1. NOTICE OF NON-DISCRIMINATION

Viterbo University is committed to establishing and maintaining an environment free from all forms of harassment and discrimination. The University does not discriminate on the basis of age, creed, color, disability, gender, gender identity, marital status, national and ethnic origin, race, religion, sexual orientation, veteran status, or any other protected class in administration of its educational policies, financial aid program, academic, athletics, admissions, employment, and all other programs.

The University does not discriminate on the basis of sex in its educational, extracurricular, athletic or other programs or in the context of employment. Sexual harassment and sexual misconduct are forms of sex discrimination prohibited by Title IX of the Education Amendments of 1972, a federal law which provides: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and Wisconsin law.

This policy prohibits sexual harassment or misconduct against all Viterbo University community members of any gender, sexual orientation, gender identity, or gender expression. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

2. SCOPE OF POLICY

Title IX of the Education Amendments of 1972, as amended ("Title IX"), and its implementing regulations (34 CFR Part 106) prohibits any individual from being excluded from participation in, denied the benefits of, or subjected to discrimination under any education program or activity on the basis of sex. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated. Sex discrimination includes discrimination on the basis of pregnancy, gender identity, and failure to conform to stereotypical notions of femininity and masculinity. Sexual harassment, including sexual misconduct, is a form of prohibited sex discrimination.
This policy applies to administrators, faculty, and other University employees; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the University's educational programs and activities, including third-party visitors on campus (the "University Community"). This policy prohibits sex discrimination, sexual harassment, and sexual violence, including when the Complainant and Respondent are members of the same sex, and it applies regardless of national origin, immigration status, or citizenship status. The University's prohibition on sex discrimination and sexual harassment extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

It shall be a violation of this policy for any Viterbo current or former student, faculty, staff or visitor to Viterbo to engage in sexual misconduct while on property owned or operated by the University, and off-campus in connection with any University work, program or activity, including in connection with any academic, extracurricular, athletic, residential and other University program or activity. Sex discrimination, sexual harassment, and sexual misconduct committed in connection with any University program, whether on or off campus, including affiliated domestic and international off-campus programs, is prohibited and will not be tolerated. This policy also covers sexual misconduct that occurs off-campus or outside of a Viterbo-affiliated program or activity when the University determines the sexual misconduct may limit a Viterbo student’s ability to participate in or benefit from a Viterbo educational program, may interfere with an individual’s right to a non-discriminatory environment, or may have an adverse effect.

The University has jurisdiction over Title IX-related complaints regarding conduct that occurred on campus, during or at an official University program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The University will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

Nothing contained in this policy limits any rights of Viterbo University or in any way restricts Viterbo from investigating or taking immediate remedial action in appropriate circumstances. Nothing in this policy precludes an individual or the University from contacting criminal authorities under any circumstances deemed appropriate.

3. ROLE OF THE TITLE IX COORDINATOR
Pursuant to Title IX of the Educational Amendments of 1972 and 34 C.F.R. Part 106, the Viterbo University Title IX Coordinator is the designated University representative with primary responsibility for coordinating University Title IX compliance efforts, including the University’s efforts to end sexual misconduct, prevent its recurrence, and address its effects. The responsibilities of this position are critical to the advancement, implementation, and monitoring of university-wide efforts to comply with Title IX legislation, regulation, and case law. The Title IX Coordinator is the University agent who is charged with the responsibility to oversee and monitor Title IX related policies and developments; the implementation and oversight of complaint processes and procedures, including notification, investigation and adjudication of complaints; provision of educational materials and training for the campus community; conducting and/or coordinating investigations of complaints received pursuant to Title IX; ensuring a thorough and neutral process for all parties; and monitoring all other aspects of the University’s Title IX compliance.

Todd Ericson, Vice President for Finance and Administration, is Viterbo’s Title IX Coordinator and can be reached at the Business Office at 214 Murphy Center, by telephone at 608-796-3856, or by email at tmericson@viterbo.edu.
Assisting the Title IX Coordinator with his duties is Sonya Ganther, Director of Human Resources, who serves as Viterbo’s Deputy Title IX Coordinator and can be reached at 200 Murphy Center, by telephone at 608-796-3930, or by email at sdganther@viterbo.edu.

If an individual prefers not to contact one of the Title IX Coordinators with questions and concerns regarding sex discrimination at the University, he or she may contact the U.S. Department of Education’s Office for Civil Rights, which can be reached in person or by mail at Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, by phone at 312-730-1560 or TDD 877-521-2172, or by email at OCR.Chicago@ed.gov or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): http://www.justice.gov/crt/complaint/#three

4. **PROHIBITED CONDUCT AND OTHER DEFINITIONS**
   A. **Prohibited Conduct:** Conduct that is prohibited under this policy includes, but is not limited to the following behaviors and actions.
   1. **Coercion related to Sexual Misconduct or Relationship Violence:** Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
   2. **Complicity related to Sexual Misconduct or Relationship Violence:** The act of contributing to, assisting with, or facilitating behavior in violation of this Policy.
   3. **Consent in Romantic and/or Sexual Relationships of Unequal Status:** Students, faculty and staff members should understand that “consensual sexual relationships,” particularly those among persons of unequal status, may be or become a violation of this Policy. Anyone who engages in a sexual relationship with a person over whom he or she has any degree of power or authority must understand that the validity of the consent involved can and may be questioned. Such a relationship may also be in violation of this University policy, Prohibition on Consensual Relationships with Students: Viterbo University seeks to maintain a professional and ethical educational environment. Actions of University employees (faculty members, including adjuncts, staff members, and administrators) that are unprofessional are inconsistent with the University’s educational mission. A consensual dating or sexual relationship between any University employee and a student is deemed unprofessional and is therefore prohibited, unless the two persons are married. A violation of this policy may result in disciplinary action including dismissal for unprofessional conduct. In the event that a prohibited consensual relationship between an employee and a student is in existence at the time this policy is adopted, the employee must disclose the relationship to his/her supervisor or the Vice President for Academic Affairs and initiate arrangements to address any conflict of interest issues. Approved 9/7/11
   4. **Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and where the existence of such a relationship shall be determined based on the reporting party’s statement and a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   5. **Domestic Violence:** Domestic violence includes, but is not limited to felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws. While not exhaustive, the following are examples of conduct that can constitute domestic violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear
of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual
conduct, or interference with an emergency call.

6. **False Reporting:** False reporting and/or falsely accusing an individual of any of the behaviors
prohibited by this policy is a serious violation of policy. Intentionally providing false and/or
inaccurate information regarding an allegation of prohibited conduct under this policy is
considered serious misconduct. Good faith reports for which a Respondent is not found to be
responsible is not considered false reporting.

7. **Force related to Sexual Misconduct or Relationship Violence:** Force is the use of physical
violence and/or imposing on someone physically to gain sexual access. Force also includes
threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
There is no requirement that a party resists the sexual advance or request, but resistance is a
clear demonstration of non-consent. The presence of force is not demonstrated by the absence of
resistance.

8. **Gender-Based Harassment:** Gender-based harassment is unwelcome conduct of a nonsexual
nature based on an individual’s actual or perceived sex, including conduct based on gender
identity, gender expression, and nonconformity with gender stereotypes; sex-based harassment.

9. **Hostile Environment Caused by Sexual Harassment:** A hostile environment exists when sex-
based harassment is sufficiently serious to deny or limit an individual’s ability to participate in
or benefit from the University’s programs or activities.

a. A hostile environment can be created by anyone involved in a University’s program or
activity (e.g., employees, students, and campus visitors).

b. In determining whether sex-based harassment has created a hostile environment, the
University considers the conduct in question from both a subjective and objective
perspective. It will be necessary, but not enough, that the conduct was unwelcome to the
individual who was harassed. The University will also need to find that a reasonable person
in the individual’s position would have perceived the conduct as undesirable or offensive in
order for that conduct to create or contribute to a hostile environment.

c. To make the ultimate determination of whether a hostile environment exists for an
individual(s), the University considers a variety of factors related to the severity, persistence,
or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and
duration of the conduct; (2) the identity and relationships of persons involved; (3) the
number of individuals involved; (4) the location of the conduct and the context in which it
occurred; and, (5) the degree to which the conduct affected one or more individual’s
environment or education.

d. The more severe the sex-based harassment, the less need there is to show a repetitive series
of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be
sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient
even if the sex-based harassment is not particularly severe.

e. **First Amendment Considerations:** This policy does not impair the exercise of rights
protected under the First Amendment. The University’s sexual misconduct policy prohibits
only sex-based harassment that creates a hostile environment. In this and other ways, the
University applies and enforces this policy in a manner that respects the First Amendment
rights of students, employees, and others.

