

UNIVERSITY OF WISCONSIN-STOUT

SEXUAL HARASSMENT POLICY

Policy No. 91-53

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1.0 STATEMENT OF POLICY

1.1 The University of Wisconsin-Stout (UW-Stout) is committed to a policy of providing equal employment and educational opportunities. In particular, the University is committed to maintaining a community in which students, faculty, and staff can work and learn together in an atmosphere free of all forms of discrimination, including sexual harassment. Sexual harassment violates the dignity of the individual and the integrity of the University as an institution of higher learning, and thus, sexual harassment in any form will not be tolerated. This policy applies to all employees, students, contractors, and visitors of the University.

This policy prohibits sexual harassment, retaliation related to sexual harassment claims, knowingly reporting false sexual harassment complaints and knowingly providing false information during the investigation of a sexual harassment complaint. All University employees are responsible for taking reasonable and necessary action to prevent sexual harassment; and all members of the University community are expected to contribute to an environment free of sexual harassment, and are encouraged to report promptly (pursuant to campus procedures) any conduct that could be in violation of this policy. The University has adopted specific procedures for reporting, investigating and resolving harassment claims as per its Sexual Harassment Procedures (see [Appendix B](#)).

This policy shall not abridge any individual's speech and due process rights under the First and Fourteenth Amendments; nor shall it abridge principles or rights of academic freedom or the University's educational mission. Prohibited sexual harassment and discrimination are not expressions protected as a matter of academic freedom.

2.0 DEFINITIONS

2.1 **Sexual harassment** means: (a) unwelcome sexual advances; (b) unwelcome requests for sexual favors; (c) unwelcome physical contact of a sexual nature; or (d) unwelcome verbal or physical conduct of a sexual nature. Sexual harassment includes conduct directed by a person at another person of the same or opposite gender.

“Unwelcome verbal or physical conduct of a sexual nature” includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee’s work performance or to create an intimidating, hostile or offensive work environment.

- 2.2 **Sexual harassment in employment** means: (a) any unwelcome sexual advances; (b) unwelcome requests for sexual favors; (c) unwelcome physical contact of a sexual nature; or (d) unwelcome verbal or physical conduct of a sexual nature, when:
- a. Submission to or toleration of such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment (this is a type of *quid pro quo* - meaning “this for that” – sexual harassment); or
 - b. Submission to or rejection of such conduct by an individual is used as a basis (or threatened to be used as a basis) for employment decisions or assessments affecting such individual (this is a type of *quid pro quo* – meaning “this for that” – sexual harassment); or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment (this is a type of hostile environment sexual harassment).
- 2.3 **Sexual harassment in higher education** means: (a) any unwelcome sexual advances; (b) unwelcome requests for sexual favors; (c) unwelcome physical contact of a sexual nature; or (d) unwelcome verbal or physical conduct of a sexual nature, when:
- a. Submission to or toleration of such conduct is made, either explicitly or implicitly, a term or condition affecting the student’s participation in or benefit from any of the academic; or educational, extra-curricular, athletic, or other programs of the University (this is a type of *quid pro quo* – meaning “this for that” – sexual harassment); or
 - b. Such conduct has the purpose or effect of substantially interfering with a student’s academic performance or creating an intimidating, hostile, or offensive academic environment (this is a type of hostile environment sexual harassment).
- 2.4 **Hostile environment sexual harassment** means: any unwelcome conduct of a sexual nature that is so severe, persistent, or pervasive that a reasonable person who would determine affects an employee’s work performance, limits a student’s ability to participate in or benefit from a University program or activity, or creates an intimidating, threatening or abusive working or academic environment.
- 2.5 **Informal Complaint** means: a complaint that is made orally or in writing to a university administrator where an attempt at a resolution is made in lieu of a formal investigation.

2.6 **Formal Complaint means:** a complaint that is made orally or in writing to a university administrator that initiates an investigation of the incident.

