

MCW Title IX Definitions

Complainant:

Individual who alleges under this policy to be the victim of sex discrimination, sexual assault, domestic violence, dating violence, and/or stalking.

Conduct without Consent:

Conduct is considered without consent if no clear consent, verbal or nonverbal, is given. Non-consensual contact is any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.

Coercion:

Coercion occurs when a person is persuaded to do something by force or use of threats or intimidation. For the purposes of this policy, coercing someone into sexual activity violates this policy in the same way as physically forcing someone into a sexual act.

Confidential Resources:

People and organizations that are not required to notify the Title IX Coordinator after receiving a report of a Prohibited Offense from an MCW student, employee or Third Party. Appropriateate Confidential Resources will submit anonymous statistical information for *CleryAct* purposes unless they believe it would be harmful to the individual or are prevented from doing so by law, rule or regulation. The following MCW Confidential Resources will not engage the Title IX Coordinator with identifiable information unless the reporting party grants permission for the same, and/or the Confidential Resource determines a danger to other(s) is reasonably believed to exist:

- The Employee Assistance Program (available to employees and students);
- Health care providers, including mental health providers, in their capacities of providing clinical care to students and employees;
- The MCW Ombuds Office, when the Ombuds person is serving in that capacity; note that the Ombuds Office only provides services to employees, and also accepts anonymous reports from employees; and
- The MCW Compliance Hotline, which accepts reports from anonymous and identified individuals.

The following Confidential Resources external to MCW have no obligation to engage MCW (this list is not exhaustive):

- Community Rape Crisis Center;
- Community Domestic Violence resources; and
- Community members of the clergy.

Consent:

Words or overt actions by a person who is competent and coherent to give informed consent indicating a freely given agreement to have sexual intercourse, sexual contact or engage in other activities sexual in nature. [Wis.Stat. 940.225\(4\)](#) Previously welcome conduct does not constitute consent for similar or identical conduct in the future.

Dating Violence:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the following factors: the length of the relationship; the type of the relationship; and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes but is not limited to sexual or physical abuse or the threat of such abuse, but does not include acts included in the definition of Domestic Violence.

Domestic Violence:

An act of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic family violence laws of the jurisdiction in which the crime of violence occurred, or 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 in which the crime of violence occurred.

MCW expects students and employees to comply with Wisconsin law, which defines domestic abuse to include 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 Wis. Stat. 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 above.

Gender Identity:

Gender identity is the gender role (such as male or female) with which an individual self-identifies, regardless of whether that role is consistent with the gender role assigned to the person at birth.

Hostile Environment:

Environment which can result from misconduct under this policy sufficiently serious such that it interferes with or limits the ability to participate in or benefit from MCW's programs (working or learning), or creates an intimidating, threatening or abusive educational environment. A hostile

environment can be created by an employee, student, or others such as a visiting student.

Preponderance of the Evidence:

MCW's standard used to determine whether a complaint of a Prohibited Offense is "more likely than not" (or 51% or more) to have occurred.

Prohibited Offenses:

Sex discrimination, domestic violence, dating violence, sexual assault and stalking (as those terms are defined herein).

Respondent:

Individual who is alleged to have committed or engaged in a Prohibited Offense (i.e. a violation(s) of this policy).

Responsible Employees:

Employees that are mandatory reporters, who are required to promptly notify and engage the MCW Title X Coordinator or a Deputy Coordinator any time they receive a report of violation(s) of this policy. All MCW employees meet this definition with the exception of those employees that are Confidential Resources, contracted workers, and Standardized Patients.

Sexual Assault:

Any type of sexual contact or behavior that occurs by coercion, force or without consent of the recipient. Included in the definition of sexual assault are non-- consensual sexual intercourse, non-consensual sexual contact, incest and statutory rape. This definition includes sexual acts against people who are unable to consent either due to age or lack of capacity.

- **Non-Consensual Sexual Intercourse:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the recipient. Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth and genital contact) no matter how slight the penetration or contact. Non-consensual sexual intercourse may also be known as rape.
- **Non-Consensual Sexual Contact or attempt to commit the same:** The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. Non-consensual sexual contact may also be referred to as fondling or groping.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse by a person at or over the statutory age of consent with a person who is under the statutory age of consent.

Wisconsin state law defines sexual assault under Sec. 940.225 Wis. Stats.

Sex Discrimination:

Treating an individual unfavorably based on their sex, sexual orientation, or gender identity. Forms of sex discrimination include but are not limited to sex-based harassment, violence, assault, exploitation, coercion and stalking.

Sexual Exploitation:

Taking non-consensual and/or abusive sexual advantage of another for the perpetrator's own advantage or benefit. Forms of sexual exploitation include invasion of sexual privacy, taking and/or sharing non-consensual images, videos, audio-tapes or other media of sexual activity of or with another person(s), knowingly transmitting a sexually transmitted disease, exposing one's genitals in a non-consensual circumstance, engaging in voyeurism, and gender identity or sex-based bullying.

Sexual Harassment:

Unwelcome gender or sexual based verbal or physical contact such as sexual advances, requests for sexual favors, and other verbal or nonverbal, visual or physical conduct of a gender or sexual nature, such as comments, touching, teasing, joking or displaying sexually explicit materials or other behaviors that unreasonably interfere with work, academic or school-related activities. Sexual Harassment is a serious violation of this policy and is prohibited.

Harassment occurs:

- whenever submission to such conduct is based on power differentials and is made either explicitly or implicitly a term or condition of an individual's employment, academic or school-related activities,
- whenever submission to or rejection of such conduct is used as a basis for decisions, and/or
- when such conduct is sufficiently severe, persistent or pervasive that it unreasonably interferes with an individual's performance or creates an intimidating, hostile, or offensive work, academic or school-related environment.

Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; and/or suffer substantial emotional distress.

For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts which the stalker 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Wisconsin law prohibits stalking under Section 940.32 Wis. Stats.

Title IX of the Education Amendments of 1972:

Enforced by the [U.S. Department of Education's Office for Civil Rights](#), Title IX protects people from sex discrimination in education programs or activities that receive federal financial assistance. Title IX specifically states: "no 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"

