



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-4604/P5  
JAM:amn&wlj

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to amend* 36.11 (22) (a) 1. (intro.), 36.11 (22) (a) 1. a., 36.11 (22) (c) and  
2           36.11 (22) (d) of the statutes; **relating to:** University of Wisconsin System  
3           requirements relating to sexual assault and sexual harassment (suggested as  
4           remedial legislation by the Board of Regents of the University of Wisconsin  
5           System).

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***Analysis by the Legislative Reference Bureau***

Under current law, the Board of Regents of the University of Wisconsin System must direct each UW System institution to incorporate into its orientation for newly entering students certain information relating to sexual assault. This bill adds a requirement that the institutions also provide certain information regarding sexual harassment and sexual assault, as those terms are defined in rules promulgated by the board, and information about sexual assault, dating violence, and stalking, as those terms are defined under federal law, which is commonly known as the Clery Act.

Under current law, individuals employed at a UW System institution must report to the dean of students if the individual witnesses a sexual assault on campus or receives a report from a student enrolled in the institution that the student has been sexually assaulted. This bill requires that such reports be made to the institution's Title IX coordinator instead of the dean of students.

Under current law, each UW System institution is required to report to the Department of Justice statistics on sexual assaults and sexual assaults by

acquaintances of the victims that occurred on each campus of the institution in the previous year. This bill clarifies that institutions must report statistics on sexual assaults as that term is defined in rules promulgated by the board.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Board of Regents of the University of Wisconsin System and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1       **SECTION 1.** 36.11 (22) (a) 1. (intro.) of the statutes is amended to read:

2       36.11 (22) (a) 1. (intro.) Incorporate in its orientation program for newly  
3 entering students oral and written or electronic information on sexual assault and,  
4 sexual harassment, as defined in s. 111.32 (13), and sexual harassment and sexual  
5 assault, as those terms are defined in rules promulgated by the board, including  
6 information on sexual assault by acquaintances of the victims and on all of the  
7 following:

NOTE: Student orientation programs at University of Wisconsin System institutions must provide certain information to new students about sexual assault and sexual harassment. This SECTION requires the institutions to provide information on these topics as they are defined in administrative rules promulgated by the Board of Regents of the University of Wisconsin System.

8       **SECTION 2.** 36.11 (22) (a) 1. a. of the statutes is amended to read:

9       36.11 (22) (a) 1. a. The legal definitions of, and penalties for, sexual assault  
10 under ss. 940.225, 948.02 and 948.025, sexual exploitation by a therapist under s.  
11 940.22 and, harassment under s. 947.013, sexual harassment and sexual assault, as  
12 those terms are defined in rules promulgated by the board, sexual assault, as defined  
13 in 20 USC 1092 (f) (6) (A) (v), and dating violence, domestic violence, and stalking,  
14 as those terms are defined in 20 USC 1092 (f) (6) (A) (i).

NOTE: This SECTION requires student orientation programs to provide information on dating violence, domestic violence, and stalking, as those terms are defined in federal law, and information about sexual assault and sexual harassment.

1           **SECTION 3.** 36.11 (22) (c) of the statutes is amended to read:

2           36.11 (22) (c) Any person employed at an institution who witnesses a sexual  
3 assault on campus or receives a report from a student enrolled in the institution that  
4 the student has been sexually assaulted shall report to the ~~dean of students~~ Title IX  
5 coordinator of the institution or his or her designee. The ~~dean of students~~ Title IX  
6 coordinator or his or her designee shall compile reports for the purpose of  
7 disseminating statistical information under par. (a) 1. b.

NOTE: Under current law, any person employed by a University of Wisconsin System institution who receives a report of sexual assault from a student must report that assault to the institution's dean of students. This SECTION requires that the person must report such assaults to the institution's Title IX coordinator or his or her designee, rather than the institution's dean of students.

8           **SECTION 4.** 36.11 (22) (d) of the statutes is amended to read:

9           36.11 (22) (d) Annually, each institution shall report to the department of  
10 justice statistics on sexual assaults, as defined in the rules promulgated by the board,  
11 and on sexual assaults by acquaintances of the victims that occurred on each campus  
12 of the institution in the previous year. The department of justice shall include the  
13 statistics in appropriate crime reports published by the department.

NOTE: Current law requires University of Wisconsin System institutions to report to the Department of Justice statistics on sexual assault. This SECTION specifies that institutions must report on sexual assault, as that term is defined in administrative rules promulgated by the Board of Regents of the University of Wisconsin System.

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(END)