3.0 TOTALITY OF THE CIRCUMSTANCES

3.1 In determining whether alleged conduct constitutes sexual harassment, the record as a whole and the totality of the circumstances will be considered. Circumstances may include the severity of the conduct; its frequency; whether it was physically threatening or humiliating, or an offensive utterance; and whether it unreasonably interfered with the alleged victim's work performance or ability to participate in or benefit from the University's programs. A severe single event is enough to engage the process. The objective severity of the conduct will be judged from the perspective of a reasonable person in the position of the alleged victim and not on the intent of the person engaging in the conduct.

Examples of behavior that may be considered sexual harassment include, but are not limited to:

- a. Physical sexual assault or coerced sexual intercourse;
- b. Unwelcome physical contact, such as touching of a person's body, hair or clothing, or hugging, patting or pinching;
- c. Direct or implied threats that submission to sexual advances will or could be a condition of employment, work status, promotion, grades, letters of recommendation, or other work or educational benefit (*quid pro quo*);
- d. Severe or persistent unwelcome verbal, physical or other expressive conduct that is offensive or humiliating in a sexual way. Such conduct may include comments of a sexual nature and/or sexually explicit statements, questions, jokes, anecdotes, gestures, or facial expressions that would offend or humiliate a reasonable person in the circumstances of the individual experiencing this conduct. Conduct need not be in person but can be any form of communication including but not limited to written, telephonic, or electronic communication such as electronic mail and/or comments sent via the Internet.
- e. Sexually explicit materials in the workplace or learning environment that have no relationship to the curriculum or research or the mission of the University and substantially interfere with an employee's work performance or a student's ability to benefit from University programs. Such materials may be in the form of music, documents, objects, photographs, film or electronically generated materials.
- f. Any unwanted, inappropriate behavior that is targeted to a person or person(s) because of their gender or sexual orientation, for example repeatedly telling women or men that they are not capable of doing a certain kind of work because of their gender.

- g. Amorous or sexual relationships between a faculty member and a student under his or her academic supervision or between a supervisor and an employee under his or her supervision, where the direct power differential compromises the subordinate's free choice. (Even consenting relationships may lead to an actual or perceived conflict of interest or other unethical conduct.) A statement which further defines and discusses consensual relationships appears as [Appendix A](#).

4.0 DUTY TO FILE IN GOOD FAITH/FALSE REPORTS

Any person who reports alleged sexual harassment or provides information during the investigation of a complaint is presumed to have participated in the investigatory process in good faith. It is a violation of this policy for persons to knowingly make a false sexual harassment complaint or knowingly provide false information during the investigation of a complaint.

5.0 RETALIATION is defined as any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of sexual harassment. Retaliation may include, but is not limited to:

- a. Taking negative tangible employment actions against a person;
- b. Taking actions that substantially interfere with or have a chilling effect on the employee's or student's ability to participate fully in and benefit from the work or educational environment;
- c. Failing to provide assistance or instruction that would otherwise be provided;
- d. Failing to fairly and/or objectively evaluate an employee's or student's performance;
- e. Failing to record an appropriately earned grade for a student; or
- f. Otherwise sabotaging an employee's or student's performance or evaluation.

It is a violation of this policy to engage in any retaliatory acts against an employee or student who reports an alleged incident of sexual harassment, or any employee or student who testifies, assists, or participates in a proceeding, investigation, or hearing relating to an allegation or complaint of sexual harassment.

6.0 IMPLEMENTATION

The Chancellor delegates responsibility for the administration of UW-Stout Sexual Harassment Policy (No. 91-53) to the Director of Human Resources. This policy, along with the sexual harassment complaint and investigation procedures described in [Appendix B](#), will be implemented throughout the University.

7.0 APPEAL PROCESS

The procedures set forth herein shall be the exclusive remedy at the University level available to any person complaining of sexual harassment. The right of a person to

prompt resolution of a complaint filed under the appeal procedure ([Appendix C](#)) shall not be impaired by the person's pursuit of remedies outside the University. Use of this procedure is not a prerequisite to the pursuit of other remedies.

