



INTERIM SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY

No: SAAP 5-2

Date: August 14, 2020

Authority: Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.;
34 C.F.R. 106
Violence Against Women Reauthorization Act of 2013 (Reauthorizes Violence
Against Women Act of 1994) 42 U.S.C. § 13701, et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.
Wisconsin Fair Employment Act, Wis. Stat. §111.31 et seq.
Wis. Stat. §§ 36.11(22), 36.12
Wis. Stat. § 125.07(4)
Wis. Admin. Code Chapter 4
Wis. Admin. Code Chapter 11
UWM Policy on the Creation of University Policies (SAAP 0-1)
UW System Board of Regents Policy 14-2: Sexual Violence and Sexual
Harassment
UW System Board of Regents Policy 14-3: Equal Opportunities in Education
UW System Board of Regents Policy 14-6: Discrimination, Harassment, and
Retaliation
UW System Board of Regents Policy 14-7: Implementation of Statute on
Discrimination Against Students
UW System Board of Regents Policy 14-8: Consensual Relationships

Initiator: Chancellor

Responsible Party: Title IX Coordinator

I. PURPOSE AND SCOPE OF POLICY

This policy prohibits acts of sexual harassment and sexual violence (which, as defined below, includes sexual assault, sexual exploitation, stalking, dating violence, and domestic violence) on university property, at university-sanctioned or university-affiliated events, and where off-campus conduct affects a member of the university community. The university is committed to educating its community and to promptly and effectively responding to and redressing conduct that violates this policy. This policy provides UWM with information and resources to identify, report, and respond to sexual harassment and sexual violence. These efforts support the overall missions of UW-Milwaukee and the UW System.

This policy applies to:

- A. University sponsored and supported activities held both on and off campus, including those held in other municipalities, states, and nations.

- B. All students while they are on campus or if their off-campus conduct meets any of the following criteria:
 - 1. The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.
 - 2. The conduct indicates that the student presented or may present a danger or threat to the health or safety of self or others.
 - 3. The conduct demonstrates a pattern of behavior that seriously impairs the University's ability to fulfill its teaching, research, or public service missions.
- C. All other members of the University community (including, but not limited to employees, volunteers, visitors, guests, contractors, and third-party vendors) while they are on campus or engaged in activities associated with University sponsored and supported activities.

II. POLICY STATEMENT

The mission of University of Wisconsin-Milwaukee (UWM) is to provide a teaching, learning and working environment in which faculty, staff, and students can discover, examine critically, preserve, and transmit the knowledge, wisdom, and values that will improve quality of life for all. To promote these institutional values, UWM is committed to creating and maintaining a community environment that is free from sexual violence and sexual harassment.

III. TITLE IX STATEMENT

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.

IV. DEFINITIONS

For a list of definitions of terms used in this policy, see Appendix A.

V. ROLES AND DUTIES OF UNIVERSITY OFFICIALS AND EMPLOYEES

A. Title IX Coordinator

The duties of the UWM Title IX Coordinator are described in the institutional position description. Those duties include: receiving reports of sexual violence and sexual harassment; maintaining appropriate records; providing or supporting the provision of appropriate education and training; maintaining ongoing communication with Deputy Title IX Coordinators and the Title IX Working Group; overseeing the investigation and/or investigating allegations of sexual violence and sexual harassment, as appropriate; coordinating the effective implementation of supportive measures; ensuring that applicable policies, resources, and other information is up-to-date and properly disseminated. The

duties of the Title IX Coordinator will be guided by principles of trauma-informed care and ensuring equity and due process for complainants and respondents.

B. Deputy Title IX Coordinators (also “Title IX Deputies”)

The Title IX Coordinator has designated several Title IX Deputies to assist their work. These staff are trained on Title IX policy, procedures, and can provide information and answer questions about Title IX: uwm.edu/titleix/contact/.

