

# RELATIONSHIP VIOLENCE (SEXUAL ASSAULT, SEXUAL HARASSMENT, DOMESTIC/DATING VIOLENCE, STALKING)

## RELATIONSHIP VIOLENCE POLICY

Sexual assault, sexual harassment, domestic or dating violence and stalking are related phenomena and are referred to in this policy under the general title of relationship violence. However, each has unique characteristics and the University of Wisconsin Oshkosh chooses to address each in separate sections of this policy in order to enhance understanding and access to resources. As a matter of policy, relationship violence, including all forms of sexual assault, sexual harassment, domestic or dating violence, and stalking, will not be tolerated in the University community. Students experiencing relationship violence or who have questions about their experiences are encouraged to use services provided by the Affirmative Action Office, Campus Victim Advocates, Counseling Center, Dean of Students Office, Student Health Center, University Police, and other support services on campus.

## RATIONALE

The University of Wisconsin Oshkosh is an educational community bound by common standards of conduct and a commitment to its educational mission. Relationship violence is a particularly troubling violation of our community standards because it interferes with the educational mission by:

- Endangering the physical and emotional safety of community members;
- Damaging trust and security of community members;
- Offending the dignity and violating the autonomy of community members;
- Disrupting the academic progress and/or work performance of victims at the time of the violation and during any subsequent attempt at recovery.

National statistics indicate that members of college communities are at significant risk of being physically, emotionally or sexually assaulted, most probably by someone known to and trusted by the victim. Studies have shown that sexual assault, dating violence and stalking occur with disturbing frequency among college-age men and women, but are very often unreported. In order to provide for the needs of victims, as well as to enforce standards of conduct critical to our mission, it is vital that all violations of this policy are reported to appropriate authorities.

Portions of this policy may parallel legal statutes, but are in no way intended to substitute or supplant those laws. As members of the University community, students are expected to comply with and abide by the University policies and guidelines, in addition to federal, state, and local laws whether they are on or off campus. The use of alcohol and other drugs in conjunction with an incident of relationship violence does not diminish accountability for committing these acts or lessen the seriousness of the offense.

University policy specifically prohibits any form of retaliation or reprisal against persons who report sexual assault, sexual harassment, domestic/dating violence, or stalking and who prevent the recurrence of such crimes and/or violations of University policy. Forms of retaliation that are prohibited include, but are not limited to, the following:

Threats, bribes, unfair treatment, down-grading evaluations in employment or academic arenas, further harassment such as ridicule, pranks, harassment, taunting, bullying, and organized ostracism.

Procedures for on-campus disciplinary action are covered in UWS Chapter 17 as found herein. Copies of the Student Discipline Code are available in the Dean of Students Office. In cases of alleged relationship violence, (1) the accuser and the accused shall be provided an opportunity to be represented during the course of disciplinary hearing and (2) both the accuser and the accused may be informed to the fullest extent possible permitted by federal and state law of the outcome of any campus disciplinary proceedings concerning alleged relationship violence.

The formal procedure for on-campus complaints against employees utilizes the existing administrative or personnel rules in seeking a sanction, penalty or other action against the accused.

*Adapted with permission from the University of South Carolina, Office for Sexual Health & Violence Prevention.*

## RESOURCE INFORMATION

Experiencing any form of relationship violence, such as sexual assault, sexual harassment, domestic or dating violence, or stalking can have a serious impact on your ability to cope with school and day-to-day events. The campus offices listed below are available to help you deal with the impact relationship violence can have on you. If you have experienced sexual assault, sexual harassment, domestic or dating violence, or stalking you can get support from whatever office seems most appropriate to you. Each office can help you decide on next steps to take and help you access the services and support you need.

## SUPPORT SERVICES

**Counseling Center**, 201 Dempsey Hall, 424-2061

Counselors provide support and caring attention while you make difficult decisions about how to proceed after experiencing sexual assault, domestic/dating violence, stalking or sexual harassment. Counselors can help you to restore your sense of safety and personal control through crisis and individual counseling, assessment and documentation for academic accommodations due to effects of relationship violence; and referral to other campus or community services.

**Student Health Center**, Radford Hall, 424-2424 Physicians and Nurse Practitioners provide you with caring medical attention after sexual assault or domestic/dating violence including pregnancy and STD screening; medical examination and documentation of any injuries experienced and referral to other campus or community services.