8.0 CONFIDENTIALITY

Confidentiality will be maintained to the extent permitted by applicable law, including the Wisconsin Public Records Law, and discovery procedures in cases brought in court, Equal Rights Division, or the Equal Employment Opportunity Commission (EEOC).

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APPENDIX A: UW-STOUT STATEMENT ON CONSENSUAL RELATIONSHIPS

1.0 RATIONALE

Codes of ethics for most professional associations forbid professional-client sexual relationships; the relationships of instructor to student and supervisor to employee should also uphold this concept. Professionalism is fostered by an atmosphere of respect and trust and is undermined when those in positions of authority abuse, or appear to abuse, their power.

1.1 Ethical Considerations

- (a) The respect and trust accorded an instructor/supervisor by a student/employee, as well as the power exercised by the instructor/supervisor in giving praise or blame, conducting evaluations, or making recommendations for further study or future employment greatly diminish the student's or employee's actual freedom of choice concerning an amorous or sexual relationship. Voluntary consent by the student/employee in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship.
- (b) A romantic or sexual relationship between instructor/supervisor and student/employee may also have an adverse effect on other students and employees because it places the instructor/supervisor in a position to favor or advance one individual's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors.
- (c) An intimate relationship with an individual, combined with a responsibility for evaluation of such individual, creates a conflict of interest. In such situations, an instructor/supervisor in the relationship must be careful to distance himself or herself from any decisions that may reward or penalize the student or employee involved. Failure to do so will be deemed to be a violation of the instructor's/supervisor's member's ethical obligation to the individual involved, to other students/employees, to colleagues, and to the University.

1.2 Implications for the Individual

All instructors, supervisors, and other employees should, therefore, understand that there are substantial risks in even an apparently consenting relationship where a power differential exists. Even when both parties have initially consented to an amorous, romantic, or sexual relationship, charges of sexual harassment may subsequently develop. In each instance, it is the instructor, supervisor, or other employee who, by virtue of his or her special power and responsibility, bears a greater burden of accountability.

In addition, supervisors should be aware that s. UWS 8.03(3) and s. ER-Pers 24.04(f), Wisconsin Administrative Code, prohibit giving preferential treatment in employment situations to “immediate family” members. “Immediate family” is defined to include relationships of the kind described in this consensual relationships statement.

2.0 DEFINITION OF CONSENSUAL RELATIONSHIPS

Consenting romantic and sexual relationships addressed by this statement are those between instructor (meaning all who teach at the University—faculty members, academic staff, graduate students with teaching or tutorial responsibilities, and other instructional personnel)—and student (meaning any person studying with the instructor); between supervisor (meaning any person in a position of authority over another—to hire and fire, to grant raises and oversee task performance) and employee (meaning any person working for the supervisor); and between employee and student (where there is an instructional or an employment relationship between them).

3.0 STATEMENT

3.1 Consensual Relationships in the Instructional/Supervisory Context

Such relationships have the potential for extremely serious consequences and are, therefore, especially discouraged. Instructors or supervisors engaged in consensual relationships with students enrolled in their classes or employees under their supervision are required to notify their department chair or immediate supervisor so that other arrangements may be made for the students or employees to complete their program or work requirements.

3.2 Consensual Relationships currently outside the Instructional/Supervisory Context

Such relationships may also lead to difficulties and are, therefore, also discouraged. In particular, when the parties are in the same academic or work unit or in units that are closely related, relationships that the parties view as consensual may appear to others to be exploitive.

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APPENDIX B: SEXUAL HARASSMENT INFORMAL AND FORMAL COMPLAINT AND INVESTIGATION PROCEDURES

The Director of Human Resources shall be responsible for the enforcement of the Sexual Harassment Policy including: investigation of all harassment complaints; dissemination of the policy to the campus community; implementation of education and training programs ([Appendix E](#)); disclosure of documents ([Appendix D](#)); and coordination of the resolution of complaints.