10. **Incapacitation related to Sexual Misconduct or Relationship Violence:** Incapacitation
includes sexual activity with someone who one should know to be—or based on the
circumstances should reasonably have known to be—mentally or physically incapacitated (by
alcohol or other drug use, unconsciousness, or blackout). The question of incapacitation is
determined on a case-by-case basis that will include an analysis of whether the accused knew, or
a sober, reasonable person in the position of the accused should have known, that the
Complainant was incapacitated.
a. When alcohol or other drugs are being used, a person will be considered to be incapacitated and unable to give effective consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation.
b. Consumption of alcohol or drugs alone is insufficient to establish incapacitation.
c. Possession, use, and/or distribution of any of these substances, including but not limited to, Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at http://www.911rape.org.

11. **Intimidation related to Sexual Misconduct or Relationship Violence**: Intimidation is implied threats or acts that cause an unreasonable fear of physical or emotional harm to another person.

12. **Relationship Violence**: Refers to domestic violence and/or dating violence.

13. **Retaliation**: Retaliation means adverse action taken against an individual for making a good faith report of a violation of this Policy, for supporting another person’s report, or participating in an investigation or other proceedings based on the report.

14. **Sex Discrimination**: Sex discrimination is conduct based upon an individual’s sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of, an individual’s employment, education, living environment or participation in a program or activity. Sex discrimination encompasses all forms of sexual harassment, sexual misconduct, differential treatment, and gender-based harassment.

15. **Sex-based Harassment**: Sex-based harassment includes sexual harassment and gender-based harassment.

16. **Sexual Assault**: Sexual assault is actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:
   a. Intentional touching of another person’s intimate parts without that person’s consent; or
   b. Other intentional sexual contact with another person without that person’s consent; or
   c. Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent; or
   d. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

17. **Sexual Harassment**: Sexual harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

18. **Sexual Exploitation**: Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include:
   a. Prostituting another person;
   b. Recording images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
   c. Distributing images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
   d. Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.
19. **Sexual Misconduct**: Sexual misconduct is a severe form of sexual harassment and includes sexual exploitation, sexual assault or other sexual violence, domestic violence, dating violence, and stalking. Many types of sexual misconduct may include nonconsensual sexual contact, but nonconsensual sexual contact is not a necessary component.

20. **Stalking**: Stalking means engaging in conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress, and/or creates a hostile environment. Examples include acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Stalking can be a form of sexual harassment. Stalking behavior includes, but is not limited to:
   
   a. Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email and/or social media;
   b. Repeatedly leaving or sending Complainant unwanted items, presents, or flowers;
   c. Following or lying in wait for the Complainant at places such as home, school, work, or recreation place;
   d. Making direct or indirect threats to harm the Complainant, the Complainant’s children, relatives, friends, or pets;
   e. Damaging or threatening to damage the Complainant’s property;
   f. Posting information or spreading rumors about the Complainant on the internet, in a Campus place, or by word of mouth; or
   g. Unreasonably obtaining personal information about the Complainant by accessing Campus records, using internet search services, hiring private investigators, going through the Complainant’s garbage, following the Complainant, contacting Complainant’s friends, family work, or neighbors, etc.

21. **Unwelcome Conduct related Sexual Misconduct or Relationship Violence**: Conduct of a sexual nature is considered unwelcome if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

   a. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.
   b. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that an individual may have welcomed some conduct does not necessarily mean that an individual welcomed other conduct. Also, the fact that an individual requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

B. **Other Definitions**

1. **Complainant**: The person alleged to have been subject to conduct that violates this policy.
2. **Complaint**: Complaint refers to an alleged policy violation that initiates a complaint procedure.
3. **Consent**: Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.
   
   a. Silence or absence of resistance does not imply consent.
   b. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.
   c. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes
impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

4. **Report:** Report refers to the providing of any information to the institution(s) regarding conduct that may violate the Policy.

5. **Respondent:** The person accused of engaging in conduct that violates this Policy.

5. **OPTIONS FOR IMMEDIATE AND ONGOING ASSISTANCE**

A. **Immediate Assistance:** A student or employee who has experienced any form of sexual misconduct, sexual assault, domestic violence, dating violence, or stalking is urged to seek immediate assistance from any of the following resources and to submit a complaint to the University's Title IX coordinator. In the event of an incidence of assault or violence, go to a safe place and be safe.

1. **Campus Safety, Law Enforcement & First Responders:** Viterbo University encourages the reporting of incidents which constitute a violation of law to the police or other appropriate authority. While Viterbo University may assist one who has experienced assault or violence in notifying law enforcement authorities, the individual has the right to decline notifying law enforcement. University support services are available regardless of whether or not the Complainant chooses to report the incident to the authorities. A report to law enforcement is not necessary for the University to proceed with the University complaint process.
   a. **La Crosse Police Department:** In an emergency, La Crosse police can be contacted by calling 911. In La Crosse, the non-emergency telephone number is 608-785-5962.
   b. **First Responders/Emergency Medical Services:** In an emergency, first responders can be contacted by calling 911.
   c. **Campus Safety:** To report a crime, contact Campus Safety at 3911 if using a Viterbo phone; 608-796-3911 or 608-780-1582 if using a non-Viterbo phone.

2. The individual who has experienced assault or violence decides when and how to utilize law enforcement. However, the longer one waits to report an assault or violence, the greater the likelihood that valuable evidence (e.g., DNA, collaborative interviews from witnesses) may be lost.

3. There are three ways to contact law enforcement:
   a. Call 911 in an emergency, or in non-emergency situations, call the police department dispatch where the crime occurred. In La Crosse, the non-emergency dispatch number is 608-785-5962.
   b. Go to the police station in the jurisdiction where the assault occurred to file a police report. The La Crosse Police Department is located on the first floor of the City building at 400 La Crosse Street, La Crosse, WI 54601. Lobby hours are weekdays from 8:30 am to 5 pm.
   c. If you go to the hospital, ask that they notify the police.

4. **Medical Services:** It is important to seek prompt medical treatment after an incident of sexual assault or violence to obtain health services and treatment for injuries, receive preventive treatment for sexually transmitted diseases, and preserve evidence. (Those who are 18 years or older may get treatment for immediate injuries without filing a police report.) To request that a Student Development professional staff member accompany you to the hospital, call 608-796-3400 (24 hours).
   a. **Mayo Franciscan Healthcare:** For medical care, call 608-785-0989 or visit 700 West Avenue, La Crosse (24 hours).
   b. **Gundersen Health System:** For medical care, call 608-782-7300 or visit 1900 South Avenue, La Crosse (24 hours).
   c. **Viterbo Health Services:** Health Services offers some medical treatment, nonprescription medications, consultations, and referral services. Weekday hours in the fall and spring semesters only. Contact 608-796-3806 or visit 936 Franciscan Way, La Crosse.

5. **Preservation of Evidence:** Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order.
a. For those who intend to report an **assault or violence**, or leave this option open in the future, physical specimens collected soon after the assault/rape will be valuable evidence. It is important not to shower, urinate, bathe, wash your hands, eat, drink liquids, or brush one’s teeth until after an examination and, if necessary, a sexual assault examination is completed. Clothes should not be changed. If they are, place each item of clothing in a separate paper bag (no plastic). Leave the area where the assault occurred undisturbed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

b. In cases of **stalking**, it is also important to take steps to preserve evidence to the extent that such evidence exists. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Those who believe that they are being stalked are asked: (1) to keep all text messages and/or handwritten notes, (2) to keep all messages received or sent through any and all social media, (3) not to delete phone call logs, (4) to log, date, time, location, form of contact or interaction, and any witnesses, and (5) to keep an up-to-date, precise, and detailed journal or log of the aforementioned activities.

6. **Sexual Assault Nurse Examiner (SANE) Service:** To get support and assistance with the assault process, strongly consider calling as soon as possible one of these 24 hour services. To request that a Student Development professional staff member accompany one who has experienced sexual assault to the hospital, call 608-796-3400 (24 hours).

a. **Mayo Franciscan Healthcare Emergency and Urgent Care Center:** Specially trained Sexual Assault Nurse Examiners (SANE) are available 24 hours each day to care for those who have been sexually assaulted. The SANE nurse will explain procedures before the exam and will answer questions and assist with concerns related to the assault. In a respectful and non-threatening manner, the nurse collects forensic evidence that may be useful in pursuing a conviction. Individual users are responsible for any related costs.

   1) Address: Emergency and Urgent Care Center, 700 West Avenue, La Crosse (24 hours).
   2) Phone: Call 608-392-7000 (24 hours) or 1-800-362-5454, extension 2-7000 (24 hours toll-free).

b. **Gundersen Health System Emergency Services:** Specially trained Sexual Assault Nurse Examiners (SANE) are available 24 hours each day to care for those who have been sexually assaulted. The SANE nurse will explain procedures before the exam and will answer questions and assist with concerns related to the assault. In a respectful and non-threatening manner, the nurse collects forensic evidence that may be useful in pursuing a conviction. Individual users are responsible for any related costs.