### **Victim Advocates, 148 Dempsey Hall, 424-3127 (Direct Line/After Hours Crisis)**

Advocates provide you with support and information about the legal and disciplinary options for dating or domestic violence, stalking, sexual assault, or sexual harassment. Advocates also: go with you and speak up for your rights in any community or campus actions you might choose to pursue; provide you with ongoing support and information through 24-hour crisis support; attend medical or legal appointments with you; and help with "safety planning." Safety planning includes helping you file restraining or no-contact orders and make changes in your residence hall or classes to avoid contact with the person who hurt you. Besides meeting with you at legal or medical offices, advocates can meet with you in their on-campus office or in the place most comfortable for you.

### **24-Hour Telephone Crisis Services, 424-3127**

If you need services after hours or you just don't know where to go first, call the 24-hour telephone service. You will be connected with the UW Oshkosh Victim Advocates during business hours or the Christine Ann Center crisis line after hours.

## **CAMPUS DISCIPLINARY SYSTEM COMPLAINTS**

### **Dean of Students Office,**

125 Dempsey Hall, 424-3100

The Dean of Students Office investigates students' formal and informal complaints of sexual assault, dating/domestic violence or stalking. The Dean of Students staff will ensure that you have the support and assistance you need and outline your options. You will be able to report what happened confidentially. (The only exception to this involves complying with state laws requiring reporting of sexual assaults of persons less than 18 years of age).

### **The Affirmative Action Office,**

211 Dempsey Hall, 424-2296

Students or employees who believe that sexual harassment has occurred can go to: the Affirmative Action Office (see the web page at <http://www.uwosh.edu/affirm-act/> for contact information), a Department Chair or a College Dean. Students may also make a complaint to the Dean of Students. The student or employee will be informed of options available and the responsibilities associated with the resolution process. The Affirmative Action Office must investigate all formal and informal complaints of sexual harassment filed with any of these offices.

## **CRIMINAL COMPLAINTS**

### **University Police, 424-1212**

Any sexual assault, domestic/dating violence, or stalking committed on campus property, regardless of whether or not the victim or the perpetrator is a student, staff or faculty, should be reported to the University Police. Call the University Police if there is any question of where to make a report.

### **Oshkosh Police, 236-5700 or 911**

Any sexual assault, domestic/dating violence, or stalking committed outside of campus property regardless of whether or not the victim or perpetrator is a student, staff or faculty, should be reported to the City of Oshkosh Police Department.

## **CONTACT INFORMATION**

### **CAMPUS RESOURCES**

#### **Dating Violence, Stalking or Sexual Assault:**

Counseling Center, Dempsey 201, 424-2061

8 a.m. - 7:00 p.m. (Mon.)

8 a.m. - 4:30 p.m. (Tues.-Fri.)

Dean of Students Office, Dempsey 125, 424-3100

8 a.m. - 4:30 p.m. (Mon.- Fri.)

Department of Residence Life, 2<sup>nd</sup> floor S. Gruenhagen,

424-3212 8 a.m. - 4:30 p.m. (Mon.- Fri.)

(or contact a Residence Hall Director)

Student Health Center, 1<sup>st</sup> floor Radford Hall, 424-2424

8 a.m. - 6:30 p.m. (Mon.)

8 a.m. - 4:30 p.m. (Tues. - Fri.)

(during regularly scheduled class sessions)

University Police, 424-1212 (24 hours)

Victim Advocates, Dempsey 148-D, 424-3127

8 a.m. - 4:30 p.m. (Mon.- Fri.)

After Hours Crisis Line, 424-3127

Safe Walk

University Police

Hours: Sunday-Wed 7:30pm - 2:30am and Thursday - Sat. 7:30pm - 4:00am

Emergency "blue lights" are installed all around campus. These stations have emergency phones for contacting the University Police directly.

### **Sexual Harassment:**

Affirmative Action Office, Dempsey 211, 424-2296

8 a.m. – 4:30 p.m. (Mon.- Fri.)

<http://www.uwosh.edu/affirm-act/complaints.php>

<http://www.uwosh.edu/affirm-act/harassment.php>

Victim Advocates, Student Success Center, 424-3127

8 a.m. - 4:30 p.m. (Mon.- Thurs.)

