



Title: SEXUAL VIOLENCE AND SEXUAL HARASSMENT	Code: C0201
Authority: Wis. Stats., § 20 U.S.C. §1681 et seq.; 42 U.S.C. § 2000e et seq.; 20 U.S.C. §1092(f) (2018); Wis. Stats. s. 111.31 et seq.; Wis. Stats. s. 38.12	Original Adoption: 4/26/22 Revised/Reviewed: 4/26/22 Effective: 4/26/22

This policy covers sexual harassment and sexual violence, including but not limited to sexual harassment, sexual assault, stalking, dating violence, domestic violence, and sexual exploitation. The purpose of this policy is to reflect the District Board’s strong commitment to promoting an environment that is free from sexual violence and sexual harassment.

To address these incidents, the college will implement procedures and educational programs that serve to prevent, respond to, and redress incidents of sexual violence and sexual harassment. This policy is in compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.

The college’s Title IX Coordinator will ensure compliance with Title IX of the Education Amendments of 1972 and this policy. The Title IX Coordinator is designated by the college President and such designation will be reviewed annually.

1. Scope

This policy prohibits acts of sexual violence and sexual harassment on college property, at college sanctioned or college affiliated events, and where off-campus conduct affects a member of the college community.

A substantial college interest is defined to include, but is not limited to:

- a) Any action that constitutes criminal offense as defined by federal, state or local law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in any municipality where MATC is located;
- b) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the college.

Inquiries about this policy may be made internally to:

Title IX Coordinator
Chief Diversity and Inclusion Officer



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Milwaukee Area Technical College
700 West State Street, Room M278
414-297-6080

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)
131 M Street, NE
Washington, DC 20507
Phone: 1 (800) 669-4000
TTY: 1 (800) 669-6820
ASL: 1 (844) 234-5122
Email: info@eeoc.gov
Website: <http://www.eeoc.gov>

2. Definitions of Prohibited Conduct under Title IX¹

Prohibited conduct includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking and defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

- A. Quid Pro Quo:
 - i. An employee of MATC,
 - ii. Conditions² the provision of an aid, benefit, or service of MATC,

¹ This definition is consistent with the requirements of 34 CFR Part 106 issued by the U.S. Department of Education on May 6, 2020.

² Implicitly or explicitly



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iii. On an individual's participation in unwelcome sexual conduct.

B. Sexual Harassment:

- i. Unwelcome conduct,
- ii. Determined by a reasonable person,
- iii. To be so severe,
- iv. And pervasive, and,
- v. Objectively offensive,
- vi. That it effectively denies a person equal access to MATC's education program or activity.³

C. Sexual assault, defined as:

- i. Sex Offenses, Forcible: Any sexual act directed against another person. Sexual Acts include:
 - a. Forcible Rape:
 - 1. Penetration
 - 2. No matter how slight
 - 3. Of the vagina or anus with any body part or object, or
 - 4. Oral penetration by a sex organ of another person
 - 5. Without the consent of the complainant
 - b. Forcible Sodomy:
 - 1. Oral or anal sexual intercourse with another person,
 - 2. Forcibly,
 - 3. And or against that person's will (non-consensually), or
 - 4. Not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - c. Sexual Assault with an Object:
 - 1. The use of an object or instrument to penetrate
 - 2. However slightly
 - 3. The genital or anal opening of the body of another person
 - 4. Forcibly

³ Unwelcomeness is subjective and determined by the complainant, except when the complainant is younger than the age of consent. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.



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- 5. And or against that person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- d. Forcible Fondling:
 - 1. The touching of the private body parts of another person (buttocks, groin, and breasts)
 - 2. For the purpose of sexual gratification
 - 3. Without the consent of the complainant,
 - 4. Including instances in which the complainant is incapable of giving consent.
- ii. Sex Offenses, Non-Forcible:
 - a. Incest:
 - 1. Non- forcible sexual intercourse,
 - 2. Between persons who are related to each other,
 - 3. Within the degrees wherein marriage is prohibited by Wisconsin law.
 - b. Statutory Rape:
 - 1. Non forcible sexual intercourse;
 - 2. With a person who is under the statutory age of consent in Wisconsin
- D. Dating Violence, defined as:
 - i. Violence,
 - ii. On the basis of sex,
 - iii. Committed by a person,
 - iv. Who is in or has been in a social relationship of a romantic or intimate nature with the complainant.
 - a. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - 1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - 2. Dating violence does not include acts covered under the



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definition of domestic violence.

E. Domestic Violence, defined as⁴:

- i. Violence,
- ii. On the basis of sex,
- iii. Committed by a current or former spouse or intimate partner of the complainant, or
- iv. By a person with whom the complainant shares a child in common, or
- v. By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, or
- vi. By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or
- vii. 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.

F. Stalking, defined as:

- i. engaging in a course of conduct,
- ii. on the basis of sex,
- iii. directed at a specific person, that
 - a. would cause a reasonable person to fear for the person's safety, or
 - b. the safety of others; or
 - c. Suffer substantial emotional distress.
- iv. For the purposes of this definition—
 - a. Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
 - c. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

⁴ To categorize an incident as Domestic Violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.



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G. Consent: Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

- i. Incapacity: state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.
 - a. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs.
 - b. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.
 - c. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.
- ii. No Presumption: Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
 - a. A current or previous dating relationship is not sufficient to constitute consent.
 - b. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.
 - c. Silence or the absence of resistance alone is not consent.
- iii. Withdrawal of Consent: A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
- iv. Minors: In Wisconsin, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

3. Prohibited Conduct Outside of Title IX

In circumstances when a student or employee engages in conduct or actions that does not meet the definition of sexual harassment or sexual violence under Title IX or otherwise fall outside the



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scope of Title IX, as determined by the Title IX Coordinator or their designee, the college may review such conduct or actions under other federal, state and local laws or other college policies. The college will review and investigate allegations of violations under the appropriate process provided in the applicable policy. Allegations of sexual harassment, including sexual assault, dating violence, domestic violence and stalking that do not meet the above definitions or otherwise fall outside the scope of Title IX may be reviewed as possible violations of the Policy C0200-Equal Opportunity, Harassment and Nondiscrimination Policy.

4. Federal Timely Warning Obligations

Victims of sexual harassment or sexual violence should be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

5. Compliance with State Law

MATC shall comply with Section 38.12 Wis. Stats., by incorporating in its orientation program for newly entering student’s oral and written information on sexual assault and sexual harassment. Furthermore, MATC shall provide written information to every student annually. Coordination of compliance with this legislation is the responsibility of the Title IX Coordinator, as designated by the college President. The MATC District Board shall annually submit a report to the Chief Clerk of each house of the legislature for distribution to the appropriate standing committees. This report shall indicate the methods the district board has used to comply with the requirements for both newly entering students and all students as required by the law.

Office of Responsibility: General Counsel