Concordia University Wisconsin (CUW) fully subscribes to all federal and state civil rights laws banning discrimination in private, church affiliated institutions of higher education. CUW will not discriminate against any employee, applicant for employment, student or applicant on the basis of race, color, sex, pregnancy, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, gender, veteran or military status, predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state or federal law. However, CUW is a Christian educational institution operated by The Lutheran Church-Missouri Synod and, in compliance with Title VII of the Civil Rights Act of 1964, reserves the right to give preference in employment based on religion.

Gender discrimination and sexual harassment (including sexual assault) are prohibited by Title VII of the Civil Rights Act of 1964 as amended and Title IX of the Education Amendments of 1972.

Sexual Harassment & Misconduct Defined

Sexual Harassment is . . .
- Unwelcomed,
- Gender-based verbal or physical behavior,
- Objectively offensive behavior that is severe, persistent, or pervasive

The effect of harassment . . .
- Creates a hostile environment and/or
- Interferes with, denies or limits a person’s ability to benefit from Concordia’s educational programs and/or activities

Sexual misconduct includes but is not limited to . . .
- Sexual harassment
- Non-consensual sexual contact or attempts
- Non-consensual sexual intercourse or attempts

Examples include . . .
- Unwelcomed physical touching
- Unwelcomed remarks about a person’s body
- Employer/employee asking for sexual favors
- Posting obscene remarks/images of another on social media sites
- Sexual assault or coerced sexual activity

Note: Refer to the “Code of Student Conduct” for a complete definition of sexual misconduct. The Code is found on the CUW Portal —> Resources Tab —> Office of Student Conduct —> “Code of Student Conduct”).
Other Forms of Misconduct

The following forms of misconduct have been codified and defined by the States of Wisconsin and Michigan. To access these statutes Google the references listed below.

- Domestic Abuse/Violence (Wisconsin 968.075) (Michigan 400.1501)
- Stalking (Wisconsin 940.32) (Michigan 750.411h)
- Consent (Wisconsin 940.225) (Michigan 750.520b-e)

The Federal Government also defines forms of sexual misconduct in the following manner:

- **Sex Offenses** are any sexual acts directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

- **Stalking** is engaging in a course of conduct composed of a series of 2 or more separate non-continuous acts directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others and suffer emotional distress.

- **Domestic Violence** includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

- **Dating Violence** means violence (physical, verbal, and/or emotional) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Retaliation: CU prohibits retaliation against complainants and anyone participating in an investigation. Examples of retaliation are:

- Friends of accused badger complainant or witness
- Person is ostracized (e.g. from team, activity, social circle)
- Comments that draw negative attention to person on social media

Consent

As Christians, we view sex as part of our total personality and part of the total context of life. However, God in His Word forbids sexual union or intercourse outside of the marriage relationship. Therefore, in any unmarried relationship individuals involved should get to know one another as total persons by developing a relationship that is emotional, social, spiritual and has the consent of both parties.

Nonconsensual physical behavior is inappropriate, unhealthy and against God’s Word. Any
physical/sexual behavior cannot be consented to under any of the following conditions if the person is . . .

- under the influence of drugs or alcohol
- a minor (age of consent in Wisconsin is 18 years)
- mentally impaired
- bullied, coerced or threatened, and/or
- asleep or unconscious.

**How to File a Complaint**

Complaints may be filed with the Title IX Coordinator, any Assistant Title IX Coordinators, or Campus Safety Staff (see “Campus Resources”). All sexual harassment and sexual misconduct complaints made to “responsible employees” must be reported to the Title IX Coordinator staff.

**CU encourages all members of our community who are victims of sexual misconduct to report the incident to the Mequon Police.** Any Title IX Coordinator or Campus Safety Officer can assist in filing a complaint with the police.

**Confidentiality**

Part of the healing process after being harassed or assaulted is to work through the incident with a trained and compassionate individual. “Campus Resources” and/or “Community Resources” sections in this channel give you a number of options. For confidential assistance, consider consulting with any of the following:

- CU’s Counselors and/or Health Services Staff
- Campus Ministry Staff
- See also a complete list of confidential individuals in this channel

**Note:** Please know that if you wish not to file a complaint with the University or any police department, this option is also available to you.

**Resolution Options**

**Students:** The process to address complaints is outlined in the Code of Student Conduct under “Resolution Options.” If you have difficulty finding the Code or understanding the process, a Title IX Coordinator will assist you. To access the code . . .

1. Log onto the Portal & Select the “Resources” Tab
2. Find “Office of Student Conduct”
3. Click on “Code of Student Conduct”
4. Consult, Article IV, Resolution Options for page number

**Employees:** The process to address complaints is outlined in the “Employee Handbook.” If you have difficulty finding the Handbook or understanding the process, a Title IX Coordinator will assist you. To access the handbook: Log onto the Portal and select the “Employee” Tab, then select “Employee Handbook.”

**Note:** Mediation cannot be used for non-consensual sexual contact or intercourse cases.

**Investigations & Campus Reporters**

Faculty, staff, and student employees are considered responsible employees. This includes those who hold a professional license who are not employed by CUW to counsel, provide health services, or provide pastoral or ministry care. A responsible employee must report all allegations of sexual misconduct to a member of the Title IX Coordinator staff immediately.

Therefore, CUW will . . .

- Investigate allegations/complaints.
- Complete investigations in a timely manner (e.g. 60 days) and take interim measures such as a “no contact” order between the parties, interim suspension, and/or room or class reassignment.
- Assign individuals outside the Athletic Department to investigate allegations of sexual misconduct involving an athlete.

**University-Provided Assistance**

Both complainant and accused may select an individual to advise him/her throughout the process. Either party may request a Title IX Coordinator to assign a trained individual to advise him/her.

**If You Have Been Sexually Assaulted**

Get to a safe place and do not blame yourself - this is not your fault. In order to save evidence for DNA collection, do the following:

- Save all clothing you had on at the time of the assault
- Save any sheets, blankets or towels you came in contact with during or after the assault
- Try not to rinse your mouth or brush your teeth
- Try not to go to the bathroom
- Try not to bathe, wash, shower or douche until you have been seen
- You can go directly to the Sexual Assault Treatment Center any time, day or night (see "Community Resources" section in this channel).