   1) Address: Emergency Services, 1st Floor, 1900 South Avenue, La Crosse (24 hours).
   2) Phone: 608-775-3128 (24 hours) or 1-800-362-9567, ext. 53128 (24 hours toll-free).

7. **Confidential Assistance and Advocacy:** These services offer trained advocates or counselors who can provide confidential service to individuals who have experienced sexual harassment or sexual misconduct. Through these services, individuals may receive counseling and/or help in identifying other sources of support. They will be informed of and receive help in navigating resources and reporting options. These services may also provide advocates who can accompany one who has experienced sexual misconduct, relationship violence or stalking to the hospital or health provider. Viterbo students and employees who have experienced relationship violence or sexual misconduct are encouraged to contact an advocacy agency.

a. **Viterbo Counseling Services:** Counseling Services provides advocacy and support to Viterbo students. Weekday hours in the fall and spring semesters only. Services are free to enrolled Viterbo students.

   1) Address: Viterbo University, 936 Franciscan Way, La Crosse.
   2) Phone: 608-796-3808 or 608-796-3825.
   3) Web: www.viterbo.edu/counseling-services
b. **Franciscan Health Solutions Employee Assistance Center:** The Franciscan Health Solutions Employee Assistance Center offers confidential counseling services to all Viterbo employees and their family members at no cost. Contact the Employee Assistance Center at 608-392-9530 or toll-free at 800-493-3960.

c. **Great Rivers 211 (First Call for Help):** At this information, referral and crisis line, trained specialists will assist you.
   1) Phone: Dial 211 for free, confidential information (24 hours).
   2) Online Chat: (24 hours) www.greatrivers211.org

d. **Gundersen Domestic Abuse and Sexual Assault Program:** This program offers services for those who have experienced domestic violence or sexual assault including legal, medical, and human services advocacy, counseling, crisis intervention, safety planning, and referral to community resources. Weekday office hours. Individual users are responsible for any related costs.
   1) Address: 1900 South Avenue, La Crosse.
   2) Phone: (608) 775-5950 or (800) 362-9567, ext. 55950
   3) Contact form at www.gundersenhealth.org/social-services/domestic-abuse-program
   4) Web: www.gundersenhealth.org/social-services/domestic-abuse-program

e. **Mayo Franciscan Healthcare Safe Path Domestic Abuse and Sexual Assault Services:** This program offers services for those who have experienced domestic violence or sexual assault including legal, medical, and human services advocacy, counseling, crisis intervention, safety planning, and referral to community resources. Appointments are preferred for non-emergencies, but are not always necessary. Weekday office hours from 8 am to 5 pm. Individual users are responsible for any related costs.
   1) Address: 700 West Avenue, La Crosse.
   2) Phone: Call 608-392-7804 (24 hours) or 1-800-362-5454, extension 27804 (24 hours toll-free).
   3) Web: mayoclinichealthsystem.org/locations/la-crosse/medical-services/domestic-abuse

f. **New Horizons Shelter and Outreach Centers.** New Horizons provides shelter and services to individuals and families who have experienced domestic violence. All services are free and confidential.
   1) Address: Outreach Center at 1223 Main Street, La Crosse. 608-791-2610.
   2) Phone: Crisis Line and Shelter – 24 hours, 608-791-2600 (TTY available), 1-888-231-0066 (TTY available).
   3) Web: www.nhagainstabuse.org

B. **Ongoing Assistance**

1. **Confidential Counseling and Support**

a. **Viterbo Counseling Services:** Counseling Services provides advocacy and support no matter how long ago or under what circumstances you were assaulted. Weekday hours in the fall and spring semesters only. Services are free to enrolled Viterbo students.
   1) Address: Viterbo University, 936 Franciscan Way, La Crosse.
   2) Phone: 608-796-3808 or 608-796-3825
   3) Web: www.viterbo.edu/counseling-services

b. **Franciscan Health Solutions Employee Assistance Center:** The Franciscan Health Solutions Employee Assistance Center offers confidential counseling services to all Viterbo employees and their family members at no cost. Contact the Employee Assistance Center at 608-392-9530 or toll-free at 800-493-3960.

c. **Gundersen Domestic Abuse and Sexual Assault Program:** This program offers services for those who have experienced domestic violence or sexual assault including legal, medical, and human services advocacy, counseling, crisis intervention, safety planning, and referral to community resources. Individual users are responsible for any related costs. Weekday office hours.
6. CONFIDENTIALITY AND REPORTING OPTIONS/CONSIDERATIONS

A. Confidentiality: All complaints will be treated with consideration to their sensitive nature.

1. Complaints will be considered confidential to the extent requested by the Complainant, if possible. However, certain disclosures may be necessary for the University to conduct a thorough investigation, comply with state and federal law, and comply with its own procedures and regulations. Records pertaining to students may be subject to the Family Educational Rights and Privacy Act (FERPA).

2. Viterbo University completes publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of identifying information about the Complainant, to the extent permissible by law.

3. Viterbo University will maintain as confidential any accommodations or protective measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
4. **Confidential Employees:** Students seeking a confidential source of support should contact one of these confidential employees: the Director of Counseling Services, the Director of Health Services, or the University Chaplain. These are the only Viterbo University employees with the ability to ensure confidentiality of information provided by students subject to applicable law.

a. Confidential communications are those communications which legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person.

b. The University recognizes that some individuals may wish to keep their concerns confidential. As a result, the University has designated specific persons as confidential resources for individuals who prefer to talk with someone confidentially about their concerns. These confidential resources include the following:

1. **Director of Counseling Services,** Viterbo University, 4 Student Development Center (936 Franciscan Way), 608-796-3808 or 608-796-3825 (Wisconsin Statute 905.04).

2. **Director of Health Services,** Viterbo University, 3 Student Development Center (936 Franciscan Way), 608-796-3806 (Wisconsin Statute 905.04).

3. **University Chaplain,** Viterbo University, 370 Murphy Center, 608-796-3804 (Wisconsin Statute 905.06).

c. Individuals may discuss concerns in complete confidence with a confidential resource, so long as the allegations do not involve the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. In addition, the University’s Counseling Services staff can assist individuals with obtaining medical, emotional, and other support resources whether or not they decide to report their concerns to the University. Confidential resources may submit non-identifying information about violations of this Policy to Viterbo Campus Safety for purposes of anonymous statistical reporting under the Clery Act.

d. Confidential Employees are not required to report any information regarding an incident of sexual misconduct to the Title IX Coordinator. Confidential employees should inform Complainants of their right to file a Title IX complaint with the school and/or a separate complaint with local law enforcement. In addition, to informing students about campus resources for counseling, medical and academic support. Confidential employees should also indicate that they are available to assist Complainants in filing such complaints. They should also explain that Title IX includes protections against retaliation, and the University officials will not only take steps to prevent retaliation but also take responsive action if it occurs.

**B. Employee Duty to Report to Title IX Coordinator:** If you are a responsible employee (according to the definition below) and you receive a report of sexual misconduct, including any assault, harassment or other sexual violence, it is your duty to report the incident. The University is deemed to be on notice and must take immediate and appropriate steps to investigate or otherwise determine what occurred. (The University has sixty (60) days from the date the responsible employee received the complaint.) Employees must report incidents of sexual violence to the Title IX Coordinator or a Deputy Title IX Coordinator.

1. **Responsible employees:** According to the Office of Civil Rights, “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 school designee; or whom a student could reasonably believe has this authority or duty.” Responsible employees include all supervisors, all employees that interact directly with students, and all employees that students might reasonably believe have some authority to take action or a duty to report. Though not exhaustive, this includes:

   a. All academic advisors.

   b. All athletic staff including coaches, trainers, and other athletic staff and administrators.

   c. Employees who work in offices that interface with students.
d. Faculty members including full-time, part-time, and adjunct faculty members.
e. All residence life staff including professional staff, administrative assistants, peer support
   advisors, and resident assistants.
f. Student development and student services staff and administrators.
g. All supervisors and university officials.

2. Responsible employees must immediately report all known information to the Title IX
   Coordinator or the Deputy Title IX Coordinator(s). Reporting to Title IX Coordinators does not
   mean that the individual will be required to bring a formal complaint or file a formal report with
   police, or participate in any university investigation or procedures. It will ensure that information
   regarding resources, assistance, reporting options, rights and protections, is provided. It can also
   help the university in preventing future incidents. If you have any doubt whether you have an
   obligation to report, you should report. Students who are University employees and receive
   information about sex discrimination, sexual harassment, or sexual misconduct are obligated to
   report this information to the University.

C. Students are encouraged to Report to the Title IX Coordinator
   1. The University strongly encourages all students to report to the University all incidents of sexual
      misconduct or relationship violence. This enables the University to provide resources and
      assistance to a Complainant and to more effectively provide a safe, nondiscriminatory
      environment.
   2. Individuals who are not certain if they want to report may want to discuss the matter with a
      confidential employee or an off-campus confidential resource.

