



ADMINISTRATIVE REGULATION AND PROCEDURE

Title: RESPONDING TO INCIDENTS OF SEXUAL ASSAULT, STALKING AND RELATIONSHIP VIOLENCE	Code: FF1001-B
Policy Reference: C0200 and G0301	

Pursuant to the Campus SaVE Act, incidents of domestic violence, dating violence, sexual assault and stalking are disclosed in MATC's annual campus crime statistic report.

All students, employees and other members of the MATC community are encouraged to promptly and accurately report incidents of sexual assault, stalking and relationship violence to MATC Public Safety (297-6200). Reports may also be submitted to the Title IX Coordinator or Deputy Coordinators online at:

https://publicdocs.maxient.com/reportingform.php?MilwaukeeAreaTC&layout_id=2

Notice of Victim Rights

Students and employees reporting victimization by sexual assault, stalking, domestic violence or dating violence (relationship violence) have the rights to:

- Be assisted by campus authorities if reporting a crime to local law enforcement;
- Change in academic, transportation and work situations to avoid a hostile environment;
- Obtain or enforce a temporary restraining order, injunction or other no contact directive;
- Information concerning MATC's investigation and grievance procedure (CC0200) for equal opportunity and be informed of the range of possible sanctions under the MATC Student Code of Conduct or applicable personnel and ethics policies;
- Receiving contact information about existing counseling, mental health, victim advocacy, legal assistance and other services available either through MATC or in the community.

Confidentiality

Victims have the right to confidentiality while seeking support services from MATC Counseling services and MATC's Employee Assistance Program, and any specific victim support services offered by the college, including victim advocacy. Other MATC employees, including MATC Public Safety, cannot guarantee confidentiality. If a victim or complainant requests confidentiality, MATC will take reasonable steps to investigate and respond consistent with that request, taking into account that confidentiality may not be possible in every case due to the college's responsibility to provide a safe campus environment for all. To ensure that the college has met its obligations, MATC



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employees are expected to consult with the Office of General Counsel or Title IX Coordinator concerning whether and what identifying information they can or must share within the institution to respond to a report and promote campus security. Any information is shared on a need-to-know basis to investigate reports.

Definitions

In accordance with the 42 U.S. C. 12925(a), the following definitions of reportable crimes are provided as set forth under Wisconsin law. In the case of “dating violence,” the federal definition is supplied:

Stalking: Stalking is committed by one who intentionally engages in a course of conduct directed at a specific person; AND

The actor’s conduct did actually cause the specific person [victim] to suffer serious emotional distress OR to fear bodily injury or death to himself, herself, or a member of his or her family/household; AND

The actor’s conduct would cause a reasonable person to suffer serious emotional distress OR place the person in reasonable fear of bodily injury or death to himself, herself, or a member of his or her family/household.

See Wis. Stat. § 940.32(2). Additional statutory definitions concerning stalking are described in Wis. Stat. § 940.32(1).

Domestic Violence: Wisconsin statutes define “domestic abuse” as follows:

“Domestic abuse” means any of the following: engaged in by any adult 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 940.225(a), (2) or (3) [Sexual Assault].



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4. A violation of 943.01, [Damage to Property], involving property that belongs to the individual.
5. A threat to engage in the conduct under sub. 1., 2., 3., or 5.

“Family member” means a spouse, a parent, a child or a person related by blood or adoption to another person.

“Household member” means a person currently or formerly residing in a place of abode with another person.

Dating Violence: Wisconsin statutes do not define the term “dating violence.”

Federal law defines “dating violence” as:

Violence committed by a person –

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based upon consideration of the following factors:
 - a. The length of the relationship
 - b. The type of relationship;
 - c. The frequency of interaction between the persons involved in the relationship.

Sexual Assault: Four degrees of sexual assault are defined by the by the Wisconsin statutes. These statutes recognize that sexual assault, sexual exploitation by a therapist and harassment are serious criminal offenses.

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



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- 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.
 - (d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
 - (e) 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.
 - (f) Is an employee of an inpatient facility or a state treatment facility and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility.



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(3) Third Degree Sexual Assault. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class D felony.

(3m) Fourth Degree Sexual Assault. Whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

(4) Consent. "Consent", as used in this section, means 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. Consent is not an issue in alleged violations of sub. (2)(c), (d) and (g). The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

- (a) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct
- (b) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(5) Definitions. In this section:

- (a) "Sexual contact" means any intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts 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).
- (b) "Sexual intercourse" includes the meaning assigned under s. 939.22 (36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body



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or of any object into the genital or anal opening either
by the defendant or upon the defendant's instruction.
The emission of semen is not required.

Standard of Evidence

Students or other members of the MATC community who have been victims of any sexual assault, domestic violence, dating violence or stalking should immediately contact MATC Public Safety or law enforcement for assistance.

In all MATC investigations of reports of sexual assault or sexual harassment, the standard of evidence used by the college will be the preponderance of the evidence (more likely than not) standard. This standard will apply to all college enforcement of college policies, procedures and codes of conduct involving discrimination, harassment, sexual assault and sexual misconduct.

Office of Responsibility: Student Services
Public Safety