1.0 STUDENT COMPLAINT OPTIONS

In cases of student complaints of sexual harassment by another student, the complainant has the option of pursuing charges against the alleged harasser according to the procedures set forth in UWS Chapter 17 (Student Nonacademic Disciplinary Procedures) and Title IX. Students who wish to pursue a complaint through Chapter 17 should contact the Dean of Students Office. The Dean of Students shall communicate the complaints received to the Human Resources Office for inclusion in campus sexual harassment records and reports.

In cases of student complaints of sexual harassment by a UW-Stout employee, contractor, subcontractor, program participant or visitor, the complainant has the option of filing either an informal or formal complaint according to the processes listed in 2.0 and 3.0 of this appendix.

When a student informs a faculty or academic staff member of an incident they believe is sexual harassment, the faculty or academic staff member has the responsibility of assisting the student in seeking guidance from the Dean of Students and/or Director of Human Resources.

2.0 INFORMAL COMPLAINT PROCESS

Informal complaints must be filed using the following process:

2.1 Responsible Parties

If a complainant believes s/he has been subject to illegal discrimination and/or harassment, then s/he is encouraged to clearly and directly tell the respondent who is engaged in the conduct to stop. If it would be inappropriate to directly confront the respondent, or if the complainant's efforts to stop the conduct are unsuccessful, then the complainant may discuss the conduct with the respondent's supervisor, or file an informal complaint with a university administrator.

2.2 How to file an informal complaint

An informal complaint may be submitted either verbally or in writing to a university administrator who will report the complaint to the Human Resources Office. Typically, an informal complaint will describe an allegation of discriminatory and/or harassing conduct, and it must include details regarding the alleged discrimination and/or harassment as well as the relief sought by the complainant.

2.3 Filing Deadline

Informal complaints may be initiated at any time.

2.4 Resolution Deadline

All informal complaints must be resolved within 60 days, except in extraordinary circumstances.

2.5 Resolution

An informal complaint may be resolved by having a university administrator: (1) discuss together with the complainant and respondent the alleged discriminatory and/or harassing conduct and relief sought by the complainant; (2) monitor the situation; and/or (3) seek mediation. An informal complaint is considered resolved when the parties involved agree on a course of action that they consider acceptable. If the parties do not come to a mutual agreement, the complainant may file a formal complaint.

2.6 Responsibilities

A university administrator shall advise the complainant of the alternative processes to resolve the situation and the availability of advocates. Students may seek an advocate from the Dean of Students Office; and employees may contact the Human Resources Office, or their employee governance and/or representative group, which includes but is not limited to appropriate governance groups. In addition, the administrator must seek to understand how the complainant wishes to handle the situation.

2.7 Rights provided by UW-Stout to the Complainant and the Respondent

All members of the university community have the right to be informed of any allegations against them resulting from an informal complaint and to respond fully to such complaints. At the time an informal complaint process is initiated, the rights of the respondent will be protected in accordance with UW-Stout policies and procedures, as well as state and federal law. It is the policy and practice of the University of Wisconsin-Stout to provide reasonable access to relevant information to those persons, usually management and senior administrators, who are directly involved in the resolution of the complaint. All such persons are expected to maintain confidentiality regarding the details of the complaint.

3.0 FORMAL COMPLAINT PROCESS

3.1 Investigation and Information Resource Personnel:

- 3.1.1 The Director of Human Resources shall designate individuals to serve as harassment investigators and information resource personnel on the subject of sexual harassment. The investigators and information resource personnel shall be employed as members of the staff of the Office of Human Resources. The individuals appointed as investigation and information resource personnel shall be familiar with the University's policy prohibiting sexual harassment, and with campus complaint procedures.
- 3.1.2 The harassment investigators shall conduct investigations pursuant to Section 5.0 (Investigation Process) of this procedure and, under the direction of the Director of Human Resources, shall be solely responsible for the investigation of complaints.
- 3.1.3 Information resource personnel shall assist individuals who believe they may be victims, witnesses, or others with knowledge of sexual harassment in filing a complaint. Further, individuals who complain of or are accused of sexual harassment, witnesses, or supervisors of parties to a complaint may consult information resource personnel for assistance during the investigation or subsequent processes. Information resource personnel also shall provide the following information:
 - a. The University Policy on Sexual Harassment;
 - b. Campus complaint and investigation procedures; and
 - c. Information related to campus and other resources as appropriate.