D. Reporting to University or Police: A Viterbo student or employee has the right to report a sexual
   misconduct or relationship violence to the police and/or to the University. It is the individual’s choice
   to report to and there are good reasons to report to both, just the police, just the University, or to
   neither.
   1. An individual may report on campus, and move forward with the campus process without
      reporting to the local police.
   2. Individuals who are not certain if they want to report may want to discuss the matter with a
      confidential employee or an off-campus confidential resource.

E. Filing a Report with the Viterbo University Title IX Coordinator
   1. Reports of sex discrimination, sexual harassment, and sexual misconduct made to the University
      should include as much information as possible, including the names of those involved, and the
      date, time, place, and circumstances of the incident(s).
   2. Reports can be made by telephone, via email, verbally in person, or by providing a paper copy.
   3. Any individual may provide a report to the University by contacting:
      a. Todd Ericson, Title IX Coordinator/ Vice President for Finance and Administration, 214
         Murphy Center, 608-796-3856, tmericson@viterbo.edu
      b. Sonya Ganther, Deputy Title IX Coordinator, 200 Murphy Center, 608-796-3930,
         sdganther@viterbo.edu
   4. An individual has the right to request changes to academic, living, transportation or working
      situations whether or not she or her files a report of sexual harassment, sexual misconduct or
      relationship violence with the University.

F. Filing a Report with the Police: Viterbo University encourages the reporting of incidents which
   constitute a violation of law to the police or other appropriate authority. There are three ways to
   contact law enforcement to file a report:
   1. **Call 911** if an emergency, or if not emergent, call the police department dispatch where the
      crime occurred. In La Crosse, the **non-emergency number** is 608-785-5962.
   2. **Go to the police station** in the jurisdiction where the assault occurred to file a police report.
      The La Crosse Police Department is located on the first floor of the City building at 400 La
      Crosse Street, La Crosse, WI 54601. Lobby hours are weekdays from 8:30 am to 5 pm.
   3. **If you go to the hospital, ask that the hospital notifies the police.**
4. While Viterbo University may assist one who has experienced assault or violence in notifying law enforcement authorities, the individual has the right to decline notifying law enforcement.
5. An individual has the right to request changes to academic, living, transportation or working situations whether or not she or her files a report of sexual harassment or sexual misconduct with the police. University support services are available regardless of whether or not the Complainant chooses to report the incident to the authorities. A report to law enforcement is not necessary for the University to proceed with investigation.
6. The individual who has experienced assault or violence decides when and how to report to the police. However, the longer one waits to report an assault or violence, the greater the likelihood that valuable evidence (e.g., DNA, collaborative interviews from witnesses) may be lost. Evidence collection is typically done in the county where the assault occurred, usually within the first 72 hours following the assault (the earlier, the better).

G. Anonymous Reports: The University will accept anonymous reports of conduct alleged to violate this policy made to the Title IX Coordinator or Deputy Title IX Coordinator. The individual making the report is encouraged to provide as much detailed information as possible to permit the University to investigate and respond as appropriate. The University may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the University to conduct a thorough and impartial investigation. Anonymous reporting also limits a Complainant’s ability to request accommodations or re-mediations against an offender and the University’s ability to meet such requests.

H. Amnesty for Sexual Misconduct Complainants and Witnesses: Viterbo University encourages reporting of sexual misconduct and seeks to remove any barriers to an individual/group making a report. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct.
   1. An individual (group) who (that) reports sexual misconduct, either as a Complainant or a third party witness, will not be subject to disciplinary action by the University for their (its) own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.
   2. The University may, however, initiate an educational discussion, pursue other educational interventions regarding alcohol or other drugs, or require counseling or training.
   3. Amnesty will not be extended for any violations of University policy other than alcohol/drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

7. INTERIM MEASURES
At any time after a report of a potential violation of this Policy has been received by the University, the University may take immediate steps as it finds appropriate to protect a Complainant or to meet its obligations to maintain a safe, nondiscriminatory environment for students and employees. The University may take such steps even when a Complainant asks that the University keep a reported violation of this policy confidential and that it not investigate the matter, and regardless of whether the Complainant chooses to report to local law enforcement. In addition, the University will make accommodations and provide protective measures for the Complainant if requested and reasonably available. Such measures will vary based on the particular facts and circumstances and based on a complainant’s confidentiality preferences, but may include:
   1. Adjusting class, work, or other schedules, in consultation with appropriate administrator(s).
   2. Adjusting housing or transportation arrangements, in consultation with appropriate administrator(s).
   3. Adjusting a student’s or employee’s status, in consultation with appropriate administrator(s).
   4. Establishing a no contact directive between individuals.
   5. Providing escorts.
   6. Restricting an individual from being on campus or at University events.
Academic accommodations may include:

1. Accessing academic support such as tutoring, testing in the Academic Resource Center, or extended time tests.
2. Adjusting academic requirements or providing assistance with academic issues.
3. Arranging for incompletes, a leave of absence, or withdrawal from campus.
4. Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or foreign student visas.
5. Rescheduling an academic assignment or test.
6. Transferring to another section of a lecture or laboratory.

To request an accommodation or protective measure, Complainants should contact the Title IX Coordinator or the Vice President for Student Development. The University will maintain as confidential any accommodations or protective measures provided to the Complainant, to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations or protective measures. The University will also solicit feedback from the Complainant as to the effectiveness of the accommodations or protective measures, and adjust the arrangements if necessary to enhance effectiveness.

8. GENERAL PROVISIONS FOR ALL COMPLAINT PROCEDURES
The University is committed to ensuring that all reports are referred to the Title IX Coordinator, who will ensure thorough, impartial and timely investigation and resolution, and consistent application of the policy. Generally, complaints involving a student Respondent will be processed by the Vice President for Student Development. Complaints involving a faculty Respondent will be processed by the Vice President for Academic Affairs and complaints involving a non-faculty employee respondent will be processed by the Director of Human Resources.

A. Treatment of Parties: The University will strive to treat all parties involved in a complaint procedure with dignity and to provide nonjudgmental support to students, faculty, staff, and third parties who are engaged in a complaint procedure. Upon request, personal counseling services are available to students and the Employee Assistance Program is available to University employees.

B. Conflict of Interest: If a Complainant or Respondent has any concern that any individual acting for the University under this Policy has a conflict of interest, such concern should be reported to the Title IX Coordinator no later than two (2) business days after receiving the notice of the identity of the individual(s) assigned to the matter. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or resolving a complaint under this Policy.

C. Complainant Request for Confidentiality or Not to Proceed:
1. The University will seek action consistent with the Complainant's request where possible. Where a Complainant makes a report but requests that a name or other identifiable information not be shared with the Respondent or that no formal action be taken, the University will balance this request with its obligation to provide a safe and non-discriminatory environment for all Viterbo University community members and to remain true to just procedures that require notice and an opportunity to respond before action is taken against a Respondent.
2. In the event that a Complainant does not wish to proceed with an investigation or possible sanctions, the Title IX Coordinator will determine, based on the available information, including any investigative report, whether the investigation or sanction proceedings should nonetheless go forward. In making this determination, the University will consider these, among other factors:
   a. The ability to conduct an investigation without revealing identifiable information.
   b. The seriousness of the alleged conduct.
   c. The extent of the threat to the University community.
   d. The Respondent is likely to commit additional acts of sexual or other violence.
   e. Whether there have been other discrimination, harassment, sexual misconduct or retaliation complaints about the same Respondent.
f. Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence.
g. Whether the Respondent threatened further sexual misconduct against the Complainant or others.
h. Whether the sexual misconduct was committed by multiple Respondents.
i. Whether the sexual misconduct was perpetrated with a weapon.
j. Whether the Complainant is a minor.
k. The Respondent is a Viterbo University employee.
l. Whether the University possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence).
m. Knowledge of a pattern of perpetration (e.g. via illicit use of drugs or alcohol) at a given location or by a particular person or group.

3. If the Title IX Coordinator determines that Viterbo University cannot maintain that it will be able to honor a request that a name is not disclosed, a request for no investigation, and/or a request that disciplinary action is not pursued, the Title IX Coordinator will attempt to inform the Complainant and will, to the extent possible, only share information with those responsible for handling the University's response. In such a situation, Viterbo will remain mindful of Complainant’s well-being, and will take ongoing steps to protect the Complainant from retaliation or harm.

D. Non-Participation and Silence: If, at any time during the complaint procedure, a party decides not to participate, the University will proceed with the complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the Complainant’s allegations undisputed.