After Hours Crisis Line, 424-3127

## **COMMUNITY RESOURCES**

### **Dating Violence, Stalking or Sexual Assault**

Crisis Intervention Helpline, 233-7707 (Telephone Only)

(24 hours)

Mercy Medical Center, 223-2000

Oshkosh City Police/Ambulance, 911

REACH Counseling Services: Oshkosh, 426-1460; Neenah/Menasha, 722-8150

(24-Hour Sexual Assault Crisis Lines)

Christine Ann Center: Oshkosh, 235-5998; Neenah/Menasha, 729-6395

(24-Hour Domestic Violence Crisis Lines)

## **CAMPUS DISCIPLINARY REPORTING PROCEDURES**

### **REPORTING SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE OR STALKING**

Report any incident of sexual assault, domestic/dating violence, or stalking, even if you are unsure about how to define what happened to you. You may report the incident(s) to your Hall Director, Community Advisor, Campus Victim Advocates, the University Police Department, the Oshkosh Police Department, and/or the Dean of Students Office. Assistance for reporting incident(s) of relationship violence to authorities is available through the Campus Victim Advocates, the Dean of Students Office, or other offices, if requested. Feel free to bring a friend with you for support. In criminal cases of sexual assault, domestic/dating violence, and stalking it is important to consider preserving evidence that may be necessary for the proof of the incident or pattern of incidents.

The University of Wisconsin Oshkosh seeks first to protect the safety of victims, and secondly to hold perpetrators of violence accountable for their actions. In order to maintain the safety of victims as the highest priority, the main concern of University staff will be to ensure that you have the support and assistance you need and to outline possible options for you. You will be able to report what happened confidentially. No action will be taken by University staff without your consent. (The only exception to this involves complying with state laws requiring reporting of sexual assaults of persons less than 18 years of age.)

University policy specifically prohibits any form of retaliation or reprisal against persons who report sexual assault, domestic/dating violence, or stalking and who prevent the recurrence of such crimes. Forms of retaliation that are prohibited include, but are not limited to, the following:

Threats, bribes, unfair treatment, down-grading evaluations in employment or academic arenas, further harassment such as ridicule, pranks, harassment, taunting, bullying, and organized ostracism.

### **DEAN OF STUDENTS OFFICE**

Options through the Dean of Students Office may include disciplinary action if the offender is a student and a University policy has been violated. Disciplinary actions include reprimand, probation, suspension or expulsion. Dean of Students Office staff may, if you wish, take steps to contact and to confront an offender without taking further disciplinary action.

Procedures for on-campus disciplinary action are covered in UWS Chapter 17 as found herein. Copies of the Student Discipline Code are available in the Dean of Students Office. In cases of alleged relationship violence, (1) the accuser and the accused shall be provided an opportunity to be represented during the course of disciplinary hearing and (2) both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings concerning alleged relationship violence under parameters of federal and state law, and University policy.

Assistance for changing academic and living situations may also be available. Options available in cases alleging sexual assaults, domestic/dating violence, or stalking include but are not limited to the following: reassignment of alleged assailant from residence hall(s); restriction of alleged assailant from eating in a particular commons; and no contact with the complainant.

All allegations of sexual assault, domestic/dating violence, or stalking will be taken seriously, with careful attention given to the rights and protection of both the accused and the accuser. Any person who believes that any of these forms of relationship violence has occurred may make an inquiry or complaint by utilizing the informal or formal procedures described in this policy.

## **SEXUAL HARASSMENT POLICY**

### **A. Introduction**

The University of Wisconsin Oshkosh is committed to providing and maintaining an environment that respects and protects the rights of all its members. This commitment is reflected in the following Sexual Harassment Policy. In approving this policy statement, the University community expresses its commitment to inform the campus community on this policy, to provide appropriate training and to follow through on all concerns that are presented relating to the environment for learning, working, and studying that is to be established and maintained at the University of Wisconsin Oshkosh.

Sexual harassment deprives its victims of rights guaranteed under Wisconsin Statute 36.12, which prohibits discrimination against students, including sexual harassment. Sexual harassment has no place in the educational or any other community and will not be tolerated at the University of Wisconsin Oshkosh.

### **B. Definition**

Sexual harassment is defined by the University of Wisconsin Oshkosh as follows:

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work, learning, or living situation. Often, sexual harassment involves relationships of unequal power, and contains elements of coercion—as when compliance with requests for sexual favors becomes criterion for granting work, study, or grading or other 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. Unwelcome sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or demeaning employment or educational environment.

### **C. Overview**

In keeping with this policy, the University of Wisconsin Oshkosh will make a concerted effort: (1) to prevent sexual harassment from taking place; (2) to protect employees and students from all forms of sexual harassment as defined; and (3) to rid the University of any such offensive conduct. Toward these ends any form of sexual harassment (as defined above) provides an immediate basis for review of those actions and may also provide grounds for the imposition of appropriate disciplinary actions, up to and including suspension or termination. In addition to this formal policy, it is important to note that there may be other approaches to solving sexual harassment complaints than those listed in this policy.