C. Title IX Working Group

The Title IX Working Group at UWM meets on a monthly basis to discuss policy implementation and revision; to assess the effectiveness of trainings and educational programming; to address campus climate issues; and to provide guidance to the Title IX Coordinator. The following are offices represented on this working group: Dean of Students, Office of Equity/Diversity Services, UWM Police Department, Athletics, Norris Health Center, University Housing, Legal Affairs, student-serving offices, and representatives from other units may be invited as appropriate.

D. Victim Advocate

UWM provides confidential victim advocacy services to survivors of sexual violence. These services are provided by a victim advocate within Norris Health Center’s University Counseling Services. victimadvocacy@uwm.edu or 414-229-4582.

Disclosing information to a Victim Advocate will not lead to a Title IX investigation unless a complainant so requests. A Victim Advocate will not report personally identifiable information concerning a disclosure of sexual harassment or sexual violence received by that individual in their professional capacity unless with the consent of the disclosing individual or required by law. Under Wisconsin law, communications between a victim and a victim advocate providing services to victims of sexual assault, interspousal battery, and domestic abuse [as defined in 905.045(1)(a)] are subject to an advocate-victim privilege and will be treated as such at UWM. Communications concerning other violations of this policy will be treated as confidential by UWM but may not be fully protected from disclosure in external legal proceedings.

E. Title IX Investigators

Staff within three offices investigate allegations of sexual violence and sexual harassment. The Title IX Office and the Dean of Students Office investigate allegations involving student respondents. Allegations against employees, affiliated individuals, visitors, and guests, are investigated by the Office of Equity/Diversity Services. These offices may investigate allegations jointly.

VI. REPORTING RESPONSIBILITIES OF UWM EMPLOYEES

A. Responsible Employees

UWM has designated individuals as “Responsible Employees” under this policy. Responsible Employees are not necessarily “Officials with Authority” to institute corrective measures on behalf of the university. These individuals have a duty to report to the Title IX Coordinator any information that suggests a violation of this policy has occurred or is occurring. Such individuals may not keep such information confidential.

These employees are required to:

1. Be familiar with definitions of sexual violence and sexual harassment.
2. Be familiar with this and other related policies.
3. Be prepared to respond should an individual report an incident of sexual violence or sexual harassment.
4. Be familiar with resources on campus to which to refer a reporting individual.

A list of employees UWM has designated as Responsible Employees is attached as Appendix B.

B. Officials with Authority

UWM has designated individuals with certain titles as “Officials with Authority” under this policy, as they have the authority to institute corrective measures on behalf of the university. All Officials with Authority are also Responsible Employees.

A list of the UWM Officials with Authority can be found in Appendix B.

C. Campus Security Authorities (CSA)

CSAs are responsible for reporting to the University certain campus crimes that are reported to them, including all forms of sexual violence. They are not allowed to keep information reported to them suggesting a campus crime has occurred confidential. CSAs are trained annually to identify which crimes they are responsible for reporting and how to report those crimes to the University.

A list of employees UWM has designated as Campus Security Authorities is attached as Appendix C.

D. All Employees

Regardless of whether they are a “Responsible Employee” or an “Official with Authority,” all employees are required to comply with the following reporting obligations.

Wisconsin Statute 36.11(22) (applies to sexual assault)

In accordance with § 36.11(22), Wis. Stats., employees who witness an act of sexual assault, or who receive a first-hand report of sexual assault from an enrolled student, must report that information to the Office of the Dean of Students or designee for the purposes of reporting sexual assault statistics.

Confidential Employees, as defined in Appendix A, are only required to report the occurrence of the sexual assault without any personally identifying information about the complainant or respondent.

Executive Order 54 (applies to child abuse and neglect)

All employees must also comply with Executive Order 54 which requires that university employees report incidents of child abuse and neglect which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services. For additional information on Executive Order 54, see: <https://uwm.edu/hr/toolkits/eo54/>.

VII. REPORTING AN INCIDENT OF SEXUAL VIOLENCE OR SEXUAL HARASSMENT

Reporting Options: Those who have been subjected to an incident of sexual violence or sexual harassment, have several options for reporting the incident:

1. An individual may elect not to report or may elect to only seek confidential services such as medical care, mental health counseling, and victim advocacy. For information about available resources, including confidential resources specific to each UWM campus, visit the UWM Title IX website at uwm.edu/titleix/get-help.

