SUBJECT: Discrimination, Harassment, Sexual Violence, and Retaliation Prevention and Response Policy

1. Policy Purpose

To provide the University of Wisconsin-Stevens Point employees with a workplace free of all forms of discrimination, harassment, sexual violence, and retaliation. This policy establishes guidelines for prevention and institutional procedures in response to complaints received.

This policy implements, fulfills, and furthers the goals of the Board of Regent and University of Wisconsin System policies and federal and state laws including, but not limited to, Title VII, the Civil Rights Act, Title IX of the Education Amendments, Age Discrimination in Employment Act, Americans with Disabilities Act, Uniformed Services Employment and Reemployment Rights Act, Vietnam Era Veteran’s Readjustment Assistance Act, and the Violence Against Women Act, WI Fair Employment Act, and any amendments made to such policies and laws.

This policy applies to:
- all University of Wisconsin-Stevens Point programs, activities, employment practices and operations;
- the conduct of all students, employees, officers, and agents of the University that arises out of their employment, educational, academic, or athletic status; and
- the conduct of third parties, including all guests, visitors, vendors, contractors, subcontractors and others who do business with the University, use the University’s facilities, or take part in the University’s programs

The University reserves the right to apply this policy to conduct occurring off campus if the University determines that the conduct could have an impact on the educational or work environment of the University.

This policy is not intended to take the place of applicable criminal statutes, civil or criminal proceedings and/or law enforcement actions. All individuals have the right to report suspected criminal conduct to the appropriate law enforcement authorities in addition to any report made pursuant to this policy. The University will provide appropriate assistance, upon request, to those wishing to make such a report. This policy does not limit an individual's right to pursue available legal remedy through federal or state courts, the Equal Employment Opportunity Commission, the Department of Education Office for Civil Rights, the Wisconsin Department of Workforce Development, or any other administrative agency, in addition to or instead of proceeding under this policy.

This policy is not meant to and shall not interfere with individual First Amendment rights to freedom of speech, expression, and academic freedom.
In the event that any provision of this policy is found to conflict with a University of Wisconsin System or the Board of Regents policy or with any state or federal law, the latter policy or law shall govern. In the event that any provision of this policy is found to be in conflict with any other University of Wisconsin-Stevens Point policy and such conflict is not explicitly addressed herein, this policy shall govern.

2. Definitions

See Appendix A.

3. Contact Information

Contact information for roles listed within this policy are located below.

<table>
<thead>
<tr>
<th>Role</th>
<th>Phone</th>
<th>Email</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td>Chief Human Resource Officer</td>
<td>715-346-3975</td>
<td><a href="mailto:hr@uwsp.edu">hr@uwsp.edu</a></td>
<td>2100 Main Street Old Main Room 133 Stevens Point, WI 54481</td>
</tr>
<tr>
<td>Human Resources</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>715-346-3020</td>
<td><a href="mailto:hakim@uwsp.edu">hakim@uwsp.edu</a></td>
<td>2100 Main Street Old Main Room 116 Stevens Point, WI 54481</td>
</tr>
<tr>
<td>Deputy Title IX Coordinator</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dean of Students</td>
<td>715-346-2611</td>
<td><a href="mailto:dos@uwsp.edu">dos@uwsp.edu</a></td>
<td>2100 Main Street Old Main Room 212 Stevens Point, WI 54481</td>
</tr>
<tr>
<td>Deputy Title IX Coordinator</td>
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</table>

4. Policy

UW-Stevens Point strives to:
- Foster an environment of respect for the dignity and worth of all students, employees, and guests of the University;
- Provide an environment which is conducive to the free and open exchange of ideas; and
- Eliminate bias, prejudice, discrimination, and harassment in all forms and manifestations.

It is the collective responsibility of all members of our campus community to create and maintain a safe and inclusive environment free of discrimination, harassment, and retaliation.