E. Reservation of Flexibility: The procedures set forth in this section reflect the University’s desire to respond to complaints thoroughly and impartially. The University recognizes that each case is unique and that circumstances may arise which require that the University reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the University reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances. In addition, the University reserves the right to process complaints of sex discrimination or sexual harassment according to these procedures where the allegations, while not involving sexual misconduct, warrant treatment under these procedures under the circumstances.

F. Title IX Review: Upon receipt of a report, the Title IX Coordinator or designee will conduct a preliminary Title IX review. The goal of this review is to provide an integrated and coordinated response to reports of sexual and gender-based harassment and violence, intimate partner violence, and stalking. As described in greater detail below, the assessment may include, but is not limited to:
1. Assessing the nature and circumstances of the report and allegation.
2. Assessing the safety of the individual and of the campus community.
3. Addressing the immediate physical safety and emotional well-being of the individual.
4. Addressing the safety of the campus community.
5. Providing any interim measures, remedies or accommodations to protect the safety of the Complainant or the community.
6. Consideration of the Complainant’s expressed preference for resolution.
7. Notifying the Complainant of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist the Complainant with notifying law enforcement.
8. Notifying the Complainant of the availability of medical treatment to address physical and mental health concerns and to preserve evidence.
9. Notifying the Complainant of the importance of preservation of evidence.
10. Assessing the reported conduct for any necessary actions under Clery, including inclusion in the daily crime log, annual security report, or an issuance of a timely warning.
11. Providing the Complainant and Respondent, if notified, with information about: on and off-campus resources, the range of interim accommodations and remedies, and an explanation of the procedural options.

12. Informing the Complainant and Respondent that each may have a support person of their choosing at their own expense, which may include a friend, colleague, attorney, or other person they identify, unless the support person is a witness in the investigation. The role of the support person is to support the student, not to speak on behalf of or for the student during any part of the process.

13. Assessing for pattern evidence or other similar conduct by Respondent.

14. Discussing the Complainant’s expressed preference for manner of resolution and any barriers to proceeding.

15. Explaining the University’s policy prohibiting retaliation.

B. Time Frames: The University will seek to resolve reports within sixty (60) days of receiving the initial report, but this time frame may be extended depending on the details of the case.

1. Once a report is made, the University will typically determine the appropriate procedure for resolution within five (5) business days of the submission of the report. The determination on procedure will be communicated to the Complainant and Respondent in writing.

2. Typically and as appropriate, the investigator(s) will begin an investigation within ten (10) business days of submission of the report.

3. Investigation is typically completed within twenty (20) business days after it begins.

4. Notice of outcome is typically issued within ten (10) business days of the close of the investigation.

5. Time frames may vary depending on the details of the case and/or during certain times of the year (e.g. during breaks or final exams).

6. The University may extend any time frame for good cause, with a written explanation to the Complainant and Respondent.

9. SEXUAL MISCONDUCT COMPLAINT PROCEDURE

The following process will generally apply to complaints of a violation of this Policy received by the University that involve allegations of sexual misconduct by a student, faculty, or staff member.

A. Initiation of a Complaint: Complaints are generally initiated by individuals who believe that their rights under this Policy have been violated. However, circumstances may arise in which a complaint may be initiated in the name of the University to protect the safety, integrity and welfare of the community as a whole. Generally, the Title IX Coordinator will make a determination of whether a complaint should be initiated in the name of the University. Normally, a complaint of sexual misconduct is made in writing.

B. Support Person: The Complainant and the Respondent have the right to be assisted by a support person of their choice as long as the support person is not a potential witness in the case. Guidelines for support persons are as follows:

1. The purpose of the support person is to support a Complainant or Respondent in the complaint process, not to speak on behalf of or for the student during any part of the process. Support persons should be chosen for their ability to assist the Complainant or Respondent with the process.

1. Support persons may confer with the person involved, but they may not actively participate in the process. The support person may accompany the Complainant or Respondent to all meetings relating to the complaint procedure. The support person may not appear in lieu of the Complainant or Respondent or speak on his or her behalf in either in-person or written communications to the University. The support person may not address the investigator, adjudicator, witnesses (other than his or her own advisee), or appeal official, and may not interrupt or otherwise delay the complaint proceeding.
2. All information concerning any case may be made available to support persons with the written permission of the involved person who has chosen the support person, subject to the same limitations as those placed upon the parties and conditioned upon the support person’s agreement to maintain the confidentiality of any student education records or other confidential information.

3. Violations of confidentiality or other forms of interference with the complaint procedure by the support person may result in disqualification of a support person.

4. The Title IX Coordinator must be notified in writing that a support person will be present at least two (2) business days before any scheduled meeting or event during an informal or formal resolution process, unless circumstances call for an expedited meeting. Problems with a support person’s schedule will not delay a meeting. A support person cannot serve in a different role during the process (e.g., witness). If a support person is an attorney, this must be disclosed to the Title IX Coordinator or designee, and the University reserves the right to have its own legal counsel present for the meeting.

5. The schedules of the student(s) involved and University personnel will be used to determine the time of related meetings; support person’s schedules will not.

C. Availability of Informal and Formal Resolution Options: When a Complainant or the University decides to move forward with the complaint and resolution procedure set forth in this policy, there are two avenues for resolution of an alleged policy violation: informal resolution and formal resolution.

1. The Complainant or the University has the option to proceed with informal resolution as appropriate. If a complaint is processed using informal resolution and the informal resolution process has not been completed, the Complainant, the Respondent, or the University has the option to move the complaint to the formal resolution process at any time. The Title IX Coordinator or designee is available to explain the informal resolution and formal resolution procedures.

2. The Title IX Coordinator may also direct the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of this policy, or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure.

D. Informal Resolution

1. If an informal resolution is pursued, the Title IX Coordinator (or her/his designee) will attempt to facilitate a resolution through an informal process involving both the Complainant and Respondent. (For example, a Complainant and Respondent may agree with the Title IX Coordinator or designee that education and training of the Respondent are an appropriate and sufficient response to a case.)

2. This type of informal resolution can take place during an investigation or after its conclusion.

3. The Title IX Coordinator or designee will notify the Complainant and Respondent that each has the right to end the informal resolution process and proceed to the formal resolution process at any time. Such notification may also take place at other times.

4. Any informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the University to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator or designee will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, change in housing or office location, restrictions, loss of privileges, restitution, required attendance at educational programs, required assessment or counseling, the Respondent’s education or employment record including a finding that this Policy was violated, and/or probation.

5. If the Complainant, the Respondent and the University agree in writing to the terms and conditions of the recommended resolution within five (5) business days of the date on which the recommended resolution was presented by the Title IX Coordinator or designee, the case will be resolved without further process under this procedure. If the Complainant, the Respondent and the
University do not agree in writing to the terms and conditions of the recommended resolution within (5) business days, the complaint will be referred to the formal resolution process.

6. Mediation or other forms of informal resolution are never permissible in cases involving allegations of sexual assault.

E. **Formal Resolution:** If a complaint is not processed through the Informal Resolution, or is not resolved through the Informal Resolution outlined above, the complaint shall be processed according to the formal procedure including investigation outlined below. The Complainant and Respondent will be given timely notice of meetings at which the Complainant or Respondent or both will be present.

F. **Investigation:** The University will strive to complete a thorough and impartial investigation. The purpose of the investigation is to gather all relevant facts from involved parties and provide this information to an adjudicator(s).

G. **Investigator(s):** The Title IX Coordinator will designate an investigator(s).

1. The investigator(s) is typically an employee(s) of the University although the investigator may be any appropriately designated employee(s) of the University or an external investigator engaged to assist the University in its fact gathering.

2. Any investigator(s) chosen to conduct the investigation must be impartial and free of any actual conflict of interest and must have specific annual training and experience investigating allegations of sexual and gender-based harassment or violence.

3. The investigator(s) may receive counsel from University administrators, the University’s attorneys, or other parties as needed.

H. **Complainant and Respondent:**

1. The Complainant and Respondent will be notified in writing of the investigator(s) assigned to the case.

2. The Complainant and Respondent may have a support person with them at any meeting associated with the investigation.

3. It is the responsibility of the University, not the parties, to gather relevant evidence, to the extent reasonably possible.

4. All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of University policy and can subject a student or employee to disciplinary action.

5. Medical and counseling records of a Complainant or Respondent are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily choose to share such records with the investigator. Any records provided by a party become part of the file and are available to review by the opposing party.