The names of designated information resource personnel are available through the Office of Human Resources.

4.0 REPORTING SEXUAL HARASSMENT

- 4.1 Anyone who believes that he or she has been the victim or witness of sexual harassment should promptly report this belief and the basis thereof to either his or her supervisor, the supervisor of the alleged harasser, or the Human Resources Office. In order to facilitate the efficient and effective investigation of complaints, reporting individuals should include as much relevant information as possible, such as the name of the victim, the name of the alleged harasser, and a factual description of the incident(s) (including dates, times, places, and the names of any witnesses).

Individuals are encouraged to make complaints in writing; however, written complaints are not required. Consistent with the University's obligation to investigate complaints, and to the extent permitted by law, these records will be kept confidential.

Consistent with the University's Sexual Harassment Policy, and its applicability to outside contractors, vendors, program participants, and other visitors to University property and buildings, complaints made against such individuals should be reported in the same manner as described above, and will be investigated pursuant to the process detailed below, to the extent possible, depending on the particular circumstance.

5.0 INVESTIGATION PROCESS

- 5.1 Complaints not initially filed with the Human Resources Office shall be forwarded by the recipient to the Human Resources Office immediately upon receipt. If the complaint is verbal, the supervisor or other individual forwarding the complaint shall provide a written report with as much information and detail as possible. The Director of Human Resources will make an initial determination, within five (5) business days of receiving a complaint of sexual harassment, as to whether the complaint provides facts sufficient to warrant an investigation.* If the complaint does not provide facts sufficient to warrant an investigation, the Director of Human Resources will notify the alleged victim, the accused, and the accused's supervisor of this decision.
- 5.2 If the Director of Human Resources determines that the complaint warrants an investigation, consistent with the independence and integrity of the investigation, the Director shall notify the victim, the accused, and the accused's supervisor of the investigation. The Director shall also notify each individual of the name of the investigator(s) assigned to the complaint. Further, the Director may recommend to the appropriate division administrator that the alleged harasser be placed on administrative leave, or otherwise ban such individual from campus pending the investigation, if the Director of Human Resources determines that it is in the best interest of the University. The Director of Human Resources shall consult with the appropriate supervisor before determining that an alleged harasser will be placed on paid administrative leave.
- 5.3 The investigator(s) shall begin the investigation as soon as practicable, and shall complete the investigation within ten (10) business days of receiving the complaint from the Director of Human Resources.*
- 5.4 Upon completion of the investigation, the investigator(s) shall prepare a confidential report of the findings and any recommendations to the Director of Human Resources. The report shall include a statement as to whether the investigator(s) believes that a probable violation of the University's sexual harassment policy occurred, a summary record of the information gathered, and any mitigating or aggravating factors to be considered. This report shall be

completed within five (5) business days, or as soon as practicable following the completion of the investigation.

6.0 FINDINGS

- 6.1 Upon receipt of the report by the assigned investigator(s), the Director of Human Resources shall review the report and make a determination regarding the allegations. If the Director determines that the evidence is insufficient to support a finding that the sexual harassment policy was violated, the Director shall prepare a written notice of the conclusion and provide a copy to the alleged victim, accused, and the accused's supervisor. Such notice shall specify that retaliation against the alleged victim is strictly prohibited and any such retaliation shall result in disciplinary action, up to and including termination.
- 6.2 If the Director of Human Resources determines that the evidence is sufficient to support a finding that the sexual harassment policy was violated, the Director shall prepare a written summary of the investigative process, finding and recommendation, and provide a copy of this summary to the complainant, accused, and the accused's supervisor within five (5) business days of its completion. The Director may also recommend an appropriate remedy and/or disciplinary action. Prior to determining the recommendation, the Director shall consult with the immediate hiring authority of the alleged harasser and other administrators as appropriate. Such consultations shall be considered in developing a proper remedy and/or recommended disciplinary action.