No student may be denied admission to, or participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ethnicity, ancestry, disability, pregnancy, marital or parental status, or any other category protected by law.
No employee may be discriminated against on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity or expression, national origin, ethnicity, ancestry, disability, pregnancy, marital or parental status, genetic information, arrest record, conviction record, military service, membership in the National Guard or reserve equivalent, veteran status, use or nonuse of lawful products off the employer's premises during nonworking hours, declining to attend a meeting or participate in any communication about religious matters or political matters, or any other category protected by law. This provision includes employment related actions, such as recruitment, interviewing, testing, screening, selection, placement, classification, evaluation, transfer, promotion, training, compensation, fringe benefits, layoffs, and/or dismissal.

Federal and state laws, UW System, and UW-Stevens Point policies prohibit 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.

Individuals are prohibited from using institution technology (computers, e-mail systems, voicemail systems, and webpages, etc.) in a manner which would violate this policy.

A. Seeking an Accommodation for a Disability

Students interested in requesting an accommodation for a disability should contact the Disability and Assistive Technology Center.

Employees interested in requesting an accommodation for disability should contact Human Resources.

5. Roles and Duties of University Officials and Employees

A. Affirmative Action Non-Title IX Roles

The Chief Human Resources Officer is responsible for overseeing employee (as a reporting or responding party) harassment, discrimination, and retaliation prevention and response.

The Dean of Students is responsible for overseeing student to student (as the reporting or responding party) harassment, discrimination, and retaliation prevention and response.

When harassment, discrimination, or retaliation is related to a student’s disability, the Chief Human Resources Officer and/or Dean of Students will collaborate with Disability and Assistive Technology Center, where appropriate when responding to reports.

B. Title IX Roles

The Compliance Officer serves as the Title IX Coordinator. The Title IX Coordinator duties include receiving reports of sexual violence and sexual harassment; maintaining appropriate records; providing or supporting education and training programs; maintaining ongoing communication with any Deputy Title IX Coordinator(s) and the Title IX Team; overseeing the investigations of allegations of sexual violence and sexual harassment; and 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. The Title IX Coordinator should be notified any time the University receives notice of an incident or allegation of sexual violence or any other potential Title IX violation.
The University may designate Deputy Title IX Coordinator(s) as deemed appropriate. The Dean of Students serves as Deputy Title IX Coordinator, specifically to ensure there is at least one Deputy Title IX Coordinator for incidents or allegations of sexual violence or any other potential Title IX violation which involves a student.

C. Title IX Investigation Team

The Title IX Investigation Team includes the Title IX Coordinator, Deputy Coordinator, and trained Title IX investigators. In addition to reviewing and responding to sexual violence, the team’s duties include supporting policy implementation and revision; assessing the effectiveness of trainings and educational programming; and addressing campus climate issues.

D. Employees

All employees are required to report any form of harassment, discrimination, and retaliation. Some employees are required to report sexual assault, stalking, dating violence, and domestic violence, (see Section 7C). All employees, are encouraged to report incidents of sexual assault, stalking, dating violence, and domestic violence.

At the start of a course or employment, faculty and staff should encourage students to report and seek support for incidents of harassment, discrimination, sexual violence, and retaliation. If you need more information or assistance, contact the Office of the Dean of Students and Human Resources.

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.

6. Additional Responsibilities of Leadership (Individuals who supervise another individual’s work have additional responsibilities to foster and support UW-Stevens Point values and expectations)

In addition to the general responsibilities of all employees, supervisors have additional expectations.

- Encourage employees to disclose any and all instances of discrimination, discriminatory harassment, sexual violence, or retaliation that they experience or become aware of; proactively and explicitly affirm to employees that no retaliation will result from such disclosure; and take any and all necessary measures to ensure that no such retaliation occurs
- Notify Human Resources if you receive a complaint of discrimination, harassment, sexual violence, or retaliation, or if you become aware of conduct that may meet any of these definitions
- Notify the complainant of their right to contact Human Resources directly (and/or the Dean of Students Office, if the complainant is a student)

7. Reporting, Confidentiality and Resources

All members of the campus community are required to report actual or suspected discrimination, harassment, or retaliation to Human Resources or Dean of Students Office, some limited exceptions apply for sexual violence (see confidential resources section below). The appropriate office will evaluate the information to determine what action should be taken in response to the report.