6. In general, a Complainant’s prior sexual history is not relevant and will not be admitted as evidence during an investigation. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties.

   a. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

   b. Any prior sexual history of the Complainant with other individuals is typically not relevant and will only be permitted under very limited circumstances, for example, to explain an injury or physical finding. (Wisconsin Statute 972.11(2)).

   c. Any party seeking to introduce information about prior sexual history of the Complainant or prior misconduct by the Respondent should bring this information to the attention of the investigator at the earliest opportunity. The University, through the investigator, may choose to consider this information, with appropriate notice to the parties. With respect to pattern evidence or prior sexual history of either party, the investigator, in consultation with the Title
IX Coordinator, will assess the relevance, form, and reliability of the information (hearsay will not be permitted) and determine if it is appropriate for consideration in the determination of responsibility. Evidence regarding a pattern of behavior of the Respondent or the sexual history of either party will be allowed only if it is directly relevant to a disputed fact.

d. The Title IX Coordinator or designee have the discretion to consolidate multiple reports against a Respondent into one investigation and resolution if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

I. Information Gathered:
1. The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the determination.
2. The investigator(s) may request and review other evidence of relevance to the alleged misconduct, such as video recordings, photographs, text messages, documents, communications between the parties, and other artifacts.
3. In gathering the facts, the investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant.
4. The Complainant and Respondent will have an equal opportunity to be heard, to submit and review information, and to identify witnesses who may have relevant information.
5. Witnesses must have information relevant to the incident and cannot be participating solely to speak about an individual’s character.
6. The investigator(s) will determine the relevancy of any offered information, and will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party’s general reputation for any character trait, including honesty.
7. The investigator(s) will provide timely updates, as appropriate or requested, about the timing and status of the investigation.
8. At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has the authority to terminate the investigation and end resolution proceedings.

J. Investigation Summary: The investigator(s) will prepare a written summary (if applicable) to guide the adjudicator in his or her review of the information gathered during the investigation.

K. Formal Resolution Procedures: Formal Resolution is the process by which an adjudicator designated by the University determines responsibility and if warranted, administers sanctions and/or discipline against a Respondent.

L. Adjudication: The University will strive to complete a thorough, impartial, and timely adjudication process.

M. Appointment of Adjudicator(s): The Title IX Coordinator or designee will appoint an adjudicator to review the investigation file and make a determination as to whether it is more likely than not that a violation of this Policy occurred, and if so, what sanctions are warranted. The adjudicator appointed to a case may not also serve as an investigator for the same case. Normally, only a single adjudicator will be appointed; however, the University may appoint additional adjudicators to assist in making a determination in any given case. The Complainant and the Respondent will be notified in writing of the identity of the adjudicator(s) assigned to their case.

N. Right to request removal of Adjudicator(s): The Complainant or Respondent may request the removal of an adjudicator(s) on the grounds of personal bias or other conflict of interest. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the request no later than two (2) business days after receiving the notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the request. If the request is accepted, a replacement will be appointed and notice will be provided to the Complainant and Respondent. The decision of the Title IX Coordinator with regard to the request is final and is not appealable.

O. Right of each party to submit written Response to the Investigation Summary: The investigation summary and statements and will be made available for review by the Complainant,
Respondent, and a designated support person. Notes may be taken, but the investigation summary and statements are not to be copied or removed from the location provided by the University in which the summary is reviewed.

1. Following review of the investigation summary and statements, each party may provide a written response to the investigation summary and supporting documents or account containing any comments or additional information the party would like the adjudicator(s) to consider.

2. Each party’s Response shall not exceed 2,000 words in length, and must be submitted within five (5) business days after the investigation summary and statements have been made available to the party. In addition, each party shall have an opportunity to review the other party’s response to the investigation summary and statements.

P. **Adjudicator’s Review of Investigation Summary:** The investigation summary, statements, and if applicable, the Complainant’s and Respondent’s written response to the investigation summary will be reviewed by the adjudicator. The adjudicator(s) will ensure that the Complainant and Respondent have been given equivalent opportunities to present relevant information for consideration in the investigation and adjudication process. Upon review, the adjudicator(s) may, in his, her, or their discretion, request additional investigation by the investigator(s).

Q. **Determination:** The adjudicator(s) will render a decision based upon the investigation summary, statements, and any response to the investigation file submitted by the Complainant and/or Respondent, and any other information the adjudicator(s) may deem appropriate and which is made available to both the Complainant and Respondent. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence (or “more likely than not”) standard in determining whether a violation of this policy has occurred.

1. If the decision is made that there is not sufficient basis to believe that it is more likely than not that the Respondent violated this policy, the Complainant and Respondent will be notified of that determination and informed of other resources that may be available.

2. If the decision is made that it is more likely than not that the Respondent violated this policy, the adjudicator(s) or the adjudicator’s designee shall determine appropriate sanction(s), except as provided below with respect to employees. The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the Complainant.

R. **Sanctions for Student Respondents:** Sanctions imposed upon students who are determined to have violated this policy may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, removal from campus housing, not being allowed to represent the University in volunteer or paid work, restitution, required attendance at educational programs, required assessment or counseling, restriction of privileges, probation, suspension and/or expulsion, and any other sanctions listed in the Code of Student Conduct or deemed appropriate under the circumstances.

S. **Sanctions for Employee Respondents:** Appropriate sanctions for Viterbo faculty, staff or administrators deemed to have violated this Policy include, but are not limited to a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, reduction in salary, suspension from service, suspension or withdrawal of privileges, demotion and/or termination of employment, or any other available sanctions as specified by the Viterbo Personnel Policies Handbook.

T. If the adjudicator(s) determines that it is more likely than not that a Viterbo employee has violated this Policy and that a sanction(s) is appropriate, the matter will be referred to the President or the President’s designee, for appropriate process and decision, with any recommendations for sanctions, which shall be determined and administered in a manner consistent with the Viterbo Personnel Policies Handbook.

U. **Notification of Outcome:** The Complainant and Respondent shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of the adjudicator(s); where a violation is deemed to have occurred, the sanctions imposed; rationales for the determination and
sanctions; procedures for appeal and the date by which the result becomes final as provided below; any other steps the University has taken to eliminate the conduct and prevent its recurrence; and, in the complainant’s notice, remedies offered or provided to the complainant.

1. University-issued email is the primary means of communication used by the University. The Title IX Coordinator may deliver notice by one or more of the following methods: (a) In person by the Title IX Coordinator or designee; (b) Mailed to the local or permanent address of the individual as indicated in official University records; or (c) Emailed to the individual’s University-issued email account.

2. Notice sent via email will be presumed to have been received by the Respondent. In certain circumstances, the Respondent will be asked to provide confirmation of receipt to the Title IX Coordinator upon receipt.

V. Appeal: The determination of the adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.

1. Following the communication of the decision by the adjudicator(s), the Complainant or Respondent may request an appeal of the decision.

2. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the notice of outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

3. The basis for an appeal will be limited to the following: New or newly-discovered evidence which may substantially affect the outcome of the adjudication; or a procedural error, which substantially affected the outcome of the adjudication.

4. Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. In an appeal, the burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.

5. If the Title IX Coordinator or designee determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be returned for further review of the investigation file by a new adjudicator(s). If the grounds for appeal relate to the investigation, or warrant additional investigation, the new adjudicator(s) may refer the matter to further investigation before proceeding. Upon further review, the new adjudicator(s) shall utilize the same process as required for all adjudications under this Policy.

6. If there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the Title IX Coordinator or designee may dismiss the appeal. This decision is final and is not appealable.

7. The Title IX Coordinator designee will notify the parties to the complaint in writing of his/her determination within ten (10) business days of the filing of the appeal.

10. SEX DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINT PROCEDURE
The following process shall generally apply to complaints of a violation of this policy received by the University that involve allegations of sex discrimination and sexual harassment (other than allegations of sexual misconduct) by a student, faculty, or staff member.

A. Initiation of Complaint: Complaints are generally initiated by individuals who believe that their rights under this Policy have been violated. However, circumstances may arise in which a complaint may be initiated in the name of the University to protect the safety, integrity and welfare of the community as a whole. Generally, the Title IX Coordinator will make a determination of whether a complaint should be initiated in the name of the University. Normally, a complaint of sex discrimination or sexual harassment shall be made in writing; individuals wishing to initiate a complaint should contact the Title IX coordinator, Deputy Title IX Coordinator, Vice President for Student Development, Vice President for Academic Affairs, or Director of Campus Safety for the appropriate form and assistance in completing it.

B. Availability of Formal and Informal Resolution Options: When a Complainant or the University decides to move forward with the complaint and resolution procedure set forth in this policy, there
are two avenues for resolution of an alleged policy violation: informal resolution and formal resolution. The Complainant or the University has the option to proceed with informal resolution as appropriate. If a complaint is processed using informal resolution, the Complainant, the Respondent, or the University has the option to move the complaint to the formal resolution process at any time. The Title IX Coordinator or designee is available to explain the informal resolution and formal resolution procedures.

1. The Title IX Coordinator may also direct the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of this policy, or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure.

