

Madison College Sexual Misconduct Procedure

Madison College strives to provide an educational environment that preserves the safety and dignity of each member of our community. In order to foster a climate of respect, and provide for the safety and security of our community, the College prohibits acts of sex- and gender-based discrimination, to include sexual misconduct. Madison College employees who become aware of instances or allegations of sexual misconduct by or against a Madison College student or employee **must** report it. (Appendix A provides resources for reporting sexual misconduct and steps to consider following an assault.)

Madison College's Sexual Misconduct Procedure seeks to ensure a thorough, reliable, and impartial investigation and resolution. College officials who have received annual sexual misconduct training, as well as training on conducting an investigation process that protects victim safety and promotes accountability conduct the procedure.

The standard of evidence used in adjudication of cases of sexual misconduct is the **preponderance of evidence** standard—it is more likely than not, that a violation of this policy has occurred. When a violation is determined, the College will take prompt corrective action and impose appropriate sanctions. The College will provide resources to any person who has been a victim of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary measures to those who violate the Sexual Misconduct Policy. (Appendix B outlines Rights for Victims of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking.) The College complies with federal, state and local laws, including the reporting of certain crimes to law enforcement authorities.

For the purposes of this procedure, the person who reports an experience of sexual misconduct is the **"complainant"**. The person accused of committing sexual misconduct is the **"respondent"**. Both the complainant and the respondent are encouraged to participate in the process of investigation and adjudication. (Refer to Appendix C for the definitions of other terms used in the Sexual Misconduct Policy and Procedure.)

STEP 1: FILE A COMPLAINT FOR ACTION BY THE COLLEGE

If you are the victim of any form of sexual misconduct to include sexual harassment, sexual assault, domestic violence, dating violence, stalking and/or other acts based on sex or sex-stereotyping, you are encouraged to report the incident promptly to the College. While there is no deadline for filing a complaint, the recommendation is that the complaint be filed as soon as possible after the incident occurred.

There is no single source for filing a complaint; however, all reports of sexual misconduct are collected by the Dean of Students Office and referred to the Title IX Coordinator. This ensures

consistent application of the Sexual Misconduct Policy and Procedure to all individuals and allows the College to respond promptly and equitably.

Although the complaint can be verbal or written, the College prefers complaints filed with the Dean of Students Office using the online [Harassment/Discrimination](#) formal Complaint Form. Complaints need to include the following information:

- Details concerning the incident(s) or conduct giving rise to the complaint
- Date(s), time(s), and location(s) of incident(s)
- Any witness(es) to the alleged incident(s) or conduct
- Action(s) requested to address the complaint

Individuals needing assistance with filing a complaint are encouraged to access one of the following college resources:

- [Madison College Public Safety Services](#)
- [Madison College Dean of Students](#)
- [Madison College Department of Human Resources](#)
- [Madison College Counseling Services](#)

A verbal complaint will be summarized in writing by the college employee taking the complaint and the complainant will be given an opportunity to review the summary. The complainant may be redacted in some instances (e.g., if the complainant has requested anonymity). Depending on the nature of the complaint, a report to local law enforcement for legal action may be recommended. Reports involving the attempted or actual physical or sexual abuse of children (defined as persons under the age of 18) will automatically be referred to law enforcement and the appropriate state agency responsible for the protection of children. Both criminal investigations and college investigations may happen simultaneously.

Students, employees and community members may also consider a direct report to the local Police Department and victims may contact their local [Forensic Nurse Examiner Program](#).

Note: Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs,” or other forums in which students, staff, or faculty members disclose incidents of sexual misconduct, are not considered a report of sexual misconduct or notice to the College of sexual misconduct for purposes of triggering the College’s obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about Title IX and Clery rights at these events.

