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### SEXUAL ASSAULT, MISCONDUCT, & HARASSMENT POLICY

**POLICY**

Gateway Technical College (Gateway) prohibits rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence. This policy applies to all students, employees, contractors, and visitors of the college.

Sexually violent acts, termed sexual misconduct by Gateway, are violations of the Gateway Student Code of Conduct, Administrative Procedures and College Practices Manual, and can be crimes as well. Sexual misconduct includes, but is not limited to non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal relationship violence, sex/gender-based stalking and sexual harassment. While Gateway utilizes different standards and definitions than the State of Wisconsin statutes, sexual misconduct often overlaps with crimes of rape, sexual assault, sexual harassment, stalking, retaliation, dating violence and domestic violence. (Sexual Harassment is also referenced in Policy H-110, Affirmative Action/Equal Opportunity.)

**SEXUAL MISCONDUCT DEFINED**

1. Sexual Misconduct includes, but is not limited to:

<p><b>NON-CONSENSUAL CONTACT</b></p> <ul style="list-style-type: none"> <li>• Any intentional sexual touching</li> <li>• However slight</li> <li>• With any object</li> <li>• By one person upon another person</li> <li>• That is without consent and/or by force</li> </ul>	<p><b>NON-CONSENSUAL SEXUAL INTERCOURSE</b></p> <ul style="list-style-type: none"> <li>• Any sexual intercourse</li> <li>• however slight</li> <li>• With any object</li> <li>• By one person upon another person</li> <li>• That is without consent and/or by force</li> </ul>	<p><b>SEXUAL EXPLOITATION</b></p> <p>Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to advantage anyone other than the one being exploited such as letting someone hide in the closet to watch consensual sex.</p>
<p><b>STALKING</b></p> <p>A course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.</p>	<p><b>BULLYING/CYBERBULLYING</b></p> <p>Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally (and are not protected by freedom of expression).</p>	<p><b>RELATIONSHIP VIOLENCE</b></p> <p>Violence between those in an intimate relationship to each other.</p> <ul style="list-style-type: none"> <li>• Terms include domestic violence, interpersonal violence, relationship violence, dating violence.</li> <li>• Involves Code violation</li> <li>• If based on gender/sex falls within Title IX</li> </ul>
<p><b>RETALIATION</b></p> <p>Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Also includes retaliation against the victim by the accused or by the accused friends or others who are sympathetic to the accused.</p>		

2. Anyone wishing to officially report such an incident may do so by filing a Maxient Report found at <http://www.gtc.edu/security> or by contacting Debbie Miller, Title IX Officer at 262/564-3220. Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately.
3. Gateway will investigate such claims promptly and thoroughly. If, for any reason, an individual wishes to complain or inquire regarding sexual misconduct, but feels it would not be appropriate to raise such issues with the Gateway Title IX Officer, the individual may inquire or complain to any dean of Campus Affairs or any officer of Gateway at the level of vice president or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, Gateway will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or expulsion from Gateway for serious or repeated violations.

**AWARENESS & PREVENTION PROGRAMMING**

1. In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, Gateway utilizes a range of campaigns, strategies and initiatives to provide awareness, education, risk reduction and prevention programming.
2. Gateway offers programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention

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(including normative messaging, environmental management and bystander intervention), and discuss institutional policies on sexual misconduct as well as the State of Wisconsin definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

3. Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, emails, guest speakers and events.

### **PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, SEXUAL HARASSMENT AND OTHER OF SEX AND GENDER DISCRIMINATION ACTS**

1. Procedurally, when Gateway receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination the Title IX Officer is notified. If the victim wishes to access local community agencies and/or law enforcement for support, Gateway will assist the victim in making these contacts. The Title IX Officer will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations, changes in working situations and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, targeted interventions, etc.). If the victim so desires, they will be connected with a counselor on- or off-campus, as well as an on- or off-campus victim's advocate. No victim is required to take advantage of these services and resources, but Gateway provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports and procedures, in the form of this document, is provided to all victims, whether they are a student, employee, contractor or visitor, and whether the offense occurred on or off campus.
2. When appropriate upon receipt of notice, the Title IX Officer will cause a prompt, fair and impartial process to be initiated, commencing with an investigation which may lead to the imposition of sanctions, based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of Gateway can be found online at policy H-120.
3. The Title IX Officer is ultimately responsible to assure in all cases that the behavior is brought to an end, Gateway acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. Gateway is also responsible to assure that training is conducted annually for all advocates, investigators, and appeals officers of Gateway to protect the safety of victims and promote accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process to protect the safety of victims and to promote accountability for those who commit offenses.
4. The investigation (including records of the resolution) conducted by Gateway is confidential. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with State of Wisconsin law and the federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim's identification. Additionally, Gateway maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures.
5. In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, or other procedural action. Once complete, the parties will be simultaneously informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the college's appeal processes and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be promptly informed in writing, and will be notified when the results of the resolution process become final.
6. In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence do occur, Gateway takes the matter very seriously. The college employs interim protection measures such as interim suspension and/or no contact orders in any case where a student's or employee's behavior represents a risk of violence, threat, pattern or predation. If a student or employee is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to action in accordance with the Student Code of Conduct in the student handbook and the procedures and practices identified in the Administrative Procedures and College Practices Manual.