C. **Informal Resolution**

1. If an informal resolution is pursued, the Title IX Coordinator or designee will attempt to facilitate a resolution through an informal process involving both the Complainant and Respondent. (For example, a Complainant and Respondent may agree with the Title IX Coordinator or designee that education and training of the Respondent are an appropriate and sufficient response to a case.)
2. This type of informal resolution can take place during an investigation or after its conclusion.
3. If, based on the information known about the incident, the Title IX Coordinator or designee believes that such a resolution is possible, the Title IX Coordinator or designee will speak with the Complainant. If the Complainant agrees, the Title IX Coordinator or designee will speak with the Respondent.
4. Before starting these discussions, the Title IX Coordinator or designee will notify the Complainant and Respondent that each has the right to end the informal resolution process and proceed to the formal resolution process at any time.
5. If all parties to the complaint and the University agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the complaint will be referred to the formal process.
6. Any informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the University to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, change in housing or office location, restrictions, loss of privileges, restitution, required attendance at educational programs, required assessment or counseling, the Respondent’s education or employment record including a finding that this Policy was violated, and/or probation.

D. **Formal Resolution:** If a complaint is not processed through informal resolution, or is not resolved through informal resolution outlined above, the complaint shall be processed according to the formal procedure outlined below.

E. **Investigation:** The University will strive to complete a thorough, impartial, and timely investigation. The investigation will be conducted by one or more investigators appointed by the University. At least one investigator shall be appointed for each case. The investigator(s) shall interview the Complainant, Respondent and/or other witnesses and may request additional information from the Complainant, Respondent or others. In addition, the Complainant and Respondent shall have an opportunity to advise the investigator(s) of any witnesses they believe should be interviewed, and/or other evidence that they believe should be reviewed by the investigator(s).

F. **Adjudication:** The University will strive to complete a thorough, impartial, and timely adjudication process.

G. **Appointment of Adjudicator:** Upon completion of the investigation, an adjudicator appointed by the Title IX Coordinator will review the investigation and make a determination as to whether it is more likely than not that a violation of this Policy occurred, and if so, what sanctions are warranted.
The University reserves the right to appoint additional adjudicators to assist in making a determination.

H. Review of Investigation Summary: The investigation summary and statements will be made available to and reviewed by the adjudicator(s) following his, her, or their appointment. Upon review of the investigation summary, the adjudicator(s) may, in his, her, or their discretion, request additional investigation by the investigator(s).

I. Determination: The adjudicator(s) will render a decision based upon the investigation file and any other information the adjudicator(s) deems appropriate. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence (or “more likely than not”) standard in determining whether a violation of this Policy has occurred. If the decision is made that there is not sufficient basis to believe that it is more likely than not that the Respondent violated this Policy, the parties will be notified of that determination and informed of other resources that may be available. The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the Complainant.

J. Sanctions: Possible sanctions for Viterbo students include counseling or education on appropriate behavior, a requirement of behavioral changes, a written warning and/or other disciplinary actions, up to and including termination of employment for employees or suspension or expulsion for students, and any other sanction listed above in the Sexual Misconduct Complaint Procedure.

K. If the adjudicator(s) determines that it is more likely than not that a Viterbo employee has violated this Policy and that a sanction(s) is appropriate, the matter will be referred to the President or the President’s designee, for appropriate process and decision, with any recommendations for sanctions, which shall be determined and administered in a manner consistent with the Viterbo Personnel Policies Handbook.

L. Notification of Outcome: The parties shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of the adjudicator(s); where a violation is deemed to have occurred, in the Respondent’s notice, any imposition of sanctions, and in the Complainant’s notice, any imposition of sanctions that directly relates to the Complainant; any other steps the University has taken to eliminate the conduct and prevent its recurrence; and, in the Complainant’s notice, remedies offered or provided to the Complainant.

1. University-issued email is the primary means of communication used by the University. The Title IX Coordinator may deliver notice by one or more of the following methods: (a) In person by the Title IX Coordinator or designee; (b) Mailed to the local or permanent address of the individual as indicated in official University records; or (c) Emailed to the individual’s University-issued email account.

2. Notice sent via email will be presumed to have been received by the Respondent. In certain circumstances, the Respondent will be asked to provide confirmation of receipt to the Title IX Coordinator upon receipt.

11. PROCEDURE FOR COMPLAINTS INVOLVING THIRD PARTIES
When the University receives a complaint of a violation of this Policy that involve allegations of sex discrimination, sexual harassment or sexual misconduct by a third party (an individual who is not a student, faculty, or staff member), the University, in consultation with the Title IX Coordinator, may exercise discretion to determine an appropriate investigative and adjudication process based on the facts and circumstances. The University will document the report received, the process used, and the outcome and will submit such information to the Title IX Coordinator. If it is determined that it is more likely than not that a third party violated this Policy, appropriate sanction(s) may include but are not limited to: conditions upon presence on campus or at University events, no trespass and no contact orders, or other steps deemed necessary to protect the Complainant and the campus community. The University will notify the parties of the outcome of the complaint. Any party with concerns about the process or outcome should consult with the Title IX Coordinator.
12. ALTERNATIVE PROCEDURES
Nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education’s Office for Civil Rights (OCR). The OCR office for institutions located in Wisconsin is:

U.S. Department of Education
Office for Civil Rights
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Tel: 312.730.1560
TDD: 877.521.2172
Email: OCR.Chicago@ed.gov

13. PROHIBITION OF RETALIATION
The University prohibits retaliation against any individual who makes a good faith report of a potential violation of this Policy, who supports another person’s report, or who acts as a witness in any investigation into a complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Any concerns of retaliation should be reported to the Title IX Coordinator, the Deputy Title IX Coordinator, the Vice President for Student Development, the Vice President for Academic Affairs, or the Director of Campus Safety. The University will take appropriate action, up to and including termination for employees, or dismissal for students, against any individual who retaliates against another person in violation of this Policy.

14. ADDITIONAL INFORMATION
A. Title IX Team
1. Todd Ericson, Vice President for Finance and Administration, is Viterbo’s Title IX Coordinator and can be reached at the Business Office at 214 Murphy Center, by telephone at 608-796-3856, or by email at tmericson@viterbo.edu.
2. Sonya Ganther, Director of Human Resources, is Viterbo’s Deputy Title IX Coordinator and can be reached at 200 Murphy Center, by telephone at 608-796-3930, or by email at sdganther@viterbo.edu.
3. Diane Brimmer is Viterbo’s Vice President for Student Development and can be reached at 2 Student Development Center (936 Franciscan Way on the Viterbo campus), by telephone at 608-796-3801, or by email at dbrimmer@viterbo.edu.
4. Glena Temple is Viterbo’s Vice President for Academic Affairs and can be reached at 230 Murphy Center, by telephone at 608-796-3080, or by email at gtemple@viterbo.edu.
5. Lisa Josvai is Viterbo’s Director of Campus Safety and can be reached at 5 Student Development (936 Franciscan Way on the Viterbo campus), by telephone at 3911 if using a Viterbo phone, or 608-796-3911 if using a non-Viterbo phone, or by email at lajosvai@viterbo.edu.

B. Timely Warning Notifications: When serious crimes are reported on campus as defined by the Clery Act, Campus Safety will issue a timely warning (Safety Alert) to the campus community that an incident has been reported, general information surrounding the incident and how incidents of a similar nature might be prevented in the future.
1. The criteria for the issuance of timely warnings would include crimes that are considered to represent a serious and/or continuing threat to students and/or employees.
2. The names of those persons involved or information that could lead someone to identify the Complainant or Respondent will be held confidential and will not be released in the timely warning.
3. A crime log listing all crimes reported to Campus Safety is maintained with the Director of Campus Safety and is available for public review during weekday business hours.
C. **Reporting Obligations:** If a Viterbo employee receives a report of a student or employee as one who has experienced a crime, including sexual misconduct, that employee should promptly report the relevant details (e.g., name, date, location, and description) to Viterbo Campus Safety and/or the La Crosse Police Department. It is important not to promise complete confidentiality to another who reports a crime to you. University policy, Wisconsin statutes, the Clery Act, and Title IX require the reporting of certain prohibited behaviors.

1. Wisconsin law requires citizens to report, to law enforcement, a crime in progress in which a person is subject to bodily harm.
2. The Clery Act requires that Viterbo compiles statistics of crimes that occur on/near campus; requires that all Campus Security Authorities (CSA) promptly report crimes to Campus Safety. A CSA is defined as any member of Campus Safety, any individual specifically identified by the school as an individual to which students and employees should report criminal offenses; and an official of the institution who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and student campus judicial proceedings. Other examples include faculty advisors of student organizations, resident assistants, coaches, etc. An employee may be a CSA if a student reasonably believes the employee has authority or responsibility to act (even if the employee does not). This means that any employee could be considered to be a CSA.
3. Title IX prohibits sexual discrimination, harassment, violence, assault and stalking (collectively, sexual misconduct) on a University campus; requires that once a school knows, or reasonably should have known, about possible sexual misconduct, it should take immediate action to investigate, end the sexual misconduct, prevent its recurrence and address its effects; once any employee knows, Viterbo knows and must act. The Dear Colleague Letter issued in April 2011 by the U.S. Department of Education very broadly requires that any Viterbo employee receiving a report of sexual misconduct promptly notify the Title IX Coordinator.
4. Viterbo’s policy on Reporting of Child Abuse and Wisconsin Statute 48.981 (2) require the reporting of child abuse or neglect if a Viterbo employee has reasonable cause to believe that child abuse or neglect has occurred or will occur. This includes abuse or neglect that occurs off campus and/or at a child’s home, if a Viterbo University employee observes or learns about it in the course of his or her employment.