Time Frames for Resolution

The College seeks to resolve all reports of sexual misconduct within sixty (60) working days. All time frames expressed in this procedure are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) working days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, the complainant and respondent can expect that the process will proceed according to the time frames provided in this procedure. In the event that the investigation and adjudication exceed this time frame, the College will notify all parties in writing of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the College may agree to defer its fact-gathering until after the initial stages of a criminal investigation (generally not more than 10 working days). The College will nevertheless communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The College will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

STEP 2: INITIAL TITLE IX REVIEW AND PRELIMINARY ASSESSMENT

Upon receipt of a sexual misconduct allegation, the College's Title IX Coordinator or designee will conduct an initial Title IX assessment. The goal of this preliminary assessment is to provide an integrated and coordinated response to reports of sexual misconduct and determine whether a formal investigation is warranted. The assessment will consider the nature of the complaint, the safety of the individual(s) and of the campus community, and the complainant's expressed preference for resolution. The Title IX Coordinator may consult with the Deputy Title IX Coordinator, Vice President of Human Resources, and/or Director of Public Safety or designee(s) to assist in this assessment.

Madison College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect individuals' rights and personal safety and the safety and security of the College community. The goal of the initial review is to gather all relevant facts that will aid in determining if there is sufficient information to refer the complaint for formal investigative action.

Note: If a person files a complaint but does not wish to participate in the investigation and adjudication process, it will be determined whether there is sufficient information to proceed with an investigation and adjudication without the participation of the complainant, and also whether there is evidence of a risk to the larger campus community such that a timely warning to the campus should be issued.

STEP 3: NOTICE OF SEXUAL MISCONDUCT COMPLAINT

When it is determined that facts of a complaint warrant a comprehensive investigation, the Title IX Coordinator will notify the complainant and respondent of this decision. For college employee groups, the direct supervisor for the employee may be included in this notice.

Retaliation

Retaliating directly or indirectly against a person who has in good faith made a report or participated in an investigation of a complaint of any type of sexual misconduct is strictly prohibited. Retaliation includes but is not limited to: ostracizing the person; pressuring the person to drop, not support the complaint, or to provide false or misleading information; or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment; threatening, intimidating, or coercing the person; or otherwise discriminating against any person for exercising his/her rights or responsibilities under this policy. Retaliation may be determined regardless of if the complaint is ultimately found to have merit. Any retaliation will be treated as a new and additional violation of the Sexual Misconduct Policy.

STEP 4: INVESTIGATION

Where the initial Title IX assessment concludes that College investigative action is appropriate, the College will initiate an investigation, and will seek to complete it within thirty (30) working days. This time frame may be extended depending on the complexity of the circumstances of the case.

If a respondent does not wish to participate in the investigation process, the process will proceed without his/her contribution to the determination of the facts of the case. The respondent should note that the appeal process based on appearance of new information not available to the Title IX Coordinator does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.

Unless otherwise indicated elsewhere, the Title IX Coordinator will assign two investigators to the complaint. For sexual misconduct complaints in which the respondent is an employee (faculty, exempt, non-exempt, or student employee) the Human Resources Title IX Coordinator or designee

will be assigned as the lead investigator. For all other sexual misconduct complaints, the Dean of Students Title IX Coordinator or designee will be assigned as the lead investigator. The Title IX Coordinator reserves the right to assign an external third party investigator, as circumstances require (e.g., when a substantial conflict of interest is alleged by the complainant, respondent, or investigator). In circumstances that require the use of an alternate college investigator, the specific timelines provided in this procedure will be suspended pending that appointment.

The investigators will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the complainant and respondent, and any witnesses. As part of the investigation, the College will provide an opportunity for the parties to present statements, witnesses, and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The investigation provides a thorough, impartial and reliable gathering of the facts, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns.

The complainant and respondent may each have one advisor (e.g. community advocate, support person, employee representative) of their choosing to accompany them in any interview and/or meeting related to this process. This advisor serves as a support person and offers direct assistance to the complainant or respondent. The College may assist in locating an advisor upon request. The advisor may not speak for the complainant or respondent, ask questions of the interviewer(s), witnesses, reporting party, or any other party, or make legal arguments, objections, or otherwise disrupt the interview, meeting or the like in any way. If the advisor is an attorney or a law student, Madison College reserves the right to reschedule the interviews and/or meetings so that college legal counsel may be present.