University policy specifically prohibits any form of retaliation or reprisal against persons who report sexual assault, sexual harassment, domestic/dating violence, or stalking and who prevent the recurrence of such crimes and/or violations of University policy. Forms of retaliation that are prohibited include, but are not limited to, the following:

Threats, bribes, unfair treatment, down-grading evaluations in employment or academic arenas, further harassment such as ridicule, pranks, harassment, taunting, bullying, and organized ostracism.

### **D. Procedures**

All allegations of sexual harassment will be taken seriously, with careful attention given to the rights and protection of both the accused and the accuser. Any person who believes that sexual harassment has occurred may make an inquiry or complaint by utilizing the procedures described in this document. Individuals presenting an allegation of sexual harassment to the University, whether formal or informal, should realize that they may be called upon to provide additional information at a later date to complete the review.

Inquiries or complaints about sexual harassment and all associated records related to any investigation and resolution of a claim are to be kept confidential throughout the process to the maximum extent allowed under state and federal law. It should be noted that under established Wisconsin law, there is a stated presumption of public access to all public records, including those held by the University of Wisconsin Oshkosh.

This presumption of public access means that any member of the public (including media) may request copies of documents and records held by the University. Once a request is received, the University has the legal obligation to complete a review of that request and provide a response that can be viewed in court. In order to deny access to such a request, the custodian of the record must make a determination that there is a legal basis to deny the request, which includes a determination that the public interest in not releasing the record is outweighed by the clear statutory presumption in favor of disclosure and public access.

In some cases, complainants may ask to remain anonymous. In instances where anonymity is requested, it should be understood that doing so may limit the options that are available.

An individual who wishes to make an inquiry regarding sexual harassment will be informed of options available and the responsibilities associated with the resolution process. Inquiries may be addressed to the following persons: The Director of Affirmative Action, members of the Sexual Harassment Resource Group, the Dean of Students, department chairs, deans. The Director of Affirmative Action shall ensure that these individuals receive appropriate training and orientation to this policy and to the requirements for reviewing and processing complaints under this framework.

Further, individuals designated as **Resource Persons** are also available to assist and serve in an inquiry regarding sexual harassment.

There are two ways in which a complaint of sexual harassment can be handled: an informal procedure and a formal procedure. The essential difference between the two procedures is the nature of the outcome being sought by the complainant.

### 1. Informal Procedure

The informal procedure typically seeks acceptable mediation or resolution of the complaint between the parties involved, usually without any kind of sanction or penalty imposed against the accused. In some cases, educational efforts may help an alleged harasser to understand why specific actions or conduct may be wrong or inappropriate. In these instances, an informal mechanism may help to accomplish important behavioral goals. Different approaches to the problem will be discussed and a course of action decided upon.

During the informal discussion and investigation of such a complaint, emphasis is placed on the resolution of the matter as quickly as possible, at the lowest level possible involving the fewest number of people. Resolution sought will be after consultation with the complainant. If there are any records associated with the complaint, these documents will be filed in the office of the Director of Affirmative Action.

### 2. Formal Procedure

The formal procedure engages a more structured process in seeking resolution and requires a written complaint to be filed with the Director of Affirmative Action. Upon receipt of a formal written complaint, the Director of Affirmative Action shall immediately confer with the Chancellor and the complaint itself shall be referred to the Chancellor for review and processing as required under the applicable complaint procedure. If a sexual harassment complaint is filed directly with the Chancellor, without involvement from the Director of Affirmative Action, the Chancellor shall confer with the Affirmative Action Director before beginning the formal review of that complaint. This procedure may evolve from the informal process described earlier or it may be selected as the initial course of action.

When pursuing a formal complaint, the individual has the implied responsibility to provide factual information and any other evidence that either supports the allegations under review or substantiates the substances of the complaint. This commitment includes a willingness to cooperate with the University and to support the investigative process as the formal review continues. In cases that may involve the formal imposition of disciplinary sanction(s), the complainant may also be called upon to appear as a witness in a formal University hearing on the matter.