UWM Victim Advocate (serves students on all UWM campuses)
414-229-4716
victimadvocacy@uwm.edu

Whenever possible, UWM will provide accommodations and protective measures regardless of whether an individual elects to report an incident for investigation.

2. The individual may report information to the campus Title IX Coordinator:

UWM Title IX Coordinator
Chapman Hall, Room 335
414-229-7012
titleix@uwm.edu

3. The individual may report information to campus law enforcement:

UWM Police Department
3410 N. Maryland Ave.
414-229-4627 (non-emergency)

4. The individual may report information to local law enforcement. The applicable local law enforcement agency will be based on the jurisdiction in which the incident occurred. For assistance in determining the jurisdiction or appropriate law enforcement agency, individuals may contact the UWM Police Department.

5. When a report is made to more than one of the UWM offices noted above, the offices will endeavor to cooperate as they are able. Attempts will be made to limit the number of times a complainant or respondent is required to repeat information about the allegations.
6. The individual may report information to a community resource to receive medical, counseling, victim advocacy, or other support services. Community resources are listed in Appendix D. UWM is not notified of such reports unless an individual requests that UWM be notified.
7. Individuals also have the option to file a complaint with the U.S. Department of Education Office for Civil Rights:
www2.ed.gov/about/offices/list/ocr/docs/howto.html.

A. Amnesty

Individuals, including complainants, respondents, and witnesses, who have made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing regarding incidents of sexual harassment or sexual violence generally will not be issued citations by campus law enforcement or subject to disciplinary sanctions for alcohol violations arising out of the same facts and circumstances of the alleged incident unless the institution determines that the violation was egregious, and/or placed the health or safety of any person at risk, and was beyond the amnesty provided by state law. (See doj.state.wi.us/sites/default/files/ocvs/act279/Sexual%20Assault%20Victim%20Amnesty%20What%20You%20Should%20Know.pdf.)

B. Confidentiality

Individuals, including complainants, who report to any of the offices or individuals noted above, or to any other university employee, except confidential employees or resources as defined in Appendix A, cannot be assured absolute confidentiality. However, information provided in the report and in any subsequent, related proceeding may only be shared with those individuals who have a need to know to fulfill obligations consistent with university policies or laws.

C. Resources and Supportive Measures

1. Supportive Measures: The university will work with individuals involved in alleged incidents of sexual violence and sexual harassment to undertake appropriate measures to assist in their safety and wellbeing. These may include no-contact directives, academic or work modifications, and relocation of living or working space. Supportive measures are available to complainants and respondents.
2. Resources: The university offers a variety of resources that are available to individuals involved in incidents of sexual violence or sexual harassment. For a

list of resources including those specific to each UWM campus, visit the UWM Title IX website..

D. Procedures

1. University Procedures:

- a) When a report is made to the *Title IX Coordinator* alleging that a *student* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. docs.legis.wisconsin.gov/code/admin_code/uws/17.
- b) When a report is made to the *Title IX Coordinator* alleging that a *faculty member* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
docs.legis.wisconsin.gov/code/admin_code/uws/4.pdf;
docs.legis.wisconsin.gov/code/admin_code/uws/7.pdf;
docs.legis.wisconsin.gov/code/admin_code/uws/6.pdf;
uwm.edu/secu/wp-content/uploads/sites/122/2014/06/PP-Chapter5.pdf.
- c) When a report is made to the *Title IX Coordinator* alleging that a *member of the academic staff* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
docs.legis.wisconsin.gov/code/admin_code/uws/11; uwm.edu/secu/wp-content/uploads/sites/122/2020/02/109.pdf
- d) When a report is made to the *Title IX Coordinator* alleging that a *member of the university staff* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%205-4%20Title%20IX%20Investigation%20Policy.pdf>
- e) When a report is made to the *Title IX Coordinator* alleging that *any other university employee who does not fall into any of the above categories* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. <https://apps.uwm.edu/secu-policies/storage/other/SAAP%205-4%20Title%20IX%20Investigation%20Policy.pdf>