At the conclusion of the investigation, the investigators will prepare a report setting forth the facts gathered, which will be forwarded to the Title IX Coordinator or designee. Upon receipt of the investigation report, the College will notify all parties that the investigation is complete and provide information about next steps in the process.

STEP 5: REVIEW OF INVESTIGATION FINDINGS AND DECISION

The Title IX Coordinator or designee will determine whether the College's Sexual Misconduct Policy has been violated. Depending on the nature of the complaint, the Title IX Coordinator shall make a decision on the complaint within fifteen (15) working days of receiving the report of the findings from the assigned investigators. A copy of the decision shall be given to the involved parties. The decision and related documentation will be maintained and these records will be kept confidential to the extent permitted by law.

Investigation findings will be used to evaluate the responsibility of the respondent, and impose remedies as necessary to address the effects of the alleged conduct. Where there is sufficient information to determine that it is more likely than not that a violation of policy has occurred, the College will have the discretion to institute disciplinary resolution sanctions against the respondent.

APPEALS

Both parties have the right to request an appeal of the decision. The right to appeal is limited to (a) significant procedural errors or (b) the appearance of substantive new evidence not available at the time of the original decision. (Note that deliberate omission of information by the appealing party in the original investigation is not grounds for appeal.)

Appeals will be granted only in cases where the procedural problems or new evidence are considered substantive enough to have had significantly affected the outcome of the initial investigation and decision. The appeal must be in writing and filed with the Office of the President within five (5) working days of the date of the decision. Upon the filing of an appeal, the other party will be provided a copy of the appeal and may file an independent appeal or a rebuttal statement of the original appeal filed. The appeal shall consist of a concise and complete written statement outlining the grounds for the appeal. Written appeals should be addressed to the President and should be sent to 1701 Wright Street, Madison, WI, 53704.

The President, or designee, will review the written appeal, investigation findings, and decision by the Title IX Coordinator or designee as well as the statement from the opposing party. At his/her sole discretion, the President, or designee, may interview the complainant, respondent, and/or any additional witnesses or the investigators. The President, or designee, will issue a final written decision to all parties. All parties will be notified of the decision of the President, or designee, within ten (10) working days of the receipt of the appeal. The decision of the President, or designee, is final. All deadlines indicated above may be altered for good cause at the discretion of the President, or designee.

SANCTIONS

The specific sanction will depend on the type of conduct, severity, and other factors of misconduct. However, sanctions may include, but are not limited to: warnings, education, suspension, expulsion, separation, and the prohibition from campus property or activities. Appendix D provides additional explanation regarding possible sanctions.

APPENDIX A: WHAT TO DO IF YOU HAVE BEEN ASSAULTED

After a sexual assault, victims often sense a loss of control. This is normal. Know that there are people on and off campus who will offer support and can help you make the decisions that are right for you to take care of yourself. It is important to remember that:

- You have choices.
- There is no one right way to take care of yourself.

Here are some things that are important for you to consider:

1. **Talk to someone you trust** like a friend, family member, counselor or victim advocate. The College encourages victims of sexual violence to talk to somebody about what happened—so victims can get needed support, and so the College can respond appropriately. Different groups on- and off-campus have different abilities to maintain a victim's confidentiality.

- **Community Resources for Victims of Sexual Assault**

The Wisconsin Coalition Against Sexual Assault provides an online list of local community-based victim service providers. A victim advocate can provide information about community resources and support you through each step of a criminal investigation and a college Title IX investigation. Services are free and confidential to the extent allowed by law. Below are is a short list of providers near our campus locations.