Individuals may report an incident to the Dean of Students, Human Resources, the Title IX Coordinator, a confidential resource, and/or a responsible employee. See section 7B and 7C for more information.
Individuals may anonymously report using an online report via [http://www.uwsp.edu/hr/Pages/Affirmative%20Action/Report-a-Concern.aspx](http://www.uwsp.edu/hr/Pages/Affirmative%20Action/Report-a-Concern.aspx). The University may not be able to investigate an anonymous complaint unless sufficient information is provided. Anonymous reports will be reviewed by the Human Resources and/or the Dean of Students Office, in conjunction with other relevant offices, to determine what action, if any, is warranted based on the facts and allegations contained therein.

**Note:** An individual may report in one or more manner.

Complaints can also be made to the U.S. Department of Education, Office of Civil Rights by emailing OCR@ed.gov; [http://www2.ed.gov/about/offices/list/ocr/docs/howto.html](http://www2.ed.gov/about/offices/list/ocr/docs/howto.html) or calling 800-421-3481, TDD 800-877-8339.

Some on-campus resources may maintain confidentiality, meaning they are not required to report actual or suspected discrimination, harassment, or retaliation to appropriate university officials (see section 7B and 7C). Thereby offering options and advice without any obligation to inform an outside agency or a campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will take action when an incident is reported to them.

All complaints will be treated with consideration to their sensitive nature. Complaints will be considered confidential to the extent requested by the complainant, if possible. However, certain disclosures may be necessary for the University to conduct a thorough investigation, comply with state and federal law, and comply with its own procedures and regulations. In addition, all records maintained by the University are potentially subject to the provisions of the Wisconsin Public Records Law. Records pertaining to students may also be subject to the Family Educational Rights and Privacy Act (FERPA).

Complaints regarding or related to discrimination, harassment, or retaliation against a faculty or staff member, received as a grievance through a Common Council sub-committee should be forwarded to the Title IX Coordinator.

Individuals are advised to submit a complaint as timely as possible. The ability of the University to investigate and take corrective action may be affected by the length of time between the alleged incident(s) and the filing of the complaint.

**A. 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.

**B. Confidential Resources for Student Reporting Sexual Violence:**

The University has designated confidential resources (see below) for students seeking an on campus confidential source for support in regards to a sexual violence incident. These are the only University services with the ability to ensure confidentiality of information provided by students, subject to applicable law.

Confidential resources maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. University resources listed as confidential resources will submit
anonymous statistical information for Clery Act purposes unless they believe it would be harmful to the reporting individual.

UW-Stevens Point confirms the following employees as confidential resources for Title IX reporting purposes. Confidential employees are only required to report the occurrence of the sexual assault:

- Individuals who work or volunteer at Student Health Services including students and other individuals in a clinical training program working under the supervision of a Student Health Services employee;
- Campus mental-health therapists within the UWSP Counseling Center and medical providers when acting pursuant to their license as well as their staff and trainees when working in a clinical setting;
- Any other person with a professional license requiring confidentiality working in the capacity of that licensure, or who is supervised by such a person;
- Gender and Sexuality Resource Center Coordinator
- Program Director for the UWSP Center for Prevention
- Campus Advocate (employee of CAP Services with office space on campus)