2. Title IX Misconduct Informal Resolution Procedures

At any time prior to reaching a determination regarding responsibility for a Title IX Misconduct Complaint, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the university –

- a) Provides to the parties a written notice disclosing: the allegations; the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- b) Obtains the parties' voluntary, written consent to the informal resolution process; and
- c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

The university may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Title IX misconduct complaints. Similarly, the university may not require the parties to participate in an informal resolution process to address Title IX misconduct and may not offer an informal resolution process for Title IX misconduct unless a formal complaint is filed. The requirements of this section do not apply to allegations of sexual harassment and sexual violence that do not constitute Title IX misconduct.

3. Law Enforcement Procedures:

- a) When a report is made to campus law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply: uwm.edu/police/.
- b) When a report is made to local law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures of the relevant law enforcement agency will apply. The relevant local law enforcement agency will be based on the jurisdiction in which the incident occurred. For assistance in determining the jurisdiction or appropriate law enforcement agency, individuals may contact the UWM Police Department.

E. Prompt and Equitable Resolution

The university offices and employees that receive a report of sexual harassment or sexual violence pursuant to this policy will endeavor to resolve the matter in a timely manner, in accordance with the applicable procedures, taking into consideration the nature and complexity of the report and procedural due process requirements.

1. Time Frames

Best efforts will be made for the university to complete an informal resolution process or an investigation of a complaint within ninety (90) calendar days. The ninety (90) calendar day timeframe and any other timeframe set by the university related to appeals and conclusion of the grievance process may be extended for good cause. Good cause may include but is not limited to considerations such as:

- The absence of a party or party's advisor, witness,
- Concurrent law enforcement activity, or
- The need for language assistance or accommodation of disabilities.

The complainant and the respondent will be notified in writing of an extension for good cause.

2. Potential Sanctions

The procedures identified above provide for disciplinary action against employees and students who are found responsible for violating this or referenced university policy(s). The nature of the disciplinary action will be based on the preponderance of the evidence presented during the disciplinary process, and will take into account several factors, including the nature and severity of the incident, the affiliation of the respondent with the university, and any past disciplinary history of the respondent.

- For students, sanctions may include, but are not limited to, restrictions on a course or program, probation, suspension, or expulsion. (Chapter UWS 17 provides a more comprehensive list of potential sanctions against students).
- Employee sanctions may include measures that range from a written reprimand through dismissal. Vendors and guests may be subject to other sanctions.

3. Notice of Outcome

Both the complainant and the respondent will be provided with notice of the outcome of each stage of the applicable disciplinary process and of the final resolution of the alleged violation.

F. Prohibition Against Retaliation

Prohibited retaliation includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Those who believe they have been subjected to retaliation under this section may report the allegations to the Title IX Coordinator or a Title IX Deputy. Those who believe they have been subjected to retaliation that would also constitute a crime may report to campus law enforcement or a campus safety office. (*See* contact information above.)

G. False Information

Providing false information to a reporting or investigatory office. Any person who knowingly makes false statements or knowingly provides false information when reporting a violation of this policy or during the course of any investigation or disciplinary proceeding pursuant to this policy may be subject to disciplinary action.

The fact that a complaint of sexual harassment or sexual violence did not result in a finding of wrongdoing in a law enforcement or University disciplinary proceeding will not, by itself, be a basis for determining that this provision has been violated.

VIII. EDUCATION AND TRAINING

The Title IX Coordinator will be primarily responsible for facilitating the training and educational programs for the campus community. At a minimum, all students and employees will be required to complete the campus-supported on-line training covering issues of sexual violence and sexual harassment.

The Chancellor or designee will identify and offer more in-depth training for employees who are Officials with Authority, Responsible Employees, Title IX Investigators, Coordinators and Deputies, and those connected with the disciplinary process.

All Title IX personnel, including the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution, shall receive training on the definitions of sexual violence and sexual harassment, scope of the institution's program or activity, how to conduct an investigation and grievance process, how to serve impartially, and how to avoid conflicts of interest and bias. All decision-makers shall receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence. All investigators shall receive training on issues of relevance and how to create an investigative report that fairly summarizes relevant evidence.