Madison Metro Campuses

Rape Crisis Center

Crisis Line: (608) 251-7273

En Espanol / La Linea de Ayuda: 608-25VALOR (608-258-2567)

County Served: Dane

Fort Atkinson Campus

People Against Domestic and Sexual Abuse (PADA)

Crisis Line: 920-674-6768

County Served: Jefferson

Watertown Campus

People Against a Violent Environment

Crisis Line: (800) 775-3785

County Served: Dodge

Portage & Reedsburg Campuses

Hope House

Crisis Line: (800) 584-6790

Counties Served: Adams, Columbia, Juneau, Marquette, Sauk

- **Confidential Campus Support**

[Madison College Counseling Services](#) provides confidential on-campus counseling and can be reached at 608-246-6076. Experienced staff members are available from 8:00am to 5:00pm Monday through Thursday, and 9:30am to 4:30pm on Fridays. Same day appointment services are also available during these hours for urgent concerns, including issues related to sexual violence.

- **Other Services / Programs**

The following services and programs can offer support to a victim of sexual misconduct without reporting an incident to campus authorities or law enforcement:

- Your local [sexual assault service provider](#)
- [Madison College Counseling Services](#)
- Your local [Forensic Nurse Examiner program](#)
- [Madison College Health Clinic](#)
- Clergy or faith-based leaders

2. **Seek medical assistance** as soon as possible.

Sexual assault can result in injury or illness that you may not immediately see or feel. It is important that you seek appropriate medical care promptly.

What is a Forensic Nurse Examiner

The [Forensic Nurse Examiner](#) program provides direct patient care to victims of sexual violence who present to emergency departments and urgent care centers. This program delivers coordinated, expert forensic and medical care necessary to increase successful prosecution of sex offenders and to assure essential medical intervention to victims of violence. The program can coordinate with local sexual assault victim service providers to make an advocate available at the time of the exam.

3. **Preserve physical evidence.**

Resist the urge to change clothes, bathe, douche, eat, drink or brush your teeth. Do not go to the bathroom if possible. This is so that physical evidence can be collected and preserved. You do not need to decide at this time whether you want to pursue legal action but if you save the evidence, it offers you more options in the future when you are better able to decide.

4. **Discuss your options confidentially** without prompting a report to the College by contacting:

- [Madison College Counseling Services](#)
Mondays-Thursdays, 8:00am to 5:00pm, and Fridays, 9:30am to 4:30pm.
Telephone: (608) 246-6076
- A local community-based victim service provider (Wisconsin Coalition Against Sexual Assault).

5. **File a report with the College** by contacting:

- Department of Public Safety
24/7 at (608) 245-2222

Madison Colleges Department of Public Safety is available to take your report any time, day or night. The department provides trained responders who can offer information about the criminal justice system and the college's process for reporting sexual assault.

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Public Safety is required by law to report the incident to the local Police Department and to the College's Title IX Coordinator. Public Safety has established procedures with the local police department to report incidents directly when appropriate. A Police officer, typically from the sensitive crimes unit, will contact you.

The decision to make a report or participate in an investigation with Law Enforcement is yours. However, by contacting Public Safety, you are pursuing action for your own protection and that of the whole campus community. Reports can be filed with the law enforcement agency in which the incident occurred directly. Below are a list of Local Police department that serve Madison College campus locations.

- Title IX Coordinator(s) / Deputy Title IX Coordinator offer assistance with reports of sexual misconduct.
- Local Police Department

[City of Madison Police Department:](#)

- Non-Emergency Dispatch: (608) 255-2345
- Central: (608) 261-9694
- East: (608) 266-4887
- North: (608) 243-5258
- South: (608) 266-5938
- West: (608) 243-0500

[UW-Madison Police Department:](#) (608)-264-2677

[Portage Police Department:](#) Non-Emergency: (608)-742-2174

[Watertown Police Department:](#) Non-Emergency: (920)-261-6660

[Fort Atkinson Police Department:](#) Non-Emergency Line: (920)-563-7777

[Reedsburg Police Department:](#) (608)-524-2376

APPENDIX B: RIGHTS FOR VICTIMS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND/OR STALKING

Victims have the right to:

- Be notified of existing resources for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within the college and in the community.
- Be notified about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. Madison College will make such accommodations or provide such protective measures if the victim requests them and they are reasonably available, regardless of whether the victim chooses to report the crime to campus security authorities or local law enforcement.
- File a formal complaint report to Madison College. The offices formally designated to receive complaints of sexual misconduct are *Public Safety Services*, the *Office of the Title IX Coordinator(s) and the Dean of Students Office*. Victims are encouraged to use these offices for formal reporting.
- Report to law enforcement authorities, and be assisted by Madison College Public Safety Services in so doing.
- Decline to report to law enforcement.
- Obtain a free forensic exam from a Forensic Nurse Examiner, and access STI testing and treatment, emergency contraception, and pregnancy testing.
- Request confidentiality from the alleged perpetrator/respondent, to the extent possible by the law.
- An advisor of one's choosing throughout a College Title IX investigation.
- Know the sexual history of victims is not relevant to the truth of the allegation; therefore, information regarding the victim's sexual history, other than the relationship between the victim and the alleged aggressor, will not be considered in investigations.
- Know that any disclosure of sexual misconduct made to a college campus authority or responsible employee will result in a report as an annual crime statistic (with all identifying information withheld).
- Know in those cases where a student has been a victim of sexual assault and/or a violent crime while under the influence of alcohol, Madison College will not pursue disciplinary actions against the student victim (or against a witness) for his or her improper use of alcohol (e.g., underage drinking). A student victim who is under the influence of alcohol at the time of a sexual assault is entitled to college and community assistance and encouraged to seek help.
- File a **complaint** with the U.S. Department of Justice and/or U.S. Department of Education Office for Civil Rights.
- **Certain rights** as detailed in **Chapter 950** of the Wisconsin Statutes when reporting to a Wisconsin law enforcement agency.
- Apply for Crime Victim Compensation (Victims of Crime in Wisconsin who report), which can help pay for unreimbursed expenses that are the result of crimes causing personal injury or death, including lost wages, counseling, medical costs, and replacement of property held as evidence.

APPENDIX C: POLICY AND PROCEDURE DEFINITION OF TERMS**A. Consent**

Wisconsin law defines consent as words or overt actions by a person who is competent to give informed consent. 940.225 (4). Consent is informed, freely and actively given, and mutually understood permission/agreement. If physical force, coercion, intimidation, and/or threats are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that they cannot understand the sexual situation, there is no consent. This includes impairment due to alcohol or drug consumption and being asleep or unconscious.

Examples of some of the behaviors that would constitute a lack of consent include the following:

- Engaging in sexual activity with an unconscious or semi-conscious person;
- Engaging in sexual activity with someone who is asleep or passed out;
- Engaging in sexual activity with someone who has said “no”;
- Engaging in sexual activity with someone who is not reciprocating by body movement;
- Engaging in sexual activity with someone who is vomiting, unable to stand without assistance, or has to be carried to bed;
- Allowing another person to engage in sexual activity with your partner without his or her consent;
- Requiring any person to perform any sexual activity as a condition of acceptance into a fraternity, sorority, athletic, or any other organization affiliated with the College;
- Telling someone you will “out” him/her if he/she doesn’t engage in sexual activity (e.g., threatening to disclose the person’s sexual orientation without his/her consent);
- Telling someone you will fail him/her or give him/her a grade different from what is deserved if he/she don’t agree to engage in sexual activity; or
- Facilitating or assisting in a sexual assault including purchasing or providing alcohol or drugs to further a sexual assault.

B. SEXUAL MISCONDUCT

A broad term that identifies forms of discrimination and harassment based on sex including, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking. Sexual misconduct includes other acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

C. SEXUAL HARASSMENT

Both the Equal Employment Opportunity Commission and the State of Wisconsin regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. The College has adopted an amended version of the EEOC definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well. The amended definition is as follows:

Unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual/gendered nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic status, (2) submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting such individual, or (3) such conduct is sufficiently severe, pervasive or

persistent that it has the effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile or offensive working, educational, and/or social environment.