<table>
<thead>
<tr>
<th>On Campus Confidential Resource Contact Information</th>
<th>Phone Number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling Center</td>
<td>715-346-3553</td>
<td>Delzell Hall, 3rd floor</td>
</tr>
<tr>
<td>Gender and Sexuality Resource Center Coordinator</td>
<td>715-346-3829</td>
<td>Dreyfus University Center, Room 206</td>
</tr>
<tr>
<td>Program Director of the Center of Prevention</td>
<td>715-346-2789</td>
<td>Allen Center, Room 004</td>
</tr>
<tr>
<td>Police and Security Services*</td>
<td>715-346-3456</td>
<td>George Stein Hall</td>
</tr>
<tr>
<td>Student Health Service</td>
<td>715-346-4646</td>
<td>Delzell Hall, 2nd floor</td>
</tr>
<tr>
<td>Sexual Assault Survivor Services (SAVS)*</td>
<td>800-472-3377</td>
<td>Delzell Hall, Room 137</td>
</tr>
</tbody>
</table>

*24/7, 365 days/year resource

Employees seeking a confidential source of support may contact the Employee Assistance Program, FEI Behavioral Health at 866-274-4723. They are available 24/7, 365 days/year.

Any individual may seek off-campus confidential resources such as licensed professional counselors, local rape crisis counselors, domestic violence resources, local or state assistance agencies, including Stevens Point Police Department* (715-346-1500, 1515 Strongs Avenue, Stevens Point, WI), and/or Clergy/Chaplains.

C. Responsible Employees for Sexual Violence:

Certain UW-Stevens Point employees are considered “responsible employees” for the reporting of sexual violence under both Title IX and Wisconsin state law.

A Responsible Employee is defined by the Board of Regent policy 14-2 Sexual Violence and Sexual Harassment is listed below.

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

1. Who has the authority to take action to redress sexual violence;
2. Who has been given the duty of reporting incidents of sexual violence by students or employees to the Title IX coordinator or other appropriate school designee; or

Responsible employees must notify the institution of sexual violence. A full list of responsible employees, duties, and resources is located in Appendix B of this policy.

Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator or the Dean of Students by employees, unless the reporting party clearly indicates that they wish a report to be made.

Responsible employees should not promise confidentiality to any student or employee, and should, whenever possible, inform their reporting obligation prior to any details being given. Any person who is unsure about whether they wish to disclose sexual violence to a responsible employee should be directed to one of the confidential resources listed above.

Failure of a non-confidential employee, as described in this policy, to report an incident or incidents of sexual violence of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply.

D. Non-students or Non-employees Reporting

A guest, volunteer, contractor, or any other person providing or accessing University programs, services, and activities who believes they have experienced or witnessed conduct prohibited by this policy may submit an online report through http://www.uwsp.edu/hr/Pages/Affirmative%20Action/Report-a-Concern.aspx or they may contact Human Resources at 715-346-2606.

E. Interim Measures

While a complaint is pending, the University reserves the right to implement interim or long-term measures on a case-by-case basis to ensure the safety, well-being, and legal rights of any member(s) of the campus community. Interim measures may impact job responsibilities of an employee, an academic program, requirements of a student, or student housing assignments. The final determinations regarding relevant interim measures will be implemented by the leadership of the relevant office or department.

Interim measures are initiated based on information gathered during a report, assessment or intake process, and are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered. A Complainant or Respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community, and/or the integrity of the investigative and/or resolution process.

Resources for all individuals involved in incidents of discrimination, harassment, sexual violence, or retaliation can be found through the Human Resources website and the Dean of Students website.

F. 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 Chief Human Resources Officer or Dean of
Students 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.

8. Responding to Reports/Complaints

All reports and complaints will be responded to, investigated, and resolved (which may include
sanctions) on a case-by-case basis and in compliance with UWS Chapters 4, 6, 7, 11, 13, 17, and 18
and the UW-Stevens Point University Handbook, Chapter 4. When the incident does not involve
sexual assault or other forms of interpersonal violence, informal resolution may be the initial first step
to resolution in accordance with the UWS Chapters listed within this policy. The offices and
individuals receiving a report of discrimination, harassment, sexual violence, or retaliation will make
every effort to resolve the matter in a timely manner, with consideration to available information and
context.