IX. RECORD KEEPING AND DATA COLLECTION

As noted above, the Title IX Coordinator will maintain records of reports and resolution of sexual violence and sexual harassment consistent with the institutional records-retention policy, and for no less than seven (7) years. In addition, the Title IX Coordinator will track compliance with mandatory training programs and maintain a list of training and education offered on campus.

The institution will post a link to all training materials for Title IX Personnel (including the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution), whether developed internally or purchased externally, on their website for public viewing. All materials used to train Title IX Personnel will be maintained for at least seven (7) years.

The Dean of Students Office, in conjunction with other university offices/units, will collect and maintain crime data, including data related to sexual violence, and submit the Annual Security Report, consistent with the Clery Act.

The Dean of Students Office will collect appropriate data and compile the state report required under § 36.11(22), Wis. Stats.

X. ASSESSMENT

The Title IX Coordinator will conduct a study that seeks to gather data and information concerning sexual violence and sexual harassment on or near campus. Efforts will be made to conduct such a study once every 3 years. All students and employees are

encouraged to participate. The Title IX Coordinator will also work to design methods for effectively evaluating the outcomes of campus training and educational programming.

APPENDIX A: DEFINITIONS

Advisor: An individual who assists a complainant or respondent in any grievance proceeding or related meetings. This individual may or may not be an attorney.

Complainant: Any individual who is alleged to be the subject of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation, as defined in this policy.

Confidential Employee: Any employee, who is a licensed medical, clinical, or mental health professional when acting in that role in the provision of services to a patient or client who is a university student or employee. A Confidential Employee will not report specific information concerning a report of sexual violence or sexual harassment received by that Employee in the Employee's professional capacity unless with the consent of the reporting individual or unless required by the Employee's license or by law.

Confidential Resource: Individuals or agencies in the community, whose professional license, or certification permits that individual or agency to preserve the confidentiality of the patient or client.

Consent: Words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in the definition of sexual assault and sexual exploitation. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.

Dating Violence: 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 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.

Domestic Violence: 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 of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075).

Employee: Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment. (*See, e.g.,* UW System Administrative Policy 1225 (formerly GEN 0), General Terms and Definitions (www.wisconsin.edu/uw-policies/uw-system-administrative-policies/general-terms-and-definitions/))

Education Program or Activity: For purposes of a Title IX Misconduct complaint only, locations, events, or circumstances at which the university exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.

Executive Order 54: Executive Order issued by Governor Walker in 2011 requiring that university employees report incidents of child abuse and neglect which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services.
(docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf)

Formal Complaint: For the purposes of Title IX Misconduct only, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against a respondent and requesting that the university investigate the allegations. At the time of filing of the formal complaint, the complainant must be participating in or attempting to participate in an education program or activity. A formal complaint may be filed in person, by mail, or electronic mail, or any other method designated by the university. A formal complaint must include a physical or digital signature of the complainant or the Title IX Coordinator.

Incapacitation: The state of being unable to physically and/or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; and capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

Office for Civil Rights: The U.S. Department of Education office that is responsible for enforcing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other education-based discrimination acts.
www2.ed.gov/about/offices/list/ocr/complaints-how.html.

Official with Authority: Any official of the university who has the authority to institute corrective measures on behalf of the university.

Preponderance of the Evidence: Information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than "clear and convincing evidence" and is the minimum standard for a finding of responsibility.

Respondent: An individual who has been reported to be the perpetrator of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation, as defined in this policy.

Responsible Employee: Any employee (other than a "confidential resource") who has been given the duty of reporting incidents of sexual misconduct by students or employees to the Title IX coordinator or other appropriate school designee.

Retaliation: Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured in, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Sex Discrimination: Discrimination on the basis of sex or gender. Sexual harassment and sexual assault are forms of sex discrimination. [See 20 USC §§ 1681-1688]

Sexual Assault: An offense that meets the definition of rape, **fondling**, **incest**, or **statutory rape** as defined below. 20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a).

