

3. _____

In accordance with § 36.11(22), Wis. Stats., employees who witness an act of sexual assault, or who receive a first-hand report of sexual assault from an enrolled student, must report that information to the Office of the Dean of Students or designee. "Confidential Employees", described below, are only required to report the occurrence of the sexual assault without any personally identifying information about the complainant or respondent.

All employees must comply with Executive Order 54 which requires that university employees report incidents of child abuse and neglect which they observe or learn

E. Procedures

1. University Procedures:

- a. When a report is made to the

recognized by the university

1. Observing, recording, or photographing private body parts or sexual activity of the complainant.
 2. Allowing another person to observe, record, or photograph sexual activity or private body parts of the complainant.
 3. Otherwise distributing recordings, photographs, or other images of the sexual activity or private body parts of the complainant.
- b. Masturbating, touching one's genitals, or exposing M genitalM l o n nr comM ginai nhM 7o)

2. "**Consent**" means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in the definition of sexual assault. A person is unable to give consent if the person is in a state of incapacitation because of drugs, alcohol, physical or intellectual disability, or unconsciousness.
3. "**Consult**" or "**consulting**" means thoroughly reviewing and discussing the relevant facts and discretionary issues.
4. "**Dating violence**" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
5. "**Domestic violence**" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin as per ss. 813.12(1)(am) [ia

13. "**Stalking**" means engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
14. "**Title IX misconduct**" means sexual assault, stalking, dating violence, or domestic violence as defined in this section and sexual harassment as defined in this section.

Disciplinary Sanctions.

The disciplinary sanctions that may be imposed for misconduct under this policy range from a written reprimand through dismissal.

Dismissal of formal Title IX complaint and related appeal.

1. The university shall dismiss formal Title IX complaints consisting of allegations that meet any of the following conditions:
 - a. The alleged conduct would not constitute Title IX misconduct if proved.
 - b. The alleged conduct did not occur in a university education program or activity.
 - c. The alleged conduct did not involve actions against someone physically located in the United States.
2. The university may dismiss formal Title IX complaints under any of the following conditions:
 - a. The complainant formally requests in writing to withdraw the formal Title IX complaint.
 - b. The employee is no longer employed by the university.
 - c. Specific circumstances prevent the university from gathering evidence sufficient to reach a determination on the allegations contained in the formal Title IX complaint.
3. The university generally shall decide whether to dismiss a formal Title IX complaint within 30 days of receipt of the formal complaint, but the university may extend that

- a. Service of written notice of a live hearing on the allegations in the formal complaint at least 10 days prior to the hearing.
- b. A

- d. No university employee or other person who participated in the investigation of allegations leading to the filing of a statement of charges, or who participated in the filing of a statement of charges, or who is a material witness, shall be qualified to serve as the hearing examiner in that case.
- e. The hearing shall be closed unless the employee requests an open hearing, in which case it shall be open. Note: See subch. V of ch. 19, Stats., Open Meetings of Governmental Bodies.
- f. The hearing committee may, on motion of the complainant or the employee, disqualify any one of its members for caused by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of employees equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures.
- g.

- c. The Title IX coordinator, investigator(s), chancellor's designee, or the hearing examiner or hearing committee members had a conflict of interest or bias for or against the employee or complainant, or against complainants and respondents generally, that affected the outcome.
3. The complainant and the employee shall be notified of any appeal to the chancellor.
4. The chancellor shall permit the complainant and employee to file a written statement on the appeal. The chancellor shall review the appeal based on the record before the hearing examiner or hearing committee.

☐ c