As noted in the following sections, the formal procedure utilizes existing administrative or personnel rules in seeking a sanction, penalty or other action against the accused:

- a. **Academic Staff:** Complaint procedure as outlined in *The University of Wisconsin Oshkosh Faculty and Academic Staff Handbook*, Chapter 16, "Complaints", and Chapter 15, "Grievances"
  - **Complaints against Academic Staff** - <http://www.uwosh.edu/handbook/astaffch16.html>
  - **Grievance against Academic Staff** - <http://www.uwosh.edu/handbook/astaffch15.html>
- b. **Classified Staff:** Complaint procedure as established and implemented by the Human Resources Office.
- c. **Faculty:** Complaint procedure as outlined in *The University of Wisconsin Oshkosh Faculty and Academic Staff Handbook, Chapter Nine, Part B, "Faculty Complaints"*.
  - **Complaints against Faculty** -- <http://www.uwosh.edu/handbook/fpmch9.htm#9b>
  - **Grievances against Faculty** -- <http://www.uwosh.edu/handbook/fpmch9.htm#9c>
- d. **Students:** Complaint procedure as outlined in *Chapter 17 of the Wisconsin Administrative Code* administered by the Dean of Students Office.
  - **Students Complaints** -- <http://www.tts.uwosh.edu/dean/studentdisciplinecode.html#Chapter UWS 17>

Any resolution sought will be after consultation with the complainant. The complainant shall be informed to the extent possible permitted by federal and state law of the actions taken or the resolutions reached as a result of the complaint process.

The complainant may, at any time during the formal process, choose to withdraw the complaint, or to pursue resolution of the complaint through the informal process set forth above.

Records of all complaints, investigations and resolutions will be filed in the Office of the Director of Affirmative Action. Additional records may also be filed according to the administrative or personnel rules utilized in the resolution process.

## **E. Resource Persons**

In order to provide assistance with the implementation of this policy, the University has established a **Sexual Harassment Resource Group**, comprised of two males and two females from each of the following groups: the faculty, the academic staff, the classified staff, and the students. In addition, one person with counseling and/or student personnel experience will be included as a Resource Person. Appointments will be made by the Senate of Academic Staff (Academic Staff), Human Resources Office (Classified Staff), Faculty Senate (Faculty) and Oshkosh Student Association (Students). The appointment of the person with counseling and/or student personnel experience will be made by the Director of Affirmative Action.

Resource persons should be available to assist those with a sexual harassment concern in any of the following manners: (1) As a resource for information and referral. (2) As support in meetings with the Director of Affirmative Action or other representatives of the university, as requested by the individual. (3) To assist in the resolution process as requested by the individual.

Those individuals who agree to serve as Resource Persons will receive training on the issue of sexual harassment, including appropriate listening, response and resolution strategies. Resource persons will maintain confidentiality of information in a sexual harassment allegation to the extent permitted by state and federal law. *Revised Effective: June 1, 1998.*

*For the most current version of this policy, refer to the Dean of Students Office web page at [www.uwosh.edu/dean/conduct.htm](http://www.uwosh.edu/dean/conduct.htm) or the Affirmative Action Office web page at [www.uwosh.edu/shrg/policy.htm](http://www.uwosh.edu/shrg/policy.htm).*

## **UW OSHKOSH GUARANTEE FOR RELATIONSHIP VIOLENCE VICTIMS**

1. We will meet with you privately, at a place of your choice, to take a complaint report.
2. If you feel more comfortable talking with a female or male officer or staff member, we will do our best to accommodate your request.
3. You may file a complaint through the University Police, the Dean of Students Office or the Affirmative Action office, or all three. All options will be explained to you. We will fully investigate your case and will help you achieve the best outcome. This may involve the arrest and full prosecution of the suspect responsible. You will be kept up-to-date on the progress of the investigation and/or prosecution.
4. Our officers and other staff will not prejudice you, and you will not be blamed for what occurred.
5. We will continue to be available to answer your questions, to explain the systems and processes involved, and to be a willing listener.
6. We will assist you in arranging for any hospital treatment or other medical needs.
7. We will assist you in privately contacting counseling, police, Dean of Students office, advising and other available resources.
8. We will treat you and your particular case with courtesy, sensitivity, dignity, understanding and professionalism.
9. We will consider your case seriously, regardless of your gender or the gender of the suspect.
10. We will ask the press to respect your privacy. Local media have been very sensitive to the confidentiality of those reporting sexual assaults.

Adapted with permission from Michigan State University, Department of Public Safety.

The Dean of Students Office will also discuss with you reporting to the University Police, if you were assaulted on campus, or the City of Oshkosh Police, if you were assaulted off campus. Campus and community resources available to you will also be discussed.

## **RELATIONSHIP VIOLENCE PREVENTION INFORMATION**

### **UW OSHKOSH ENCOURAGES HEALTHY RELATIONSHIP BEHAVIOR**

UW Oshkosh encourages men and women to take proactive steps to prevent relationship violence, such as:

Talk with your partner about sexual contact and getting an explicit, verbal “yes” to such sexual contact.

Abstain from underage drinking, and moderate your legal alcohol consumption.  
Speak directly with your partner about sex.

Clarify your partner’s responses and feelings about your interactions.

Avoid assuming your partner wants what you want from a relationship or intimate encounter.

Identify and dismantle stereotypes about what it means to be a woman or a man.

Speak up to peers to confront inappropriate language and behavior that is derogatory about women or that denigrates men for not meeting male gender stereotypes.

## **SEXUAL ASSAULT PROTECTION\***

The vast majority of sexual assaults are perpetrated by someone the victim knows or has met. Sexual assault is NOT the result of a communication problem. Sexual assault means sexual contact without consent. Many victims communicate their wishes very directly and still get assaulted. However, there are some things that you can do to avoid situations that may lead to assault.

1. Saying "no" clearly and directly may, in some situations, decrease the risk of sexual assault.
2. State what you wish and expect the other person to respect those wishes. We urge you to discuss your values and expectations about sex early in any relationship, ideally before a sexual situation arises.
3. Listen carefully. Take the time to hear what your partner is saying. If you feel he or she is not being direct or is giving you a "mixed message," ask for clarification.
4. Consent is an agreement that two people must make. Know that consent to sexual contact means both partners have the right to:
  - a) Choose not to be intimate
  - b) Change their mind at anytime
  - c) Not feel coerced or obligated to be sexual
5. Set sexual limits. Be firm and forceful. Do not worry about being polite, hurting someone's feelings, or making a "scene." Passivity may be interpreted as permission. It is your body and no one has the right to force you to do anything you do not want to do.
6. Listen to your internal feelings and reactions. Trust your instincts. Be aware of situations in which you feel uncomfortable and take action immediately.
7. Avoid isolated, poorly lit areas. Be in the company of another person you trust. If you feel uncomfortable in your surroundings, leave immediately. Don't hesitate to use your cell phone and call 911 or, on campus, use the blue light emergency phones.
8. Use Safe Walk, the campus escort service (424-1216).
9. In the residence halls and apartment complexes, do not let people you do not know accompany you into the building.
10. Watch your keys. Do not lend them, leave them or lose them. Don't put your name, address, phone number or Titan Card on your key ring.
11. Lock your doors (car and residence) and windows, even if you leave for just a few minutes. Don't prop open security doors.
12. Go to and leave parties with the same friends. Keep a watch out for each other. Never leave a party alone or let an acquaintance take you home alone. Leave with someone you absolutely trust.
13. Do not accept open or poured drinks or leave your drink unattended. Alcohol and drugs can compromise your judgment and your ability to take care of yourself and make safe choices.

## **HOW YOU CAN HELP SOMEONE WHO HAS BEEN SEXUALLY ASSAULTED**

You can help someone who is abused or who has been assaulted by listening and offering comfort. Go with her or him to the police, the hospital, or to counseling. Reinforce the message that she or he is not at fault and that it is natural to feel angry and ashamed.

*\*Adapted from UW Oshkosh CARE/MENCARE prevention materials and the U.S. Department of Health & Human Services.*

## **COURSES AND PROGRAMS**

Persons interested in programs or courses regarding protective behaviors should contact REACH (see Resources) for information. Campus for Awareness and Relationship Education (CARE) is a campus-wide education and prevention program sponsored by the Counseling Center. For information regarding this program, please contact the Counseling Center in Dempsey 201, 424-2061.

## **CAMPUS SAFETY**

The safety and well being of all students, faculty, and staff are goals at UW Oshkosh, and there are various programs, policies and services that exist on our campus to assist us in achieving this goal. Detailed information regarding campus safety, along with the Student Right-to-Know and Campus Security Act and Police Statement may be obtained from the Dean of Students Office. This publication includes information such as reporting of criminal activities or emergencies on campus; general access to and use of University facilities; roles and responsibility of the University Police; programs and literature distribution regarding crime prevention; statistics regarding certain criminal offenses that took place on our campus and were reported to campus authorities for the past three years; number of arrests for certain crimes; and regulations regarding the possession, use and sale of alcohol and illegal drugs.

