reporting party, witnesses or responding party, and any other aspects of the investigation.

- n) The Director or Dean of the department will review the investigative report, evidence and all known circumstances from the Title IX Employee Deputy Coordinator and make a final determination. The

preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred) will be used to investigate allegations of sexual harassment or violence.

- o) Potential sanctions for employees who are found responsible for acts of sexual misconduct could be, but are not limited to, the following:
- Disciplinary action, up to and including, termination of employment of a person found responsible for violating these policies
 - Referral to law enforcement when there is danger or threat to community and/or when requested by victim
 - Referral to counseling or mental health both on campus and in the community
- p) Communication from the Title IX Employee Deputy Coordinator regarding the outcome is communicated to the reporting party and responding party.

An employee who disagrees with the findings of responsibility or the sanctions levied may choose to request an appeal to the Vice President of Human Resources. The request for an appeal must be made in writing to the Title IX Employee Deputy Coordinator and the Vice President of Human Resources within 3-5 academic days of the Title IX Coordinator's decision.

Appeal Process

All employees have the right to appeal disciplinary decisions. Appeal requests must be made in writing to the Vice President, Human Resources within five business days after verbal or written notification of the decision or sanction. An employee may appeal for two reasons which include:

- Procedural error/ failure to uphold the employee's rights that may substantially alter the outcome of the decision
- New evidence that was unknown or unknowable at the time of the investigation and hearing not previously available

An appeal must include the following information:

3. The name, address and telephone number of the party
4. A clear statement explaining the nature and circumstances of the appeal, citing the new evidence and/or the explanation with specifics of the alleged lack of fairness in the prior hearing.

The Vice President of Human Resources will render and cause a decision to be sent to the employee within seven business days after receipt of the appeal. The appeal decision shall be considered final.

Appeals will be conducted in accordance with the following guidelines:

- The employee will be provided a full and fair opportunity to present evidence relevant to the issues raised by the employee relating to the subject matter of the appeal
- All parties have the right to be assisted by legal counsel at any time during the process
- The decision will be:
 - Provided in writing

- Based solely on the evidence presented in the appeal notice and will include a summary of the evidence and the reasons for the decision

Rights of Reporting Party and Responding Party

1. The preponderance of evidence standard (more likely than not) is used to evaluate complaints.
2. The reporting party and the responding party are entitled to the same opportunities to have others present during a campus disciplinary proceeding. All parties are permitted to have representatives in all stages of the process. Notice of representation should be made to the Title IX Coordinator.
3. Both the reporting party and responding party will be informed of the outcome of any campus disciplinary proceeding alleging sexual misconduct.
4. Complaints will be investigated by a trained Title IX Investigator and or Title IX Coordinator or Deputy Coordinator.
5. NWTC will respond promptly, equitably and thoroughly to all incident reports following the written receipt of the complaint, barring any unusual circumstances.
6. The decision of the Title IX Coordinator/Title IX Employee Deputy Coordinator may be appealed to the Vice President of Student Services or Vice President of Human Resources, whose decision is final. If the complaint is against the Vice President of Student Services or Vice President of Human Resources, the decision may be appealed to the President. If the complaint is against the President, the decision may be appealed to the Board of Trustees, whose decision is final. Complaints against one of the Title IX Coordinators will be investigated and decided by a person appointed by the Vice President of Student Services or Vice President of Human Resources. The appeal must be made, in writing, within five business days after the decision has been made.

The College recognizes the right of all parties involved in a complaint to a fair and equitable resolution of complaints. Falsification, distortion or misrepresentation of information during the course of a complaint resolution process may be grounds for disciplinary action.

Community Resources

In addition to seeking support from internal confidential contacts, there are a number of community resources available to provide support. You can call or approach any of these people confidentially and tell them what happened. They will listen and explain your options. Talking to any of these people does not constitute reporting the incident to the College:

- **Sexual Assault Center - Family Services**
300 Crooks Street
Green Bay, WI 54301
24 hour hotline: 920-436-8899
Door County: 920-746-8996
Oconto County: 920-846-2111

Marinette: 715-732-7300
<http://www.familyservicesnew.org/sac/>

- **Rainbow House**
1530 Main Street
Marinette, WI 54143
(715) 735-6656
<http://www.therainbowhouse.us/>
- **Safe Haven**
PO Box 665
Shawano, WI 54166
24 hour Crisis Line 1-888-303-3421
715-526-3421
<http://www.shawanoshelter.org/>
- **Caring House**
1305 S. Prospect Avenue
Iron Mountain, MI 49801
Business Phone 906-774-1337
Crisis Phone 906-774-1112
caringhouseim@gmail.com
<http://caringhouseim.wordpress.com/>
- **Tri-County Safe Harbor, Inc.**
Email: info@safe3c.com
<http://www.safe3c.com/>
CRISIS LINE
CALL: 1-906-789-1166 OR 1-800-682-1649
OR TEXT: 1-906-241-0690

Escanaba
905 1st Avenue South
Escanaba, MI 49829
1-906-789-9207

Manistique
417B Oak St
Manistique, MI 49854
1-906-286-4040

Menominee
425 Tenth Ave.
Menominee, MI 49858
1-906-863-1116

- **Family Services - Sexual Assault Center**
300 Crooks Street

Green Bay, WI 54301
920-436-6800
intake@familyservicesnew.org
<http://www.familyservicesnew.org/sac/>