- a) **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
- b) **Fondling:** The touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- c) **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (See s. 944.06, Stats.)
- d) **Statutory Rape:** Sexual intercourse with a complainant who is under the statutory age of consent (See s. 948.02, Stats.)

Sexual Exploitation: Occurs when an individual attempts, takes, or threatens to take nonconsensual sexual advantage of another person. Examples include, but are not limited to:

1. Without the knowledge and consent of all participants –
 - a. observing, recording, or photographing private body parts or sexual activity of one or more persons; or
 - b. allowing another person to observe, record, or photograph sexual activity or private body parts of one or more persons; or
 - c. otherwise distributing recordings, photographs, or other images of the same of one or more persons;
2. Masturbating, touching one's genitals, or exposing one's genitals in another person's presence without the consent of that person, or inducing another person to do the same;
3. Dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual contact or sexual intercourse;
4. Inducing incapacitation through deception for the purpose of making another person vulnerable to non-consensual sexual activity;
5. Coercing another person to engage in sexual activity for money or anything of value;
6. Threatening distribution of any of the following, to coerce someone into sexual activity or providing money or anything of value:
 - a. Photos, videos, or recordings depicting private body parts or sexual activity of one or more persons, or
 - b. Other information of a sexual nature (for example, may include but is not limited to, sexual history or sexual orientation).

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal “reasonable person” standard:
 - a. Is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity; **or**
 - b. Is so severe or pervasive and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or participation in a university sponsored or supported activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.

Sexual Violence: The phrase, as used in this policy, refers to incidents involving sexual assault, dating violence, domestic violence, stalking, and sexual exploitation.

Stalking: Engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

Student: Any person who is registered for study in a University of Wisconsin System institution for the academic period in which the alleged act of sexual violence or sexual harassment occurred, or between academic periods for continuing students. [*See Chapter UWS 17.02(14), Wis. Admin. Code.*]

Title IX: Title IX of the Education Amendments of 1972 (20 U.S.C. sec. 1681 et seq.; 34 C.F.R. Part 106)(as amended) is a federal law that states, “[n]o 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.” 20 U.S.C. § 1681(a).

Title IX Misconduct: A report of sexual harassment or sexual violence under this policy will be considered Title IX Misconduct when:

1. A formal complaint (as defined in this section) is either filed by a complainant or signed by the Title IX Coordinator and the alleged conduct meets the definition of sexual harassment, sexual assault, dating violence, domestic violence, or stalking as defined in 34 C.F.R. 106.30, and
2. Occurred within a university “education program or activity” (as defined in this section) and occurred against the complainant while in the United States; and
3. The complainant is participating in or attempting to participate in a university education program or activity at the time they file the formal complaint.

Title IX Misconduct cases will follow procedures as detailed in Chs. UWS 4.11-24 (faculty respondents), UWS 11.13-26 (academic staff respondents), UWS 17.16-21 (student respondents), and SAAP 5-4 (university employee respondents other than faculty or academic staff).

Title IX Coordinator (and Deputies): An employee designated to coordinate compliance with Title IX, who plays an important role in an institution’s efforts to ensure equitable opportunity for all students and employees, and who works with school officials to remind the school community that students and employees must have equal access to all programs).

Trauma-Informed Care. Trauma-informed care reflects an understanding of trauma and emphasizes creating services and programs that are sensitive and directly responsive to the trauma that many victims and survivors experience following a violent crime. Trauma-informed care programs identify and limit potential triggers to reduce their re-traumatization and protect their mental and emotional health. www.justice.gov/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers.

Trauma-informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed care also emphasizes physical, psychological and emotional safety for both consumers and providers, and helps survivors rebuild a sense of control and empowerment. *See also:* www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf; and www.nsvrc.org/publications/nsvrc-publications-guides/building-cultures-care-guide-sexual-assault-services-programs.

A process that employs trauma-informed care accounts for the impact of trauma but does not recognize symptoms of trauma as evidence that a particular incident did or did not occur.