7.0 DISCIPLINE PROCEDURES

- 7.1 Disciplinary action, including oral or written warnings, demotion, transfer, suspension, discharge, ban from campus, training, or monitoring may be imposed for violations of the Sexual Harassment Policy. The level of disciplinary action taken will be dependent on the nature, severity, frequency and pervasiveness of the violation(s). All such discipline shall be imposed pursuant to appropriate disciplinary policies or collective bargaining agreements. If the recommended sanction is discharge, the harasser may be suspended with or without pay while applicable appeal procedures are conducted.
- 7.2 Disciplinary action may also be taken against contractors, their subcontractors doing business on University property or in University facilities, program participants, and visitors to the University. The disciplinary action taken shall be dependent on the nature and severity of the offense.
- 7.2.1 Employees and Individuals: If there is a finding of sexual harassment against a University employee or another individual, the University may impose sanctions including, but not limited to:
- a. Apology to the victim
 - b. Advice and counseling
 - c. Required attendance at sexual harassment training

- d. Written warning
- e. Letter of reprimand
- f. Removal of sexually explicit material
- g. Required attendance at substance abuse training, if substance abuse was involved
- h. Required anti-harassment training
- i. Loss of travel dollars
- j. Loss of choice assignments
- k. Change of job or class assignment
- l. Suspension, probation, termination
- m. Loss of access to University-related facilities, property or equipment

7.2.2 Students: If there is a finding of sexual harassment against a student or student group, the University may impose sanctions including, but not limited to:

- a. Apology to the victim
- b. Written warning
- c. Letter of reprimand
- d. Removal of sexually explicit material
- e. Prohibiting students from holding office or participating in activities, such as sports events, for a specific time
- f. Transferring the student to another class or job
- g. Disbanding or suspending a social organization or other student group involved in sexual harassment
- h. Transferring students to different housing or prohibiting them from living in institutional housing facilities
- i. Requiring attendance on substance abuse training, if substance abuse was involved
- j. Requiring relevant community service
- k. Requiring perpetrators to attend workshops on peer harassment
- l. Loss of student worker position or graduate assistantship
- m. Suspension, probation, dismissal or expulsion

7.2.3 Contractors, Subcontractors, Program Participants, Visitors: If there is a finding of sexual harassment against a contractor, subcontractor, program participant or visitor, the University may impose sanctions including, but not limited to:

- a. Apology to the victim
- b. Written warning
- c. Letter of reprimand
- d. Removal of sexually explicit material
- e. Suspension, probation, dismissal or expulsion
- f. Removal from approved bid list for any University-related projects, programs or other
- g. Loss of access to University-related facilities, property or equipment

- h. Termination of current contract for breach

8.0 RIGHTS OF THE ALLEGED VICTIM

Any individual who reports being a victim of sexual harassment shall have the following rights:

- (1) To present relevant information to the investigators;
- (2) To be informed of the conclusion(s) reached as a result of the complaint;
- (3) To be free from retaliation for filing a complaint; and
- (4) To appeal any adverse determination pursuant to the relevant policies.
- (5) To have a representative from the University community or private legal counsel to be present during any of the proceedings.

Consistent with the University's obligation to investigate complaints of sexual harassment, and to the extent permitted by law, the privacy of the alleged victim will be maintained.

9.0 RIGHTS OF THE ALLEGED HARASSER

Any individual who is accused of sexual harassment shall have the following rights:

- (1) To be informed of the allegations of harassment in a manner that will provide the accused an opportunity to respond;
- (2) To present relevant information to the investigators;
- (3) To be informed of the process of the investigation and the conclusions reached; and
- (4) To appeal any adverse determination pursuant to the relevant policies or collective bargaining agreement.
- (5) To have a representative from the University community or private legal counsel to be present during any of the proceedings.

Consistent with the University's obligation to investigate complaints of sexual harassment, and to the extent permitted by law, the privacy of the alleged harasser will be maintained.