The University will provide assistance upon request to individuals who wish to file a complaint with
University Police and Security Services (PSS) or local law enforcement. See University Police and
Security Services and local law enforcement procedures for more information.

The “preponderance of the evidence” standard is the applicable standard in all harassment,
discrimination, and retaliation investigation procedures.

In proceedings related to sexual violence, the complainant’s sexual history with anyone other than
the alleged perpetrator is not relevant and may not be considered as evidence. In addition, the mere
fact of a current or previous consensual dating or sexual relationship between the parties does not
itself imply consent to a particular act or preclude a finding of sexual violence.

Complaints against student employees may result in a combination of responses based on the
individual’s dual status as a student and an employee. Complaints by students against employees
will be referred to Human Resources, which shall be responsible for any further review and
investigation. In such cases, the Dean of Students Office will remain involved in the process, as it
deems appropriate.

Complaints against non-students should be referred to the Dean of Students Office.

Detailed processes associated with informal and formal investigations of complaints can be found on
the Human Resources website and the Dean of Students website.

A. Appeals

Appeal processes follow UWS Chapters 4, 6, 7, 11, 13, 17, and 18 and the UW-Stevens Point
University Handbook, Chapter 4.


The University reserves the right to assume the role of a complainant and to initiate or pursue a
report or complaint, either informally or formally. The University may respond to complaints or reports
by individuals external to the University community about alleged misconduct by University
employees or students.

If the Title IX Coordinator is accused of the offending conduct, or has an actual, perceived, or
potential conflict of interest, the Chancellor may be contacted in lieu of the Title IX Coordinator for the
purposes of any provision of this policy.
A. Rights of Parties

Every complainant and respondent has the following rights:

- to be treated with respect by University officials
- to access available campus support resources
- to have an advisor or advocate
- to refuse to participate in mediation or informal conflict resolution processes, and to be informed of the potential implications of that choice
- to refuse to participate in a formal investigation, and to be informed of the potential implications of that choice
- to be simultaneously informed in writing of: the outcome/resolution of the complaint; the rationale for the outcome; any changes made to the outcome/resolution before it comes final; when the outcome/resolution becomes final; and any available appeal procedures
- any and all other applicable rights set forth in applicable laws or policies

B. Campus Education and Notification

The University, through its relevant offices as listed within this policy, shall notify prospective and current students, student organizations, job applicants and employees of institutional policies and procedures regarding discrimination, discriminatory harassment, sexual violence, and retaliation.

The University will fulfill all applicable requirements for training and education of employees and students pursuant to University of Wisconsin System policy, state law, and/or federal law. Human Resources and the Office of the Dean of Students are the departments primarily responsible for facilitating training and educational programs for discrimination, harassment, sexual violence, and retaliation prevention and reporting.

C. Record Keeping and Data Collection

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-Stevens Point Office of the Dean of Students will collect, maintain, and submit the Annual Security Report, consistent with the federal Clery Act.

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

D. Conduct Not Covered by this Policy

Consensual romantic and/or sexual relationships between members of the University community are addressed in Board of Regent Policy 14-8 Consensual Relationships.

Offensive or biased language or conduct that does not meet the criteria of discrimination, harassment, sexual violence, or retaliation, and/or is not directed at a person or group on the basis of a protected status, may not be covered by this policy. However, such conduct may be covered by other policies, code(s) of conduct, or handbooks.

Regardless of whether or not disciplinary or punitive measures are available, the University may employ non-punitive measures to address such incidents, including dialogue, education, and
conflict resolution efforts, with the goal of maintaining an inclusive educational and workplace environment while also respecting individual rights to freedom of speech and expression.

E. Assessment

The Title IX Coordinator or designee will conduct a study that seeks to gather data and information concerning sexual violence and harassment on or near campus. All students and employees are encouraged to participate when studies occur. The Title IX Coordinator or designee will 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.

