

The University of Wisconsin System
UPS OPERATIONAL POLICY: GEN 28



SUBJECT: Sexual Misconduct

Notice of Intent to Revise

This policy is being revised following the adoption of Regent Policy Document 14-2, Sexual Violence and Sexual Harassment.

Original Issuance Date: July 1, 2015

Last Revision Date:

1. POLICY PURPOSE:

The purpose of this policy is to establish a policy on reporting sexual misconduct and on the need to comply with the federal law that requires UW System institutions to provide certain procedural rights to individuals who assert that they were harmed as a result of sexual misconduct by a university staff member. “Sexual misconduct” under this policy includes sexual assault, sexual harassment, gender-based stalking, and relationship violence.

2. POLICY BACKGROUND:

This policy complies with federal laws, including Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in any educational program or activity receiving federal financial assistance and require UW System institutions to take immediate and effective steps to respond to reports of sexual misconduct. Title IX requires that an individual who asserts that he or she was harmed as a result of sexual misconduct (i.e., the accuser or the complainant) must be provided with all procedural rights provided to the individual accused of sexual misconduct.

3. POLICY DEFINITIONS:

“Dating violence” means violence committed by an employee in a “dating relationship” as defined in [Wis. Stat. § 813.12\(1\)\(ag\)](#). “Dating relationship” means a romantic or intimate social relationship between 2 adult individuals but “dating relationship” does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

“Domestic violence” means conduct defined as “domestic abuse” in [Wis. Stat. § 968.075](#).

“Preponderance of the evidence” is the standard of proof under which the available information would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than "clear and convincing evidence."

“Relationship violence” includes dating violence and domestic violence.

“Sexual assault” means conduct defined in [Wis. Stat. § 940.32](#).

“Sexual harassment” is a form of sex discrimination. It occurs in a variety of situations that share a common element: the inappropriate introduction of sexual activities or comments into the work or learning situation. Often, sexual harassment involves relationships of unequal power and contains elements of coercion – as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person’s ability to study or work in the academic setting.

“Stalking” means conduct defined in [Wis. Stat. § 940.32](#)

4. POLICY

Reporting Incidents of Sexual Misconduct

Employees are strongly encouraged to report any incident of sexual misconduct at any time to the institution Title IX coordinator, Office of Human Resources, Affirmative Action/Equal Employment Office, their immediate supervisor, local law enforcement officials, or other institution officials who are designated to receive such reports. Prompt reporting is recommended in order to assure that all relevant evidence is collected and preserved to assist in an investigation. Each UW System institution must identify its Title IX coordinator and should identify any other employees to whom an individual may report an allegation of sexual misconduct.

Required Procedures When a Grievant Appeals the Imposition of Discipline for Alleged Sexual Misconduct

Certain procedures are required in sexual misconduct cases. This policy applies to sexual misconduct cases when the grievant is a university staff member appealing the imposition of discipline for alleged sexual harassment, sexual assault, dating violence, domestic violence, or stalking. Federal law requires that a complainant who has asserted that he or she was harmed as a result of sexual misconduct must be provided with all procedural rights provided to the grievant. For example, both the grievant and the complainant must receive notice of all hearings and must be granted the right to participate in those hearings. Federal law also requires that the standard of proving that the misconduct occurred shall be by a preponderance of the evidence.

5. RELATED DOCUMENTS:

[Regent Policy Document 14-2, Sexual Violence and Sexual Harassment](#)
[UPS Operational Policy GEN 14: Grievance Procedures](#)

6. POLICY HISTORY: