

# A Guide to Creating and Maintaining a Safe Learning and Work Environment at UW-Madison: Responsibilities, Resources and Reporting Requirements- Fall 2018

All faculty and staff members at the University of Wisconsin-Madison share a responsibility to create a safe learning and work environment and a positive campus climate. This happens when we educate ourselves on our federal and state safety and discrimination obligations and protections, how to meet our reporting responsibilities, and the appropriate campus resources to address safety concerns and support those who have experienced unsafe or discriminatory actions.

This Guide provides you with useful information about how to report and respond to acts of **criminal behavior** including sexual assault, sexual violence, and child abuse and neglect; as well as **non-criminal behavior** including discrimination based on a protected class, sexual harassment, and consensual relationships between employees with students or other employees. Required employee trainings, as well as other relevant campus and community resources, are included.

## Criminal Acts

Have you observed or received a report of an incident that might qualify as a criminal act?

UW-Madison encourages all members of the Badger community who are victims of a crime of any kind to file a police report immediately with the UW-Madison Police Department or the Madison Police Department.

Additionally, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, also known as the [Clery Act](#), requires specific crimes that occur in certain locations to be reported to the campus Clery Director and published in an [Annual Security Report and Annual Fire Safety Report](#).

Clery crimes include [General Crimes, Sex Offenses, Domestic Violence, Dating Violence, Stalking, and Hate Crimes](#). They are reported when they occur in campus locations that are defined as [Clery Act geographic reportable areas](#).

Under the Clery Act, certain staff, faculty, and student employees, including any employee who travels with students, have mandated reporting obligations. These individuals, called "[Campus Security Authorities](#)" (CSAs),

## IMPORTANT CONSIDERATIONS FOR ALL EMPLOYEES

In all cases, if you witness or experience conduct that threatens your safety or that of any member of the campus community, call 911.

UW-Madison encourages anyone in the Badger community who is a victim of a crime to file a police report with the [UW-Madison Police Department](#) or with the [Madison Police Department](#).

UWPD publishes a [Daily Crime Log](#) and an [Annual Security and Fire Safety Report](#).

There are mandated reporting requirements for employees designated as Campus Security Authorities (CSA) under the [Clery Act](#).

[Find out if you are a CSA](#) with these reporting responsibilities.

**are required** to forward statistical reports of crimes to designated offices on campus. CSA reports are not required to include names of people involved in a crime. Clery crime reports are made through the online [Campus Incident Reporting Form](#). If you are unsure if you are a CSA, please contact Clery Program Director Jaimee Gilford.

#### CSA Training

All CSAs must complete [annual training](#). [Supplemental training](#) is required if you are traveling with students.

#### CSA Resources and More Information

More information about UW-Madison's Clery program, including resources for and about our Campus Security Authorities (CSA), selected Clery policies; and reporting options, rights, and [resource information for victims of sexual assault, domestic violence, dating violence, and stalking](#) is available on the [UWPD website](#).

Contact Clery Director Jaimee Gilford at (608) 286-9871 or (608) 250-9638 [jaimee.gilford@wisc.edu](mailto:jaimee.gilford@wisc.edu)

Did the criminal act involve a suspected sexual assault?

All UW-Madison employees who receive a first-hand report of a [sexual assault from an enrolled UW-Madison student](#) **must report** the assault to the Dean of Students.

Sexual assaults are reported through the [Campus Incident Reporting Form](#). If unable to complete the electronic form, reporters should contact Lauren Hasselbacher, the Title IX Coordinator at [titleIX\\_coordinator@wisc.edu](mailto:titleIX_coordinator@wisc.edu) or [lauren.hasselbacher@wisc.edu](mailto:lauren.hasselbacher@wisc.edu) or (608) 890-3788 or contact the [UW-Madison Dean of Students office](#) in the Division of Student Life.

#### CSA Resources and Information

- [Reporting Allegations of Sexual Assault University Health Services resources](#) for individuals who have concerns about sexual assault, dating or domestic violence, and stalking
- [UHS Victim Services](#) provides confidential support to student victim/survivors of sexual assault, sexual harassment, dating violence, domestic violence, and/or stalking. [Information for Faculty, Staff, and TAs: Sexual Assault, Dating Violence, and Stalking](#) – a resource guide outlining steps to take if a student discloses his or her experience to you
- [Emotional, medical, legal, and campus support for student victims/complainants](#)

## RESPONDING TO CRIMES INCLUDING SEXUAL ASSAULT

All UW -Madison employees who receive a report of a sexual assault *by an enrolled student* are required to notify the Dean of Students Office per [Chapter 36.11 \(22\), Wisconsin Statutes](#).

Your first concern when receiving a report of sexual harassment or sexual violence is [supporting the individual](#) sharing their experience.

You are not expected to and should NOT investigate or ask detailed questions about the incident to complete the [Campus Incident Reporting Form](#). Simply provide whatever information was given to you.

Information contained in the reporting form does NOT lead to a police investigation.

## RESPONDING TO CHILD ABUSE OR NEGLECT

Did the sexual assault involve a minor child?

All University of Wisconsin System employees are considered [mandated reporters under the Governor's Executive Order 54](#) and are required to report child abuse or neglect immediately if the employee, in the course of their employment:

- 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.

Volunteers and contractors who are expected to have regular contact with children while performing services for UW-Madison must also comply with the same reporting procedures as UW-Madison employees.

*Reports must be made to the UW-Madison Police Department (608) 264-2677, other local law enforcement, or the local child protective services agency. In addition, if the incident or threat of child abuse or neglect involves an allegation against a UW-Madison 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 **after** reporting to law enforcement or child protective services.*

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.

### Mandatory Reporter Training

An [online training for mandatory reporters under EO54](#) provides focused education about how to recognize the signs of child abuse and neglect and the duty to report. As all employees are mandatory reporters, you are encouraged to complete the training to understand your reporting obligations under EO54.

For additional training regarding these obligations, contact Kathryn (Kate) O'Connor in the Office for Equity and Diversity at (608) 263-2378, WTRS: 711.

### Mandatory Reporter Resources and Information

- [Mandatory Child Abuse Reporting Guidelines for UW-Madison Employees](#)
- [The University of Wisconsin-Madison Policy on Mandatory Reporting of Child Abuse and Neglect](#)
- [Child Abuse and Neglect Resources](#) (including brochures in English, Chinese, Hmong, Spanish and Tibetan)
- Emergency Phone Number: 911

In cases of suspected child abuse or neglect, all UW Madison employees have reporting obligations to one or more agencies under [Executive Order 54](#).

Learn more how to recognize the signs of child abuse and neglect and your reporting obligations through an [online EO 54 training](#)

- 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): Dial 711 from any phone in Wisconsin, or the appropriate WTRS toll-free number.

## Acts of Discrimination

Discrimination, including sexual harassment and sexual violence, degrades the quality of work and education at UW-Madison. These behaviors violate the law and university policy, damage personal and professional relationships, cause career or economic disadvantage, as well as expose the university to legal liabilities, a loss of federal research funds and other financial consequences.

UW-Madison is committed to providing equal opportunity and equal access to all its members, and to complying with all applicable federal and state laws and regulations and University of Wisconsin System and university non-discrimination policies and procedures. This includes, but is not limited to:

- Title VI and Title VII of the Civil Rights Act (1964) that prohibits discrimination on the basis of race, color, religion, sex, or national origin,” and s. 36.12, Wisconsin Statutes states that, *“no student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions because of the student’s race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status”*;
- Title IX of the Education Amendments of 1972 that prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 that prohibit discrimination on the basis of disability; and
- Age Discrimination Act of 1975 that prohibits age-based discrimination.

### RETALIATION

No student, employee, or person taking part in university programs or activities shall be retaliated against for opposing discrimination, making a complaint of discrimination, or taking part in an investigation relating to an allegation of discrimination.

### DISCRIMINATION COMPLAINT PROCESSES

Concerns regarding discriminatory behavior may be addressed through one or more approaches. Depending on the nature of the concern, engaging an alternative resolution process may be an appropriate recourse. Employees may work locally with their supervisor or unit Human Resource representative or with campus resources such as the Office for Equity and Diversity, the Ombuds Office, or the Employee Assistance Office.

## DISCRIMINATION ACTS AND PROTECTIONS

UW-Madison does not discriminate in its educational or employment practices, programs, or activities on a variety of [protected statuses](#).

Each of us has a duty not to discriminate, harass, or commit acts of violence against others, and to act responsibly when we observe or become aware of these behaviors.

The [Office of Compliance](#) formally investigates allegations of discrimination including allegations of sexual harassment and sexual assault.

[Retaliation](#) against anyone taking part in University programs or activities for opposing discrimination, making a complaint of discrimination, or taking part in an investigation relating to an allegation of discrimination [is strictly prohibited](#).

Students alleging discriminatory actions by another student may work with the Dean of Students Office to resolve those concerns. They may also seek assistance from the Ombuds Office if a concern arises from their student employment.

Employees, students and visitors to campus may also pursue a formal complaint alleging discrimination through the [Office of Compliance](#), or the [Title IX Coordinator](#) for complaints specific to sex discrimination.

## Title IX Compliance

[Title IX of the Education Amendments of 1972](#) prohibits sex discrimination, including acts of sexual harassment and sexual violence, in any educational program or activity receiving federal financial assistance. As such, UW-Madison must comply with Title IX regulations and take immediate and effective steps to respond once it is made aware of the harassment or violence.

When learning of a Title IX violation, UW-Madison must:

- stop the behavior;
- prevent it from recurring; and
- remediate the impact on the survivor/victim

### Confidential Resources

Individuals who experience acts of sexual harassment or sexual violence can avail themselves of one of several confidential resources on campus. Confidential campus resources include UHS Survivor Services and UHS Mental Health Services for students and the Employee Assistance Office and Ombuds Office for employees the Ombuds Office also serves graduate students). These offices offer an array of support services. As a confidential resource, these offices will only report statistical information (no personally identifying information) about such a report to the Title IX Coordinator.

### Reporting Options and Obligations

Individuals who experience acts of sexual harassment or sexual violence can also chose to make a report to a designated reporting office. These offices include the Dean of Students Office (students), Office of Workforce Relations (employees), or the Title IX Coordinator. Additionally, reports can be made to any of the [Deputy Title IX Coordinators](#) on campus.

### Responsible Employee Reporting Obligations

Title IX requires the designation of certain university employees as “Responsible Employees” (RE) with specific Title IX reporting obligations.

## TITLE IX CONSIDERATIONS

A Title IX “Responsible Employee” is required to report incidents of sexual misconduct to the Title IX Coordinator.

Under UW Madison policy, these employees are:

- All Limited Appointees including the Chancellor, Provost, Vice Chancellors, Vice Provosts, Deans and Directors
- Department Chairs
- Human Resources Reps  
Academic Department Administrators
- Head and Assistant Coaches and Athletic Department Directors at all levels
- UWPD
- University Housing Managers and Supervisors, Student Supervisors, House Fellows, and Resident Managers
- Student Services Staff who have regular contact with or provide services to students and student organizations
- Title IX Coordinator and Deputy Coordinators;
- University Complaint Investigators;
- Hearing Officers, Panel Members and Disciplinary Decision Makers including those hearing appeals of sexual misconduct

[UW-Madison’s Sexual Harassment and Sexual Violence Policy](#) designates those employees who are Title IX Responsible Employees. Title IX Responsible Employees have a duty to report any information they receive that suggests a violation of this policy has occurred or is occurring to the Title IX Coordinator. They are not allowed to keep such information confidential. These employees are required to:

1. Be familiar with the definitions of sexual harassment and sexual violence;
2. Be familiar with the UW Madison policy and other related policies;
3. Be familiar with confidential and other resources on campus and in the community to which to refer a reporting individual;
4. Be familiar with the duty to report information they receive about potential acts of sexual harassment or sexual violence to the Title IX Coordinator and be prepared to explain this duty to anyone who is considering reporting such information to them.

In order to meet these obligations, Title IX Responsible Employees should complete an [annual training](#) on the subject.

#### Employee Training

UW-Madison employees are required to complete the [“Preventing Sexual Harassment and Sexual Violence”](#) training. Employee training is required every three (3) years. Completing this training meets our compliance obligations under [UW-Madison’s Sexual Harassment and Sexual Violence Policy](#).

Student employees are not required to take the [“Preventing Sexual Harassment and Sexual Violence”](#) training. [Undergraduate](#) and [graduate](#) students have their own required training on this topic.

#### Employee Resources and Information

1. Title IX contact information and resources
2. Report allegations of sexual assault, dating/domestic violence and stalking to:
  - Title IX Coordinator (anyone)
  - Office of Workforce Relations (employees)
  - Dean of Students Office (students)
3. Confidential campus resources include University Health Services, Employee Assistance Office, Ombuds Office, and the McBurney Disability Resource Center (students).
4. Sexual Harassment: Defining and Addressing a Community Concern is available electronically and in hard copy format from the Title IX Coordinator, OED, and the Office of the Provost.
5. Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act (Clery Act)
6. UW-Madison Police Department

## TITLE IX CONSIDERATIONS

[“Preventing Sexual Harassment and Sexual Violence”](#) is an online primary prevention program required of all UW-Madison employees. This training focuses on how to recognize, prevent, and respond to sexual assault and sexual violence in the workplace.

Deputy Title IX Coordinators are located in the following offices:

- Office of Compliance
- Office of Student Conduct and Community Standards
- Dean of Students Office
- UW-Madison Police Department
- Office of Workforce Relations
- Office for Equity and Diversity
- Division of Intercollegiate Athletics
- Division of University Housing



## What are my responsibilities regarding a consensual romantic relationship with a UW-Madison student or staff member?

The university presumes that the ability to make objective decisions is compromised when a consensual romantic and/or sexual relationship exists 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 and creates a conflict of interest but influences perceptions of consent.

Regent Policy 14-8 expressly **prohibits an instructor to commence a consensual relationship with a student currently under their instruction or whom the instructor reasonably believes in the future may be under the instructor's instruction**. Additionally, when a consensual relationship already exists, or when the employee is not an instructor but has supervisory, advisory, evaluative, or other authority or influence over the student, specific reporting obligations are required. There are also specific reporting obligations in consensual relationship between an employee and another employee where one employee has supervisory, advisory, evaluative, or other authority or influence over the other employee or where the employee reasonably believes the employee will have supervisory, advisory, evaluative, or other authority or influence over the other employee.

In general, faculty and academic staff in an instructional role are strongly discouraged from engaging in such relationships with undergraduate students.

### Reporting on Consensual Relationships

The individual with the power or status advantage is required by university policy to report the relationship to his or her supervisor and is accountable for failing to make this report. The supervisor 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. Supervisors can consult with various campus resources for assistance in meeting this responsibility.

### Training on Consensual Relationships

Training on consensual relationships is included in the "[Preventing Sexual Harassment and Sexual Violence](#)" training required of all employees. Requests for additional, in-person presentations may be directed to the [Office for Equity and Diversity](#) or the [Office of Compliance](#).

### Resources on Consensual Relationships

[University of Wisconsin System Board of Regents Policy 14-8 on Consensual Relationships](#)

## CONSENSUAL RELATIONSHIPS

Instructors are prohibited from commencing a consensual relationship with a student currently under their instruction or whom the instructor reasonably believes in the future may be under the instructor's instruction.

Employees entering into a [consensual relationship](#) where a conflict of interest or power differential exists are required to report the relationship to their supervisor.

Supervisors are responsible for making appropriate arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the university or to either party in the relationship.

Supervisors can consult with various campus resources for assistance in meeting this responsibility.