D. **Records**

1. The Title IX Coordinator will retain records of all reports, requests, allegations and complaints, regardless of whether the matter is resolved by Title IX assessment, remedies-based resolution, or judicial resolution.
2. The Title IX Coordinator will document each report or request for assistance in resolving a report under this policy and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.
3. In general, records will be retained for no less than seven (7) years.

E. **Review of Policy:** This policy will be reviewed on a periodic basis to incorporate evolving law and guidance, evaluate the supports and resources available to the parties, and assess the effectiveness of the investigation and resolution.

F. **Effective Date and Policy Effect:** This Policy shall apply to all complaints made on or after July 1, 2015, regardless of when the conduct was alleged to have occurred. This policy supersedes any policies and procedures to the contrary.
## 15. Appendix A:

### STEPS FOR RESOLVING SEX DISCRIMINATION, SEXUAL HARASSMENT OR SEXUAL MISCONDUCT

<table>
<thead>
<tr>
<th>GET HELP OR ASSISTANCE</th>
<th>EMERGENCY RESPONSE</th>
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<tbody>
<tr>
<td></td>
<td>• 911</td>
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<tr>
<td></td>
<td>• La Crosse Police Department 608-785-5942</td>
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<tr>
<td></td>
<td>• Viterbo Campus Safety 608-796-3911 or 608-780-1582 on a non-Viterbo phone</td>
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<tr>
<th>CONFIDENTIAL RESOURCES AND SUPPORT FOR STUDENTS</th>
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<tbody>
<tr>
<td>• Viterbo Counseling Services 608-796-3825</td>
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<td>• Viterbo Health Services 608-796-3806</td>
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<tr>
<td>• Viterbo University Chaplain 608-796-3804</td>
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<tr>
<td>• Gundersen Domestic Abuse and Sexual Assault Program 608-775-5950 (24 hours)</td>
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<tr>
<td>• Mayo Safe Path Domestic Abuse and Sexual Assault Services 608-392-7804 (24 hours)</td>
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<tr>
<td>• New Horizon Shelter and Outreach Services 608-791-2600 (24 hours)</td>
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<tr>
<th>CONFIDENTIAL RESOURCES AND SUPPORT FOR EMPLOYEES</th>
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<tbody>
<tr>
<td>• Franciscan Health Solutions Employee Assistance Center 608-392-9530</td>
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<td>• Gundersen Domestic Abuse and Sexual Assault Program 608-775-5950 (24 hours)</td>
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<tr>
<th>MAKE A REPORT</th>
<th>ON-CAMPUS REPORTING OPTIONS</th>
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<tbody>
<tr>
<td></td>
<td>• Title IX Coordinator 608-796-3856</td>
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<tr>
<td></td>
<td>• Deputy Title IX Coordinator 608-796-3930</td>
</tr>
<tr>
<td></td>
<td>• Vice President for Student Development 608-796-3801</td>
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<td></td>
<td>• Vice President for Academic Affairs 608-796-3080</td>
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<td></td>
<td>• Director of Campus Safety 608-796-3911</td>
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<tr>
<th>REVIEW AND INTERIM MEASURES</th>
<th>OFF-CAMPUS REPORTING OPTIONS</th>
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<tbody>
<tr>
<td></td>
<td>• La Crosse Police Department 608-785-5942</td>
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<tr>
<td></td>
<td>• Mayo Franciscan Healthcare Main Switchboard 608-785-0940</td>
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<tr>
<td></td>
<td>• Mayo Franciscan Healthcare Urgent Care 608-392-7000</td>
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<tr>
<th>REVIEW AND INTERIM MEASURES</th>
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<tr>
<td>• The University may assist any Complainant or Respondent in navigating the process of filing a complaint, preliminary Title IX review, and accessing interim measures.</td>
</tr>
<tr>
<td>• When a report is filed, a preliminary review is conducted by the Title IX Coordinator or designee to determine the safety of the individual and campus community, the nature of the report, and what process will be used to resolve the complaint.</td>
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<tr>
<td>• The Title IX Coordinator or designee may assist with interim measures such as adjustments academic, housing, transportation or work schedules, referrals, and no contact directives.</td>
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<tr>
<th>INVESTIGATION AND PROCESSES FOR RESOLUTION</th>
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<tr>
<td>• The University may assist any Complainant or Respondent in navigating the process of investigation and resolution to the complaint.</td>
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<tr>
<td>• Options for resolution of a complaint of sexual harassment, sexual misconduct, or violence include both formal and informal processes.</td>
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<tr>
<td>• Typically, for Respondents who are Viterbo students, the preliminary review is followed by informal resolution or investigation and formal resolution.</td>
</tr>
<tr>
<td>• Typically, for Respondents who are Viterbo employees, the preliminary review is followed by informal resolution, investigation and formal resolution, and/or procedures outlined in the Viterbo Personnel Policies Handbook.</td>
</tr>
<tr>
<td>• Mediation or other forms of informal resolution are never permissible in cases involving allegations of sexual assault.</td>
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Title IX Coordinator - Todd Ericson, 608-796-3856. Deputy Title IX Coordinator - Sonya Ganther, 608-796-3930.
DOMESTIC VIOLENCE
Under Wisconsin law, domestic abuse (Statutes 813.12(1)(am); 968.075(1)(a)) is any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver’s care, by an adult against his or her adult former spouse, by an adult against an adult with who the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:
1. Intentional infliction of physical pain, physical injury or illness. 2. Intentional impairment of physical condition. 3. A violation of the state statute regarding sexual assault (Statute 940.225(1), (2) or (3)). 4. A violation of the state statute regarding stalking (Statute 940.32). 5. A violation of the state statute regarding damage to property (Statute 943.01), involving property that belongs to the individual. 6. A threat to engage in the conduct under 1, 2, 3, 4, or 5 listed above.

Under Iowa law, domestic abuse means committing assault as defined in section 708.1 under any of the following circumstances: “(a) The assault is between family or household members who resided together at the time of the assault. (b) The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault. (c) The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time. (d) The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault. (e.1) The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors: (a) the duration of the relationship. (b) The frequency of interaction. (c) Whether the relationship has been terminated. (d) The nature of the relationship, characterized by either party’s expectation of sexual or romantic involvement. (2) A person may be involved in an intimate relationship with more than one person at a time.” (Statute 236.1) Under Iowa law, “an assault as defined in this section is a general intent crime. A person commits an assault when, without justification, the person does any of the following: (1) Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act. (2) Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act. (3) Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.” (Statute 708.1).

DATING VIOLENCE
Under Wisconsin law, dating violence is violence committed in a “dating relationship,” which is defined as a romantic or intimate social relationship between two adult individuals but “dating relationship” does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context (Statute 813.12(1)).

SEXUAL ASSAULT
Under Wisconsin law, sexual assault is sexual intercourse or sexual contact with a person without the consent of that person. (Statute 940.225(4)).

1. First degree sexual assault. Whoever does any of the following is guilty of a Class B felony: (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

216. Appendix B:
WISCONSIN AND IOWA STATUTES ON DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CONSENT
(b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
(c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class C felony:
(a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
(b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
(c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.
(cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.
(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
(f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.
(g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.
(h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
(i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
(j) Is a licensee, employee, or nonclient resident of an entity, and has sexual contact or sexual intercourse with a client of the entity.

(3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person without the consent of that person is guilty of a Class G felony.

(3m) FOURTH DEGREE SEXUAL ASSAULT. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

Under Iowa law, sexual abuse is defined as: “Any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances: 1. The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in state of unconsciousness, the act is done against the will of the other. 2. Such other person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters. 3. Such other person is a child.” (Statute 709.1).
SEXUAL HARASSMENT
Under Wisconsin law, sexual harassment “means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or 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.” (Statute 111.32(13)).

STALKING
Under Wisconsin law, stalking is intentionally engaging in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her household (Statute 940.32(2)).

Under Iowa Code Section 708.11, a person commits stalking when all of the following occur: 1. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person's immediate family. 2. The person has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person's immediate family by the course of conduct. 3. The person's course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person's immediate family.

CONSENT
Under Wisconsin law, consent means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence: A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct; and/or a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.” (Statute 940.225(4)).

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