10. Related Documents

1989 Wisconsin Act 177 (c)
Wis. Stat. § 940
Board of Regent Policies – Section 14: Discrimination Prohibited
UWS Operational Policy: EEO5 – Discrimination, Harassment, and Retaliation
UWS Chapter 4: Procedures for Dismissal
UWS Chapter 6: Complaints and Grievances
UWS Chapter 11: Dismissal of Academic Staff for Cause
UWS Chapter 13: Complaints and Grievances
UWS Chapter 7: Dismissal of Faculty in Special Cases
UWS Chapter 17: Student Nonacademic Disciplinary Procedures
UWS Chapter 18: Conduct on University Lands
UW-Stevens Point University Handbook, Chapter 9: Information and Communication Technology
Online Accessibility Policy and Implementation Plan
UW-Stevens Point University Handbook, Chapter 4
UW-Stevens Point Chapter 14
UW-Stevens Point Chapter 17
UW-Stevens Point Chapter 18
Additional laws and policies

11. Policy History

Original policy issuance date undocumented. This policy was previously three policies: Title IX;
Discrimination; and Sexual Harassment.

10/08/2018: Contact information changed.

02/25/2019: Contact information and Title IX Coordinator designation updated.
Appendix A

Definitions, where appropriate, are taken from UW System policies and Wisconsin state statutes. Where a definition is from a UW System policy or Wisconsin state statute, the pronouns have been updated to be gender-inclusive.

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.].

Discrimination: Is conduct that adversely affects any aspect of an individual’s employment, education, or participation in an institution’s activities or programs, or has the effect of denying equal privileges or treatment to an individual on the basis of one or more characteristics of that individual’s protected status or category as defined herein.

Discriminatory Harassment: Is a form of discrimination consisting of unwelcome verbal, written, graphic or physical conduct that:

1. Is directed at an individual or group of individuals on the basis of the individual or group of individuals’ actual or perceived protected status, or affiliation or association with person(s) within a protected status (as defined herein above); and
2. Is sufficiently severe or pervasive so as to interfere with an individual’s employment, education or academic environment or participation in institution programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, offensive or hostile.

To constitute prohibited harassment, the conduct must be both objectively and subjectively harassing in nature. Harassment may include but is not limited to verbal or physical attacks, threats, slurs or derogatory or offensive comments that meet the definition set forth herein.
Harassment does not have to be targeted at a particular individual in order to create a harassing environment, nor must the conduct result in a tangible injury to be considered a violation of this policy. Whether the alleged conduct constitutes prohibited harassment depends on the totality of the particular circumstances, including the nature, frequency and duration of the conduct in question, the location and context in which it occurs and the status of the individuals involved.

**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 their 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.].

**Note:** Adult household members include roommates

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

**Executive Order 54:** Executive Order issued by Governor Walker in 2011 requiring that university employees report incidents of child abuse 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](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, Wis. Admin. Code, or an employee who is accused of violating a policy under Chapters UWS 4, 7, or 11, Wis. Admin. Code.

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

1. Who has the authority to take action to redress sexual violence;
2. Who has been given the duty of reporting incidents of sexual violence by students or employees to the Title IX coordinator or other appropriate school designee; or

**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. Sexual contact or sexual intercourse with another person without consent of that person and that causes pregnancy or great bodily harm to that person.
   b. 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. Sexual contact or sexual intercourse with another person without the consent of that person by use or threat of force or violence, aided or abetted by one or more persons.
2. **SECOND DEGREE SEXUAL ASSAULT.** Engaging in any of the following constitutes Second Degree Sexual Assault:
   a. Sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
   b. Sexual contact or sexual intercourse with another person without consent of that person causing injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
c. 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. 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. Sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

f. Sexual contact or sexual intercourse with another person without the consent of that person, aided or abetted by one or more other persons.

3. THIRD DEGREE SEXUAL ASSAULT. Sexual intercourse with a person without the consent of that person.

4. FOURTH DEGREE SEXUAL ASSAULT. Sexual contact with a person without the consent of that person. [§ 940.225, Wis. Stats.]