The complainant(s) or respondent(s) may have a representative from the University community or private legal counsel to be present during any of the proceedings. The role of the representative or legal counsel shall be limited to providing advice and support to the party during the proceeding. The representative or legal counsel shall not speak on behalf of the complainant or respondent nor directly participate in the investigation, except to the extent that the representative may be a witness. The complainant and respondent shall present their evidence and statements on their own behalf. The complainant or respondent must notify the Human Resources Director or the hearing panel no less than three (3) days from the date of the next proceeding that he or she will have a representative or legal counsel present. Failure to do so may result in the HR Office or hearing panel refusing to allow the representative or legal counsel to be present during the proceeding.

***The time frame for this procedure may be extended if circumstances warrant the need for additional time.**

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APPENDIX C: APPEAL PROCESS

Upon appeal by either the accused or the complainant, a Sexual Harassment Panel shall be formed for the specific purpose of conducting a de facto review of the investigation process and findings of the Human Resources Office in order to determine whether the evidence presented during the investigation supports the findings.

1.0 SEXUAL HARASSMENT APPEAL PANEL:

- 1.1 The Sexual Harassment Panel shall be drawn from a pool composed of three representatives each from the faculty, academic staff, and classified staff, and two representatives from the student body. Functional area heads and the President of the Stout Student Association will recommend candidates for the pool to the Director of Human Resources, who will forward the recommendations to the Chancellor. The eleven members of the pool will be approved by the Chancellor on the basis of ability to maintain objectivity; to maintain confidentiality; and to attend training. The Sexual Harassment Panel pool shall include representatives from faculty, academic staff, classified staff, and student representation; and shall include both males and females as well as represent diversity.

The Sexual Harassment Panel shall be composed of three members of the Sexual Harassment Panel pool with at least one of the members from the accused's group (i.e. faculty, academic staff, classified, or student). None of the three panel members shall be drawn from the same school, college, or other reporting area as either the complainant or the accused.

2.0 PROCEDURES FOR APPEAL:

- 2.1 The Sexual Harassment Panel will proceed as follows:
 - 2.1.1 Within five (5) working days of notification of the results of the investigation, if the complainant or accused wishes to appeal the findings, he or she shall provide written notice of appeal to the Director of Human Resources. Decisions not appealed within such timeframe are deemed final.
 - 2.1.2 Within five (5) working days of receipt of the notice of appeal, the Director of Human Resources shall select the three members of the Sexual Harassment Panel, taking into account such factors as the nature of the complaint, the prior experience and availability of the eligible members of the pool, and equitable gender representation on the panel, and provide each member of the panel with a copy of the investigation report.*

2.1.3 Within ten (10) working days of receipt of the investigation report, the panel will convene to review and discuss the investigation report and make a decision to uphold, reverse, or modify the decision.* If a majority of the panel determines that additional evidence would assist in their review and decision-making process, then the panel will request such information. If new or additional evidence is obtained, the panel shall submit immediately such evidence to the Director of Human Resources, who shall render a new decision based on such evidence within ten (10) working days of receipt of the new evidence.*

2.1.4 Within ten (10) working days of the conclusion of the panel's review, it shall prepare a written report of its decision, and any recommendations for sanctions, and forward a copy of such report to the complainant and accused with a copy to the Director of Human Resources.*

2.1.5 If the panel makes a finding that the Sexual Harassment Policy was violated, the Director of Human Resources will forward a copy of the panel's report and recommendations for sanctions to the appropriate University administrators for action.

2.1.6 Within ten (10) days of receipt of the panel's report and recommendations, the appropriate University administrator will impose sanctions as deemed appropriate.*

2.1.7 An appeal shall stay any implementation of disciplinary action or remedies, unless the Director of Human Resources determines that taking such action pending appeal is necessary and reasonable.

2.2 Appeal from Sexual Harassment Panel Findings

Within five (5) working days of receipt of the Sexual Harassment Panel's report, either the accused or complainant shall provide written notice of appeal to the Office of the Chancellor, with a copy to the Director of Human Resources and the appropriate supervisor. The Chancellor will review the record and either uphold or reverse the decision being appealed within ten (10) working days of receipt of the appeal.*

The decision of the Chancellor shall be final. Any review or appeal of the Chancellor's decision shall be in accordance with and/or subject to applicable state or federal laws.