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### SAFETY STEPS

Victims of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence are encouraged to review some or all of these safety suggestions designed to guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call 911.
2. Consider securing immediate professional support (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to the Student Services Center to speak with a licensed professional counselor for support and guidance. These licensed counselors are confidential resources and in most cases, do not have a legal duty to report to the Title IX Officer.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify the director, Security & Safety or the campus Title IX Officer so that those orders can be observed on campus.
5. Even after the immediate crisis has passed; consider seeking support from Student Support Services, the Student Support Counselor and/or the local rape crisis center as identified below:

Student Support Services Contact Information		
	Student Support	Local Rape Crisis Center
Elkhorn	262/741-8300	1-800-365-1587
Burlington	262/741-8300	1-262-638-6741
Kenosha	262/564-2300	1-800-236-7188
Racine	262/619-6300	1-262-638-6741

6. Gateway will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. Contact the director, Safety & Security (262/564-2812 or 262/939-5462) or Title IX Officer (262-564-3220) if you need assistance with Gateway related concerns, such as no-contact orders or other protective measures. The director Safety & Security will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The college is able to offer reasonable academic accommodations, escorts, no contact orders, counseling services access and other supports and resources as needed by a victim.

### SANCTIONS

1. For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct and stalking, sanctions range from warnings through termination or expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion or termination of employment.
2. The following sanctions\* may be imposed to students who fail to comply with this policy.
  - a. Warning: Issued to a student who has committed a minor violation of this policy and doesn't pose a continued concern for the college.
  - b. Disciplinary Probation: Issued to a student who has committed a violation of this policy and will face additional sanctions if any additional violations occur during a specified time frame.
  - c. Suspension: Issued to a student, for a specified time frame, who has committed a major, egregious or continued violation(s) of this policy.
  - d. Expulsion/Dismissal: Permanent removal, issued to a student who has committed a major, egregious or continued violation(s) of this policy.

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- e. Restriction: Issued to a student who has committed a violation of this policy and the resolution is a limitation on the student's access to identified services, locations, education, community activities or persons. Issued for a specified time frame.
- f. Restitution: Issued to a student who has committed a violation of this policy that resulted in staff, institutional or another student's financial loss. May be issued as a condition of return or continued attendance in the college.
- g. Referral: Issued to a student who has committed a violation of this policy and it is determined that continued participation at the college is contingent upon the student attending designated services (college or private vendor) or programs. May be issued for a specified time frame or as permanent and may be issued as a condition of return or continued attendance in the college.
- h. Loss of Privileges: Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance in the college with permanent limitations on the student's access to identified service, location, or educational community activities.
- i. No Contact: Issued to a student who has committed a violation of this policy and it is determined that the student may continue attendance in the college with permanent limitations on the student's access/contact with an identified individual(s) or groups of student and/or staff.

\* These sanctions are not meant to be progressive in nature. A student may be issued one or more of these sanctions in response to an incident. The college will determine level of sanction based on the severity of the incident or series of incidents.

- 3. The following disciplinary action/sanctions\*\* may be imposed to employees who fail to comply with this policy.
  - a. Verbal Counseling
  - b. Written Counseling
  - c. Disciplinary Suspension
  - d. Final Written Warning
  - e. Termination
  - f. Mandated training
  - g. Mandated Counseling

\*\* These sanctions may not be progressive in nature. An employee may be issued one or more of these sanctions in response to an incident. The college will determine level of sanction based on the severity of the incident or series of incidents.

### LEGAL DEFINITIONS

- 1. Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.
- 2. Under State of Wisconsin law, rape is defined as sexual intercourse against the will of the victim that can occur under a variety of circumstances, including:
  - a. Where the victim is prevented from resisting due to alcohol or drugs.
  - b. Where the assailant uses physical force or the threat of force to overpower and control the victim.
  - c. Where the victim fears that she or he or another will be injured if the victim does not submit.
  - d. Where the victim is at the time unconscious of the nature of the act, and this is known to the assailant.
  - e. Where the victim is incapable of giving legal consent due to a mental disorder or developmental or physical disability, and this is known or reasonably should be known to the assailant.
  - f. Where the act is accomplished by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another person.
  - g. Where the assailant uses duress, such as a direct or implied threat of hardship or retribution, to coerce the victim.
  - h. Where the assailant uses force, fear or threats to accomplish sexual intercourse against the will of the spouse. This provision is known as the "spousal rape law."

### OTHER SEXUAL OFFENSES

- 1. Besides rape, other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).
- 2. In Wisconsin, sexual consent is defined as 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. The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence:
  - 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.
- 3. The complete Wisconsin rape and sexual assault offense definitions can be found in WIS.STAT.940.225:  
<http://docs.legis.wisconsin.gov/statutes/statutes/940/>

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### SEX OFFENDERS

1. In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Gateway is providing a link to the Wisconsin State Sex Offender Registry. All sex offenders are required to register in the state of Wisconsin and to provide notice of each institution of higher education in Wisconsin at which the person is employed, carries a vocation or is a student. <http://offender.doc.state.wi.us/public>.
2. In addition to the above notice to the State of Wisconsin, all sex offenders are required to deliver written notice of their status as a sex offender to the college director, Safety and Security no later than three (3) business days prior to their enrollment in, employment with, volunteering at or residence in Gateway. Such notification may be disseminated by Gateway to, and for the safety and well-being of, Gateway community, and may be considered by Gateway for enrollment and discipline purposes.

Adopted: June 29, 2015

Supersedes: December 19, 2011; April 7, 2004, May 19, 1994

Reaffirmed &/or Updated: September 30, 2014 (Titles Updated); March 22, 2011 (Clarified EEO Officer and AA Officer positions); October 8, 2009; December 19, 2011 (Combined Policies H-130, Sexual Harassment, combined with H-140)