Examples of behavior that would constitute sexual harassment include the following:

- Calling someone by a sexually-oriented or demeaning name;
- Giving someone unwanted gifts of a sexual nature;
- Displaying sexually suggestive materials or sending notes, email, or jokes to a person that are sexually explicit;
- Touching someone sexually without their consent;
- Massaging someone without permission;
- Brushing up against someone repeatedly;
- Continuing to ask out a person who already has said he or she is not interested; or
- Exposing your private parts to another person.

D. SEXUAL ASSAULT

An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault includes:

- **Non-consensual Sexual Contact (or attempts to commit)** defined as any intentional sexual touching with any object(s) or body part that is without consent and/or by force.
- **Sexual Contact** defined as kissing or touching other's intimate parts. Intimate parts include but are not limited to a person's groin, buttocks, mouth or breasts.
- **Non-consensual Sexual Intercourse (or attempts to commit)** defined as penetration, no matter how slight, of a person's vagina, anus or mouth with any object(s) or body part that is without consent and/or by force.

For the State of Wisconsin's definition of sexual assault, go to Wisconsin State Statute § 940-225 at <http://www.legis.state.wi.us/rsb/stats.html>.

E. SEXUAL EXPLOITATION

Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of behavior that would constitute sexual exploitation include the following:

- Prostituting another;
- Allowing a third party to watch consensual sexual contact without the permission of both parties involved in the sex act or showing voluntarily recorded sexual activity to others without permission;
- Knowingly giving another a sexually transmitted infection (STI) or HIV; or
- Allowing others to have sex with an incapacitated person.

F. STALKING

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

Examples of behavior that would constitute stalking include the following:

- Spreading lies about a person;
- Repeatedly communicating with a person who doesn't wish to be communicated with;
- Following a person or lying in wait for another; or
- Sending unwanted gifts to another.

G. DATING VIOLENCE

Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Dating violence includes the use or threat of physical force or restraint carried out with the intent of causing pain or injury to another within a dating relationship.

Examples of behavior that would constitute dating violence include the following:

- Taking away a person's cell phone during an argument so the person cannot call a friend or the police for help.
- Threatening to commit self-harm if another does not do what is asked.
- Threatening to physically assault someone the individual is dating if the person does not do what is asked.

H. DOMESTIC VIOLENCE

Violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or having cohabitated with the victim as a spouse, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws.

Examples of behavior that would constitute domestic violence include the following:

- Hitting, punching, pinching, slapping, or choking someone with whom the person is intimately involved.
- Violating a protective order.
- Harming a person's animals or children while in an intimate relationship.

I. CAMPUS SECURITY AUTHORITY

Under the Clery act, a campus security authority (CSA) is a campus security official or other official with significant responsibility for campus and student activities such as student discipline and campus judicial proceeding. A CSA has responsibilities under Clery to report information for timely warnings and crime statistics.

J. RESPONSIBLE EMPLOYEE

Under Title IX, a responsible employee includes any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate college designee; or whom a student could reasonably believe has this authority or duty.

All college employees, with the exemption of College counseling staff, must report to the school's Title IX coordinator, or other appropriate college designee, all relevant details about the alleged sexual violence that

the student or another person has shared and that the college will need to determine what occurred and to resolve the situation. This includes the names of the alleged respondent (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time, and location.

K. COMPLAINANT

Person or group of people who believes he or she has been victimized by prohibited discrimination or protected status (including sexual) harassment.

L. RESPONDENT

Person against whom a complaint or charge of prohibited discrimination or protected status harassment has been made.

M. INVESTIGATION

Systematic and formal inquiry into allegations of prohibited discrimination or protected status harassment brought by complainants through the process described in this procedure. Complainants, respondents, and witnesses are interviewed by a qualified neutral person.

M. FIRST AMENDMENT CONSIDERATIONS

The Sexual Misconduct Policy does not impair the exercise of rights protected under the First Amendment. The College's Sexual Misconduct Policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the College applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

APPENDIX D: DISCIPLINARY SANCTIONS

The sanctioning and disciplinary outcomes of individuals found responsible for a violation of Madison College policies and/or Code of Conduct is a complex task that takes into account several factors.