***The time frame for this procedure may be extended if circumstances warrant the need for additional time.**

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APPENDIX D: DISCLOSURE OF DOCUMENTS

1.0 DISCLOSURE OF DOCUMENTS

The Director of Human Resources shall take reasonable steps to inform the accused of the nature of the charges against him or her, the basis of the allegations, and provide the accused the opportunity to respond.

The Director of Human Resources may provide, prior to formal litigation, and subject to protecting the identity of the alleged victim or potential witnesses, redacted reports, documents and other materials germane to the investigation. The decision of the Director, with appropriate consultation regarding disclosure, shall be final and non-appealable.

Any documents disclosed either to the accused, the alleged victim, or to those representing either party, shall be used for the sole purpose of investigating or defending against the allegations of sexual harassment, and shall not be disclosed to any third parties, unless required by law. Information contained in any such documents shall remain confidential for all parties, to the extent allowable under applicable laws, and subject to the University's duty to investigate claims of sexual harassment. Under no circumstances shall any such documents or information contained therein be used to retaliate against the alleged victim, the accused, or any participating witnesses.

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APPENDIX E: EDUCATION OF CAMPUS COMMUNITY AND EXTERNAL RELATIONS

1.0 GOALS

- 1.1 Educational efforts are essential to establishing a campus environment free from sexual harassment. The Human Resources Office, in coordination with the Dean of Students Office, shall develop educational and training programs to ensure compliance with this policy. Educational goals will include:
- a. Educating University personnel and students about prohibited conduct and acts that constitute sexual harassment;
 - b. Educating administrators about the proper way to address complaints of violations of this policy or instances of sexual harassment that come to their attention through other channels;
 - c. Educating all victims (and potential victims) to be aware of their rights;
 - d. Educating students, faculty and staff about the potential legal, financial and overall adverse impact on the University for failure to abide by this policy.

2.0 PROFESSIONAL DEVELOPMENT AND TRAINING

- 2.1 The Human Resources Office shall coordinate, in cooperation with the appropriate departments and offices, a series of training sessions for persons who are likely to receive complaints that this policy has been violated.
- 2.2 In an effort to help the campus community recognize what constitutes sexual harassment and how to prevent it, a campus-wide educational program may be offered to students, faculty, and staff as resources permit.

3.0 INFORMATION

The Human Resources Office is responsible for distributing copies of this policy to members of the University community. The Dean of Students Office is responsible for distributing copies of this policy to students. The Sexual Harassment policy and procedures shall be available on the Internet, and other locations as determined by the Director of Human Resources.

4.0 PROCUREMENT AND EXTERNAL RELATIONS

To the extent practicable, the University shall take reasonable steps to ensure that agreements entered into by the University with State and outside contractors performing work on University property will incorporate the University's policy prohibiting sexual harassment. Academic units that initiate internship or cooperative programs for students with various employers will also be responsible for providing those employers with a copy of the University's Sexual Harassment Policy.

SEXUAL HARASSMENT POLICY

APPENDIX F: EXTERNAL AGENCY COMPLAINT INFORMATION

1.0 EXTERNAL AGENCY COMPLAINT INFORMATION

The Wisconsin Fair Employment Law prohibits sexual harassment and establishes the Wisconsin Equal Rights Division to handle employment-related charges of sexual harassment. The federal government's Civil Rights Act prohibits sexual harassment by an employer and assigns the complaint process to the Equal Employment Opportunity Commission (EEOC).

The United States Department of Education Office for Civil Rights enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education, including Title IX of the Education Amendments of 1972, which prohibits sex discrimination.

While the University encourages use of its internal policy and procedures, the University's policy does not preclude a person who feels she/he has been the victim of sexual harassment from seeking redress through these external agencies. Filing with the external agencies can be done in lieu of or simultaneously with the University's complaint process. Filing a complaint with the University does not result in the waiver or extension of any time limits required by an external agency.