**Sexual Contact:** Intentional touching, whether direct or through clothing, if that intentional touching is for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery 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:** Intentionally engaging in a course of conduct that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of themselves or a member of their family or household [§ 940.32, Wis. Stats.]

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

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

**Title IX Coordinator (and Deputies):** An employee designated to coordinate compliance with Title IX, who plays an in 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](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](http://www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf); and [http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building- cultures-of-care.pdf](http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building- cultures-of-care.pdf)

**Violence Against Women Act (VAWA):** Federal law enacted in 1994, which promotes the investigation and 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.
Appendix B

UW-Stevens Point Title IX Responsible Employees

Responsible Employees must report information about such incidents promptly in order to ensure that the University meets its Title IX obligations. Under Title IX, once an institution has notice of an act of prohibited conduct, it is required to (1) take immediate and appropriate steps to investigate what occurred; and (2) take prompt and effective action to (a) end any misconduct that occurred; (b) remedy its effects; and (c) prevent its recurrence.

A responsible employee is a University employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence covered by University policy to the Title IX Coordinator; or who a student could reasonably believe has this authority or duty.

Following are the responsible employees identified for UW-Stevens Point:

- The Chancellor, Provost, Vice Chancellors, Associate/Assistant Vice Chancellors, Deans, and all other employees with limited appointments (at-will employees, director-level positions including those at off-campus locations);
- Department Chairs;
- Academic Department Administrators;
- Director of Intercollegiate Athletic Department (including executive, associate, and assistant directors);
- Head and Assistant Coaches of intercollegiate athletic teams;
- Director of Sports Medicine/Athletic Training Services and Athletic Training staff
- University Police and Security Services (Protective Services);
- Residential Living Director, Associate/Assistant Directors;
- Residential Living Residence Hall Directors;
- Residential Living Student Supervisors;
- Residential Living Community Advisers;
- Dean of Students, Associate/Assistant Dean of Students
- Title IX Coordinator and Deputy Title IX Coordinators;
- Title IX Complaint Investigators;
- Human Resources Representatives;
- Career and Academic Advisors
- Advisors to officially recognized student organizations
- Professional staff responsible for the student conduct process
- Faculty/Staff who lead off-campus trips and activities

All employees in accordance with § 36.11(22), Wis. Stats., who witness an act of sexual assault, or who receive a first-hand report of sexual assault from an enrolled student, must report that information to the Dean of Students Office or online via https://cm.maxient.com/reportingform.php?UnivofWisconsinStevensPoint&layout_id=3.

What are the duties of a Responsible Employee?

- Communicating to individuals who are considering disclosing or have disclosed information about alleged Prohibited Conduct that:
  - Responsible Employees are required to report thorough and complete information shared to the University Title IX Coordinator - the absence of complete and thorough information reported may limit the action the University can take;
2. There are confidential resources on and off campus with victim advocates and counseling services;
3. The individual disclosing the information may request confidentiality and the University will carefully consider the request with supporting the overall safety of our community;
4. The individual disclosing the information has the right to file a Title IX complaint with the University and to report a crime to campus or local law enforcement.

- Reporting information received about alleged prohibited conduct promptly via the online reporting form: http://www.uwsp.edu/hr/Pages/Affirmative%20Action/Report-a-Concern.aspx
- Completing all applicable University training on reporting requirements and staying current on training requirements; and
- Contacting the University's Title IX Coordinator with questions or concerns. For the names and contact information of the Title IX Coordinator and the Deputy Title IX Coordinator(s), see http://www.uwsp.edu/hr/Pages/Affirmative%20Action/Title-IX.aspx

Training for Responsible Employees:

Responsible Employees should be properly trained to do the following:

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

Resources for Responsible Employees:

UWSP Harassment, Discrimination, and Retaliation Prevention website

UWSP Title IX Resources

Responding and Reporting – includes Talking Points steps to take, and resources to provide when someone speaks with you

Title IX.com