Such factors may include but are not limited to:

- a) The need to remedy the effects of the respondent's behavior on the complainant and the community and to ensure future safety;
- b) Protecting the safety of the community;
- c) Holding the respondent accountable for his/her actions.

In order to meet these multiple goals, an appropriate mix of sanctions may be determined for each case.

STUDENT SANCTIONS

1. **Fair Warning:** An official written notice that the individual may have violated Madison College policies and/or Code of Conduct and that he/she is given notices that more severe conduct action will result should the respondent be involved in other violations while enrolled at Madison College.
2. **Fines:** Reasonable monetary fines may be imposed.
3. **Restitution:** Compensation for damage caused to Madison College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
4. **Community/Madison College Service Requirements:** For an individual to complete a specific supervised Madison College service.
5. **Loss of Privileges:** The individual will be denied specified privileges for a designated period of time. This may include facility suspension. The individual no longer has the privilege of entering a particular facility or building for a specified period of time or until a specific condition is met.
6. **Confiscation of Prohibited Property:** Items whose presence is in violation of Madison College policy will be confiscated and will become the property of Madison College. Prohibited items may be returned to the owner at the discretion of the Dean of Students and Public Safety or designee(s).
7. **Behavioral Requirement:** This includes required activities including, but not limited to: completing a sanction-related assessment, seeking counseling, or substance abuse screening, writing a letter of apology, etc.
8. **Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible.
9. **Disciplinary Probation:** The individual is not in good standing for a designated period of time and is sent a letter of warning that further acts of misconduct will be subject to further conduct action

and may result in suspension, expulsion from Madison College, particularly if the incident occurs during the probationary period.

10. **Probated suspension:** This means conditional continuation of the individual's student/employee status for a limited and defined period of time. The individual is permitted to retain student/employee status upon the condition that the individual does not further violate the Code of Conduct and/or college policy that would normally result in a disciplinary penalty during the time probated suspension is in effect. If during the period of probated suspension, the individual is found responsible of an additional violation of the college policy and/or Code of Conduct after an adjudication process, suspension may become immediately effective and may be extended for a longer period of time than the period of probated suspension originally assigned.
11. **Eligibility Restriction:** The individual is deemed "not in good standing" with Madison College for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students (or designee) and/or key administrative personnel and terms of this conduct sanction may include, but are not limited to:
 - a. Ineligibility to hold any office in any organization recognized by Madison College or hold an elected or appointed office at Madison College;
 - b. Ineligibility to represent Madison College to anyone outside the Madison College community in any way including: participating in the study abroad program, attending meetings, or representing Madison College at an official function, event or intercollegiate competition as a player, employee or student coach, etc.;
 - c. Removal from class – individual is barred from attending a particular class or may be reassigned to a different section of the same class. Specifics will be coordinated between the Dean of Students or designee and the appropriate college administrator.
12. **Suspension:** Separation from Madison College for a specified minimum period of time, after which the individual is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. During the suspension period, the individual is banned from Madison College property, functions, events and activities without prior written approval from the Dean of Students and/or the appropriate college administrator. This sanction may be enforced with a trespass action as necessary.
13. **Expulsion:** Permanent separation from Madison College. The individual is banned from Madison College property and the individual's presence at any Madison College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
14. **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students, or the appropriate administrator. Examples include: work assignments or service, essays, administrative referrals or other related discretionary assignments.
15. **Student Groups and Organizations Sanctions:** The following sanctions may be imposed upon groups or organizations found to have violated the Student Code of Conduct:
 - a. One or more of the sanctions listed above, and/or

- b. Deactivation, de-recognition, loss of all privileges (including status as a WCTC registered group/organization), for a specified period of time.

EMPLOYEE SANCTIONS

Sanctions for employees follow a progressive discipline process. The following sanctions may apply; however, any of the steps may be skipped depending on the severity of the action(s) of the respondent.

1. Training
2. Verbal Redirection
3. Formal Verbal Warning
4. Written Warning
5. Suspension
6. Termination