## **DEFINITIONS**

Sexual assault, sexual harassment, domestic/dating violence and stalking are serious problems that demand our immediate attention. At the University of Wisconsin Oshkosh, we are committed to the prevention of all forms of relationship violence. Physical violence, threatening behavior or comments, coercive sexual contact and unwelcome comments of a sexual nature are offensive and undermine the safety, security, and dignity of all members of the University community. The University believes that the

recognition of a problem is the first step toward responding to that problem. Toward that end, this information is intended to help prevent all forms of relationship violence in the University setting.

## **LEGAL DEFINITIONS AND PENALTIES**

The Wisconsin Statutes define the serious criminal offenses of sexual assault, sexual assault of a child, sexual exploitation by a therapist and sexual harassment. The following information prepared by UW System Legal Counsel provides a summary of offenses and corresponding penalties.

### **Sexual Assault**

Section 940.225 of the Wisconsin Statutes creates four degrees of sexual assault. The degrees are based upon the amount of force used by the assailant and the harm done to the victim. First, second and third degree sexual assaults are felonies; fourth degree sexual assault is a misdemeanor.

#### **1) First Degree Sexual Assault Includes:**

Sexual intercourse or sexual contact without consent which causes pregnancy or inflicts great bodily harm, or

Sexual intercourse or sexual contact without consent accomplished by using or threatening to use a dangerous weapon, or

Sexual intercourse or sexual contact without consent while aided by one or more persons.

**Penalties:** A person can be imprisoned not more than twenty years for committing first degree sexual assault.

#### **2) Second Degree Sexual Assault Includes:**

Sexual intercourse or sexual contact without consent through the use or threat of violence, or

Sexual intercourse or sexual contact without consent which causes injury, including illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care, or

Sexual intercourse or sexual contact with a person known by the perpetrator to be unconscious or mentally ill or mentally deficient.

**Penalties:** A person can be imprisoned not more than ten years and/or fined not more than \$10,000 for committing second degree sexual assault.

#### **3) Third degree sexual assault** is having sexual intercourse with a person without that person's consent.

**Penalties:** A person can be imprisoned for not more than five years and/or a fine or not more than \$10,000.

#### **4) Fourth degree sexual assault** is having sexual contact with a person without that person's consent.

**Penalties:** A person can be imprisoned for not more than nine months in the county jail and/or a fine or not more than \$10,000.

### **Sexual Assault of a Child**

Section 948.02 of the Wisconsin Statutes prohibits sexual Section 948.02 of the Wisconsin Statutes prohibits sexual assaults against children. There are two degrees of the offense, both felonies:

#### **1) First degree sexual assault of a child** is sexual contact or sexual intercourse with a person who has not attained the age of 13 years.

**Penalties:** A person can be imprisoned for not more than 20 years.

#### **2) Second degree sexual assault of a child** is sexual contact or sexual intercourse with a person who has not attained the age of 16 years.

**Penalties:** A person can be imprisoned for not more than 10 years and/or a fine of not more than \$10,000.

Consent of the victim is not an issue for these offenses. In addition, this statute prohibits "failure to act." That is, if a person responsible for a child's welfare knows that another person intends to have, has had or is having sexual intercourse or sexual contact with the child, and fails to take action, the person responsible may also be guilty of a crime. "Failure to act" under this section is a felony.

**Penalties:** A person found guilty of failure to act can be imprisoned for not more than 10 years and/or fined not more than \$10,000.

### **Sexual Exploitation By a Therapist**

Section 940.22 of the Wisconsin Statutes prohibits sexual contact between a therapist and a patient or client and imposes a duty to report violations.

Intentional sexual contacts, as defined in the sexual assault statutes, is prohibited between any person who is or who holds himself or herself out to be a therapist and a patient or client during any ongoing therapist patient or therapist client relationship. Consent is not an issue under this provision.



**Penalties:** A therapist having sexual contact with a patient or client is guilty of a felony and may be imprisoned for not more than 5 years and/or fined not more than \$10,000.

Reporting to the Department of Regulation and Licensing or the appropriate district attorney is required if a therapist has reasonable cause to suspect that a patient or client is a victim of sexual contact by another therapist. The therapist must ask the victim if he or she wants to make a report, and must make the report within 30 days of obtaining the victim's consent. The identity of the victim need not be revealed.

**Penalties:** Failure to report is a misdemeanor, punishable by imprisonment for not more than nine months and/or a fine of not more than \$10,000.