- **Sexual Assault Crisis Center – Fox Cities Wisconsin**

17 Park Place, Suite 400
Appleton WI 54914
24-hour Hotline 920.733.8119
Toll-Free 800.722.7797
Email: info@sacc-foxcities.org
<http://www.sacc-foxcities.org/>

- **Aurora Hospital**

2845 Greenbrier Road
Green Bay, WI 54311
920-288-2000 (General Information)
920-288-4060 (Emergency)
<https://www.aurorabaycare.com>

- **Bellin Hospital**

744 South Webster Avenue
Green Bay, WI 54301
920-433-3500 (General)
920-445-7373 (Nurse on Call)
<http://www.bellin.org/>

- **St. Mary's Hospital**

1726 Shawano Avenue
Green Bay, WI 54303
920-498-4200 (General Information)
<http://www.stmgb.org/Scripts/>

- **St. Vincent's Hospital**

433 South Van Buren Street
Green Bay, WI 54301
920-433-0111 (General Information)
<https://www.stvincenthospital.org/Scripts/>

- **Campus Care**

Green Bay Campus
Room SC120
920-498-6993
<http://www.nwtc.edu/ATNWTC/PLACES/GREENBAYCAMPUS/Pages/NEWClinic.aspx>
<https://intranet.nwtc.edu/hr/EmpHealth/SitePages/Campus%20Care.aspx>

Clery Act Addendum Requirements

The Act

- I. The Campus SaVE Act (the “SaVE Act” or “Act”) applies to almost all institutions of higher education since it is directed toward those that participate in financial aid programs under Title IV of the Higher Education Act of 1965. It became effective on March 7, 2013 as part of the Violence Against Women Reauthorization Act (VAWA) and amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (known as the Clery Act).
- II. The Act requires higher education institutes to report crime statistics and disclose security-related information in several ways:
 - a. It adds offenses involving domestic violence, dating violence, and stalking to the crimes that institutions must report and include in their annual security reports (ASR).
 - b. It expands the categories of reportable “hate crimes” to include those based on bias against gender identity or national origin.
 - c. The policy statements filed as part of the ASR must now include detailed descriptions of the institution’s internal procedures in cases of domestic violence, dating violence, or stalking, as well as descriptions of its education and prevention programs.

Key Definitions

- I. When reporting offenses under the Clery Act, use the following definitions:
 - a. **Domestic Violence.** “Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction... or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”
 - b. **Dating violence.** “Violence committed by a person—
 - i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - iii. the length of the relationship
 - iv. the type of relationship
 - v. the frequency of interaction between the persons involved in the relationship”
- II. **Stalking.** “Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - i. fear for his or her safety or the safety of others; or
 - ii. suffer substantial emotional distress”
- III. **Sexual Assault.** The Campus SaVE Act defines sexual assault, which—unlike domestic violence, dating violence, or stalking—was previously included as a Clery-reportable crime, as “an offense

classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.”

- a. The definitions of these terms used for reporting criminal offenses in Wisconsin and training students and employees are not necessarily identical. The College should keep in mind that to satisfy the separate training mandates of the SaVE Act (see Education and Training section in the Checklist), training programs must also incorporate the definitions of domestic violence [domestic abuse Wis. Stats. § 813.12; § 968.075], dating violence [§ 813.12, Wis. Stat.], sexual assault [Wis. Stat. § 940.225], and stalking [Wis. Stat. § 940.32] which are used under Wisconsin Law. Those definitions are as follows:

See Wisconsin Definitions:

Wisconsin State Law Definitions

Wisconsin Statutes § 813.12 Domestic Abuse Restraining Orders and Injunctions:

- (ag)** "Dating relationship" means a romantic or intimate social relationship between 2 adult individuals but "dating relationship" does not include a casual relationship or an ordinary fraternization between 2 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.
- (am)** "Domestic abuse" means 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:
1. Intentional infliction of physical pain, physical injury or illness.
 2. Intentional impairment of physical condition.
 3. A violation of s. 940.225 (1), (2) or (3).
 4. A violation of s. 940.32.
 5. A violation of s. 943.01, involving property that belongs to the individual.
 6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.

Wisconsin Statutes § 940.225 Sexual Assault

- (1)** FIRST DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class B felony:

- (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.** Whoever does any of the following is guilty of a Class C felony:
- (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.
 - (cm) 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.
 - (d) 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.
 - (g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.
 - (h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
 - (i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who

supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(j) Is a licensee, employee, or non-client resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.

(3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

(3m) FOURTH DEGREE SEXUAL ASSAULT. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

* * *

(5) Definitions.

(b) "Sexual contact" means any of the following:

1. Any of the following types of 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 battery under s. 940.19 (1):
 - a. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.
 - b. Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.
2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.
3. For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

Wisconsin Statutes § 940.32 Stalking

(1) In this section:

(a) "Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.
940.32(1)(a)2.
2. Approaching or confronting the victim.
3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
4. Appearing at the victim's home or contacting the victim's neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
- 6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
10. Causing a person to engage in any of the acts described in subds. 1. to 9.

Wisconsin Statutes § 968.075 Domestic abuse incidents; arrest and prosecution.

(1) DEFINITIONS. In this section:

968.075(1)(a)(a) "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.

Approved by the Executive Leadership Team on 12/30/2014