MEMORANDUM TO ALL UNIVERSITY EMPLOYEES

February 2, 2016

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All faculty and staff members at the University of Wisconsin-Madison share the responsibility to create safe learning and work environments and a positive campus climate. This memorandum addresses federal and state laws and a Wisconsin Executive Order that establish reporting responsibilities for all faculty and staff. I urge you to become familiar with the responsibilities and resources described below so you may respond appropriately when you are approached by someone regarding matters covered in this memo. Please retain this memorandum for future reference regarding your compliance and reporting responsibilities.

I. JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, (20 USC § 1092 (f)), also known as the Clery Act, is a federal law that requires institutions of higher education to have in place certain security and safety policies, and to disclose certain crime statistics. These policies and statistics are published every year on October 1 in UW-Madison’s Annual Security and Fire Safety Report. Statistics are gathered through reports to the University of Wisconsin-Madison Police Department (UWPD), the Dean of Students Office, University Housing, the Title IX Coordinator and the Special Assistant-Complaint Investigator in the Office of Compliance; the Office for Equity and Diversity, and other Clery Act-designated Campus Security Authorities. UWPD also requests crime statistics from outside law enforcement agencies that may have jurisdiction over UW-Madison’s non-campus property. UWPD and the Dean of Students Office collaborate in compiling the crime, arrest and referral statistics to ensure statistics are not missed or double counted.

The Clery Act was amended in 2013 to expand the list of crimes tracked and to broaden the rights and resources to which victims of sexual assault, domestic violence, dating violence, and stalking are entitled. The Clery Act also requires institutions with campus police or security departments to maintain a daily crime log in an effort to provide a more “real-time” snapshot of crime on campus. UW-Madison’s Clery Crime Log can be found online here. The Clery Act requires UW-Madison to distribute Crime Warnings regarding crimes that occur within UW-Madison’s Clery geography and represent a serious continuing threat to the safety of students or employees. Known in the Clery Act as a “timely warning,” the intent of a Crime Warning is to warn of a criminal incident so that people will be enabled to protect themselves.
Information about UW-Madison’s Clery program, including resources for and about our Campus Security Authorities, selected Clery policies, and reporting, rights, and resource information for victims of sexual assault, domestic violence, dating violence, and stalking is available online here. If you have questions, contact the Clery Director at UWPD at (608) 286-9871 or (608) 250-9638.

Reporting

The Clery Act identifies certain staff, faculty, and students as “Campus Security Authorities” and requires that they forward statistical reports of crimes to designated offices on campus. If you are not sure if you are a Campus Security Authority, please contact the Clery Director at jaimee.gilford@wisc.edu.

Campus Security Authorities may file a report electronically through the Campus Crime Reporting Form.

UW-Madison encourages all members of the Badger community who are victims of crime, including sexual assault, domestic violence, dating violence, and stalking to file a police report immediately with the UW-Madison Police Department or the Madison Police Department. Contacting a “Campus Security Authority” is not the same as filing a report with the UW-Madison Police Department or the Madison Police Department.

To contact the University of Wisconsin-Madison Police Department, (UWPD): Dial 9-1-1 on campus or the non-emergency number; (608) 264-2677 (4-COPS) for reporting crimes that occur on campus. You may also visit the UWPD’s offices located at 1429 Monroe Street, Madison, Wisconsin 53711. UWPD is open 24 hours a day, 7 days a week.

To contact the City of Madison Police Department (MPD): Dial 9-1-1 off campus or their non-emergency number: (608) 266-4316 to report crimes that occur off campus. You may also visit MPD’s offices at 211 South Carroll Street, Madison, Wisconsin 53709. MPD is open 24 hours a day, 7 days a week.

Resources


Information about, “Rights and Resources for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking,” is available online here.

II. MANDATORY SEXUAL ASSAULT REPORTING

Chapter 36.11 (22), Wisconsin Statutes, requires “any person employed at [UW-Madison] who witnesses a sexual assault on campus or receives a report from a student enrolled in the institution that the student has been sexually assaulted shall report to the dean of students of the institution. The dean of students shall compile reports for the purpose of disseminating statistical information.”

For UW-Madison to comply with this state law, we need the cooperation of all university employees. We rely on reports from employees, students, and other members of the university community to support victims and meet our legal obligations.

The UW-Madison Dean of Students Office takes sexual assaults reports seriously and will investigate. Information may also be reported in the UW-Madison Annual Security Report (ASR).
Information about the Wisconsin statute defining sexual assault is available online here.

**Reporting**

You may file a report electronically here.

Faculty and staff who witness a sexual assault in the Clery Act geographic reportable areas or who receive a first-hand report of sexual assault of a student, are required to report the sexual assault. Employees unable to report electronically should contact David Blom, Campus Title IX Coordinator, at dblom@wisc.edu or via telephone at, (608) 890-3788.

Students who experience, witness, or receive a first-hand report of sexual assault are strongly encouraged to contact the Dean of Students office in the Division of Student Life, which has been designated to receive reports from students or about student victims/perpetrators and will assist them in any way possible.

**Resources**

1. Reporting Allegations of Sexual Assault

2. University Health Services offers helpful resources for individuals who have concerns about sexual assault, dating or domestic violence, and stalking.

3. University Health Services, EVOC/End Violence on Campus and partners have published a resource guide, "Information for Faculty, Staff, and TAs: Sexual Assault, Dating Violence, and Stalking" outlining steps to take if an individual discloses his or her experience to you.

4. Emotional, medical, legal, and campus support for victims/complainants is available online here.

**III. SEXUAL HARRASSMENT/CONSENSUAL RELATIONSHIPS INFORMATION**

U.S. Equal Employment Opportunity Commission Guidelines on Discrimination Because of Sex (29 C.F.R. Section 1604.11); Faculty Legislation, II-303 Prohibited Harassment: Definitions and Rules Governing the Conduct of UW-Madison Faculty and Academic Staff; and Faculty Legislation, II-307 Statement on Consensual Relationships.

When sexual harassment occurs, it degrades the quality of work and education at UW-Madison. Sexual harassment violates the law and university policy, and can damage personal and professional relationships, cause career or economic disadvantage, and expose the university to legal liabilities, a loss of federal research funds and other financial consequences. Each of us has a duty not to harass others and to act responsibly when confronted by the issue of sexual harassment. We have a collective responsibility to do so, thereby promoting an environment that better supports excellence in teaching, research, and service. Principal investigators, supervisors, managers, department chairs, directors, and deans have additional responsibilities: individuals in positions of authority must take reasonable measures to prevent sexual harassment and take immediate and appropriate action when they learn of allegations of sexual harassment.

The university presumes that the ability to make objective decisions is compromised if there is a romantic and/or sexual relationship between two individuals who have a reporting or evaluative relationship. There is almost always a power differential between such individuals
that not only obscures objectivity but also influences perceptions of consensuality. The individual with the power or status advantage is required by university policy to report the relationship to his or her supervisor and will be accountable for failing to make this report.

The supervisor who learns of the consensual relationship has the responsibility to make appropriate arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the university or to either party in the relationship, particularly the person in the subordinate role. Supervisors can consult with any campus resource for assistance in meeting this responsibility.

The University of Wisconsin-Madison Policy on Consensual Relationships is available online [here](#).

**Reporting and Further Information**

UW-Madison will take prompt and appropriate action whenever it learns that sexual harassment has occurred. I encourage you to report incidents or concerns to your supervisor, manager, department chair, director, or dean for action and resolution. Sexual harassment may also be reported to the Campus Title IX Coordinator in the Office of Compliance, or to campus administrative offices identified in our Sexual Harassment Information & Resources website. You may contact any resource for information and assistance.

Informational sessions regarding sexual harassment and the consensual relationships policy are available to any campus unit, upon request. Faculty and staff with Limited Appointment titles are required to attend an informational session. If you wish to schedule a sexual harassment information session for your unit, please contact Kathryn (Kate) O’Connor, Office for Equity and Diversity, (608) 263-2378. Additional questions about this campus-wide initiative may be directed to Luis A. Piñero at (608) 263-2378, Wisconsin Telecommunications Relay Service, 7-1-1.

**Resources**

The Sexual Harassment Information & Resources website includes a definition of sexual harassment, information concerning what to do about it, policies and resources.

A brochure entitled, "Sexual Harassment: Defining and Addressing a Community Concern," is available in hard copy format from the Title IX Coordinator in the Office of Compliance, the Office for Equity and Diversity, and the Office of the Provost.

The UW-Madison Policy Statement on Consensual Relationships is available online [here](#).

**IV. TITLE IX COMPLIANCE RESPONSIBILITIES**

Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq., and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. All public and private colleges and universities receiving any federal financial assistance, including UW-Madison, must comply with Title IX. Title IX’s prohibition against sex discrimination includes acts of sexual harassment, sexual misconduct, and sexual violence.

On April 4, 2011, the U.S. Department of Education, Office for Civil Rights, (OCR), issued a “Dear Colleague” letter providing additional guidance on Title IX. In accordance with this guidance, UW-Madison is responsible for taking immediate and effective steps to respond to
sexual harassment, sexual misconduct and sexual violence. Sexual violence includes physical sexual acts performed against a person’s will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

UW-Madison is required to investigate alleged violations of Title IX and determine responsibility based upon a “preponderance of the evidence” standard, a standard used in civil cases, as opposed to the “beyond a reasonable doubt” standard used in criminal cases. In those cases where UW-Madison determines that behavior prohibited by Title IX has occurred, UW-Madison must stop the behavior, prevent it from recurring and remediate the impact on the survivor/victim.

Under Title IX, all UW-Madison faculty and staff, with the exception of employees who provide or support the provision of advocacy, counseling, health, mental health, sexual assault-related services or disability-related services, are expected to report incidents of sexual harassment, sexual misconduct or sexual violence to the campus Title IX Coordinator.

The University will not disclose identifiable information about research subjects if prohibited by an NIH-issued Certificate of Confidentiality, HIPAA regulations and state laws pertaining to the privacy of health information or promises of confidentiality made to research subjects pursuant to the federally required consent form and authorization form.

Before a student reveals information that they may wish to keep confidential, employees should make every effort to ensure that the student understands: (i) the employee’s obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX coordinator or other appropriate school officials, (ii) the student’s option to request that the school maintain their confidentiality, which the school (e.g., Title IX coordinator) will consider, and (iii) the student’s ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers). Some of the UW-Madison resources are listed below.

**Title IX information and resources, including contact information for university officials responsible for Title IX compliance.**

**Reporting allegations of sexual assault, dating/domestic violence and stalking to the Dean of Students Office.**

Information and resources from the Division of University Health Services and UHS EVOC: **End Violence on Campus** addressing Sexual Assault, Dating/Domestic Violence, and Stalking.

**Information and resources regarding compliance with the Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act.**

**Information and resources available through the UW-Madison Police Department.**
Title IX inquiries should be directed to the campus Title IX Coordinator, the Special Assistant to the Provost/Complaint Investigator in the Office of Compliance, or to the Assistant Dean of Students, Director of Student Conduct and Community Standards in the Office of the Dean of Students, Division of Student Life.

V. WISCONSIN EXECUTIVE ORDER #54

Executive Order #54 (EO 54) requires all University of Wisconsin System employees (other than those already obligated to report pursuant to Chapter 48 of the Wisconsin statutes) to report suspected incidents or threats of child abuse or neglect and has the force of law. Volunteers and contractors who are expected to have regular contact with children while performing services for UW must comply with the same reporting procedures as UW employees.

Reporting

A report of child abuse or neglect must be made immediately if, in the course of employment, the employee observes an incident or threat of child abuse or neglect, or learns of an incident or threat of child abuse or neglect, and the employee has reasonable cause to believe that child abuse or neglect has occurred or will occur. The report must be made to the UW-Madison Police Department (608) 264-2677, other local law enforcement, or the local child protective services agency (see contact information under Resources, below).

Privacy statutes affect the ability to report to law enforcement or child protective services in some limited circumstances. If a UW employee learns of possible child abuse or neglect from the educational records of a matriculated student, the Family Educational Rights and Privacy Act (FERPA) applies. FERPA does permit reporting if a child is presently in danger. If a UW employee learns about possible child abuse or neglect from a medical record or in the context of a patient’s receipt of health care services, the Health Insurance Portability and Accountability Act (HIPAA) and Wisconsin medical records laws must be followed. If you have questions, please contact the Office of Legal Affairs, (608) 263-7400.

In addition to the external report to law enforcement or child protective services, if the incident or threat of child abuse or neglect involves an allegation against a UW employee or agent (e.g. student, volunteer, etc.), or the incident or threat of child abuse or neglect occurred on the UW campus or during a UW-Madison sponsored activity, the reporter must immediately report the matter internally to the university. During business hours, an internal report should be made to the Office for Equity and Diversity, (608) 263-2378. Outside of normal business hours, the internal report should be made to the UW-Madison Police Department (608) 264-2677.

A UW employee who is a mandatory reporter by profession under Wis. Stat. § 48.981(2) (e.g., health practitioner, social worker, law enforcement officer, child care provider) must continue to comply with the state mandatory reporter laws.

Resources

A brochure for UW-Madison employees, outlining reporting obligations, listing contact information, and describing what abuse or neglect must be reported, is available online here.
The University of Wisconsin-Madison, Policy on Mandatory Reporting of Child Abuse and Neglect is available online here.

Information about, Mandatory Reporting Requirements of Child Abuse and Neglect is available online here.

Information about Child Abuse and Neglect resources is available online here.

An online training for mandatory reporters has been created to provide focused education about their duty to report and recognizing the signs of child abuse and neglect. A link to this online training can be found here.

Additional training regarding these obligations can be requested by contacting Kathryn (Kate) O’Connor in the Office for Equity and Diversity at (608) 263-2378, WTRS: 7-1-1.

**Emergency Phone Number:** 9-1-1

**Non-Emergency Phone Numbers**

- University of Wisconsin–Madison Police Department: (608) 264-COPS or (608) 264-2677
- Dane County Child Protective Services: (608) 261-KIDS or (608) 261-5437
- Madison Police Department: (608) 266-4275
- Wisconsin Telecommunications Relay System (WTRS): To connect to WTRS, dial 7-1-1 from any phone in Wisconsin, or the appropriate WTRS toll-free number found here.