## **Sexual Harassment**

Section III.32(13) of the Wisconsin Statutes defines sexual harassment as unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature.

Unwelcome verbal or physical conduct of a sexual nature includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments, or the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes.

## **Domestic/Dating Violence**

The University defines Domestic/Dating Violence as (1) Physical abuse (e.g. slapping, pulling hair, punching,); (2) Threats of abuse (e.g. threatening to hit, harm, or use a weapon on another, or other forms of verbal threats); or (3) Emotional abuse (e.g. harassment) directed toward a current or former dating partner or spouse. Domestic or Dating Violence may violate any of the following Wisconsin statutes:

### **A) Disorderly conduct**

Section 947.01 of the Wisconsin Statutes prohibits disorderly conduct. Disorderly conduct occurs when a person in a public or private place engages in

Violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

**Penalties:** Disorderly conduct is a Class B misdemeanor.

### **B) Domestic Abuse**

Section 813.12(1) (am) of the Wisconsin Statutes prohibits domestic abuse. Domestic abuse occurs when a person commits the following on an intimate or co-habiting partner:

Intentionally inflicts or threatens to inflict physical pain, physical injury, illness, or impairment of physical condition; damage to personal property; or sexual contact or sexual intercourse without consent.

### **C) Harassment**

Section 947.013 of the Wisconsin Statutes prohibits harassment. Harassment occurs when a person:

Strikes, shoves, kicks or otherwise subjects another person to physical contact or attempts or threatens to do any of these things, or

Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

**Penalties:** A person who engages in harassment is subject to a forfeiture of not more than \$1,000.

### **D) Physical Assault & Battery**

Section 940.19 of the Wisconsin Statutes prohibits physical assault and battery. Physical assault and battery occurs when a person engages in any of the following:

Causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a Class A misdemeanor, or

Causes substantial bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class I felony, or

Causes substantial bodily harm to another by an act done with intent to cause substantial bodily harm to that person or another is guilty of a Class D felony, or

Causes great bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class H felony, or

Causes great bodily harm to another by an act done with intent to cause great bodily harm to that person or another is guilty of a Class E felony.

## Stalking

Section 940.32 of the Wisconsin Statutes prohibits stalking. Stalking occurs when a person engages in a “course of conduct” (a series of 2 or more acts) carried out over time, however short or long, that show a continuity of purpose, including any of the following actions:

Maintaining a visual or physical proximity to the victim.

Approaching or confronting the victim.

Appearing at the victim’s workplace or contacting the victim’s employer or coworkers.

Appearing at the victim’s home or contacting the victim’s neighbors.

Entering property owned, leased, or occupied by the victim.

Contacting the victim by telephone or causing the victim’s telephone or any other person’s telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.

Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim’s family or household or an employer, coworker, or friend of the victim.

Placing an object on or delivering an object to property owned, leased, or occupied by the victim.

Delivering an object to a member of the victim’s family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.

Causing a person to engage in any of the acts described above.

**Penalties:** Stalking is a felony offense.

## VICTIM’S LEGAL RIGHTS

If a victim pursues legal prosecution, he or she has rights under Chapter 950 of the Wisconsin Statutes.

### Eligibility of Victims

A victim has legal rights and is eligible for the services under Chapter 950 only if the victim reports the crime to law enforcement authorities within five days of its occurrence or discovery, unless he or she has a reasonable excuse not to do so.

### Basic Bill of Rights

Sections of 950.04 and 950.045 of the Wisconsin Statutes identifies the basic rights as printed below of victims and witnesses of crime:

1. To be informed by local law enforcement agencies and the district attorney of the final disposition of the case. If the crime charged is a felony or is specified in ch. 940 or s. 948.02, 948.03 or 948.05, the victim shall be notified whenever the defendant or perpetrator is released from custody. The victim shall be notified of a pardon application by the governor under s.57.09(3).
2. To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court.  

To have the court provided with information pertaining to the economic, physical and psychological effect of the crime upon the victim of a felony and have the information considered by the court.
3. To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available.
4. To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services.
5. To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled.
6. To be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants.
7. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analyses and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.

8. To be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
9. To be entitled to a speedy disposition of the case in which they are involved as a victim or witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.
10. To have the family members of all homicide victims afforded all of the rights under subs. (1) to (4) and (6) to (9) and analogous services under 2.950.05, whether or not they are witnesses in any criminal proceedings.

Section 950.045 indicates that victims of crime are entitled to written statements concerning parole and pardon applications.