Violence Against Women Act (VAWA): Federal law enacted in 1994, which promotes the investigation and prosecution of violent crimes against women, among other objectives. Recently, it enacted amendments to the Clery Act [42 U.S.C. §§ 13701-14040], through the Campus Sexual Violence Elimination Act (SaVE) provision, Section 304.

APPENDIX B: UWM RESPONSIBLE EMPLOYEES AND OFFICIALS WITH AUTHORITY

Responsible Employees

As defined in Appendix A, a “Responsible Employee” is an employee who has been given the duty of reporting to the Title IX Coordinator any incidents of sexual misconduct by students or employees. Such individuals may not keep such information confidential. Such individuals are required to report any known information relevant to the report; they may not keep such information confidential or otherwise choose not to report.

These employees are required to:

1. Be familiar with definitions of sexual violence and sexual harassment.
2. Be familiar with this and other related policies.
3. Be prepared to respond should an individual report an incident of sexual violence or sexual harassment.
4. Be familiar with resources on campus to which to refer a reporting individual.

At UWM, the following employees are Responsible Employees:

- Chancellor;
- Vice Chancellors (including Associate and Assistant Vice Chancellors);
- Deans (including Associate and Assistant Deans);
- Department Chairs;
- Directors (including Associate and Assistant Directors) and all Limited Appointees;
- Supervisors of lead workers;
- Human Resources Representatives;
- Athletic Department Coaches and Administrative Staff;
- Student Services Staff (employees whose duties require them to have regular or daily contact with students. This includes employees who are responsible for directly providing services to undergraduate and graduate students and to student organizations);
- Police Department Staff, including dispatchers and security and civilian staff;
- Housing Director and Associate Director; Residence Life Coordinators; Area Coordinators; Resident Assistants; Security and Desk Staff;
- Title IX Coordinator and Deputy Title IX Coordinators;
- Dean of Students Office and Office of Equity/Diversity Services Investigators;
- Hearing Officers, Hearing Panel Members and Disciplinary Decision Makers;
- Appeals Officers

Officials with Authority

As defined in Appendix A, an “Officials with Authority” is an official of the university who has the authority to institute corrective measures on behalf of the university. All Officials with Authority are also Responsible Employees.

UWM has designated individuals with the following titles as “Officials with Authority”:

- Chancellor;
- Vice Chancellors (including Associate and Assistant Vice Chancellors);
- Deans (including Associate and Assistant Deans);
- Deputy Chief Human Resources Officer;
- Housing Director and Associate Director;
- Title IX Coordinator and Deputy Title IX Coordinators;
- Dean of Students Office and Office of Equity/Diversity Services Investigators;

APPENDIX C: CAMPUS SECURITY AUTHORITIES

“**Campus security authority**” is a Clery Act-specific term for university employees who are responsible for reporting to the University certain campus crimes that are reported to them, including all forms of sexual violence. They are not allowed to keep information reported to them suggesting a campus crime has occurred confidential.

CSAs encompass four groups of individuals and organizations associated with an institution.

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
3. Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An “official” is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

At UWM, the following employees are Campus Security Authorities:

- Senior Student Affairs Officer;
- Title IX Coordinator and Deputy Title IX Coordinators;
- Norris Health Center Director;
- Victim Advocate;
- Dean of Students Office and Office of Equity/Diversity Services staff;
- Police Department Staff, including dispatchers and security and civilian staff;
- Housing Director and Associate Director; Residence Life Coordinators; Area Coordinators; Resident Assistants; Security and Desk Staff;
- Athletic Department Coaches and Administrative Staff;
- University Recreation Administrative Staff and Staff responsible for security of facilities and events;
- Student Organization Advisors;
- Center for International Education Study Abroad administrators and staff, including staff traveling abroad with students;
- Student Services Staff who have significant responsibility for student and campus activities including ROTC Administrators; Neighborhood Housing Staff, Student Association Professional Staff, Student Life Center Directors and Assistant Directors, and Assistant Dean of Graduate Education;
- Union Administrative and Security Staff;
- Individuals who are responsible for monitoring the entrance into Zilber School of Public Health and Freshwater Science Building.