TITLE IX: DEPARTMENT CHAIR

Title IX Overview and Responsibilities
Purpose of this Training:

• Familiarize you with Title IX and UWM policies on sexual misconduct

• Explain your reporting obligations under Title IX

• How you can help manage an active investigation

• Addressing Common Misconceptions
Visit the Title IX Website!

www.uwm.edu/titleix

- reporting options
- reporting obligations
- Support links
- Resources
Rape victim
TV newswoman publicizes attack to aid search

Parents of alleged rape victim sue University of Alabama over her suicide

Men Accused of Sexual Abuse Sue for Title IX Gender Discrimination

#METOO
Kenneth Starr steps down as chancellor at Baylor just days after being fired as president by school board in wake of college's mishandling of sex assault cases

Colorado U. pays $825K settlement to smear victim, moves to fire professor

Baylor sexual assault victim files Title IX suit against school
Title IX

Title IX of the Education Amendments of 1972: protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance.

Title IX states that:

“No 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...”

UWM Policies:
S-47: Discriminatory Conduct and Consensual Relationships Policy
S-78: Sexual Violence and Sexual Harassment Policy
Sexual Misconduct Prohibited Under Title IX and UWM Policies

- **Dating/Domestic Violence**: violence within dating/former dating relationship
- **Sexual Assault**: unwanted touching of private areas
- **Sexual Harassment**: unwanted gender-based comments/behavior
- **Sexual Violence**: violent behavior that is sexually motivated
- **Stalking**: continual unwanted contact
- **Consensual Relationships Are Allowed**
Consensual Relationships

Policy

- UWM’s S-47 policy incorporates Board policy on consensual relationships. Most consensual relationships are not prohibited, but does discourage them in cases where a power differential exists.

1) May not commence consensual relationship with a student under their instruction or whom the instructor reasonably believes in the future may be under the instructor’s instruction.
   - If already begun, must mitigate by reporting and eliminating any actual or potential conflicts

2) Individual with higher authority must report the relationship

3) Both parties must participate in identifying actual or potential conflicts

3) Consult with EDS and/or HR

4) Both parties should get a copy of the plan to address actual or potential conflicts

Management

- To be managed at supervisory level

- Remove supervisory authority from the individual in the higher position over the individual in the lower position as possible (E.g.):
  - Grading
  - Scheduling
  - Complaint response
  - Secure independent funding

- Keep records of your efforts

- Do NOT need to report to Title IX, but:
  - Title IX can assist if there are questions on how to navigate this
  - Title IX will want records if there is a complaint
Examples of Behavior Prohibited by Title IX and UWM Policies

- Requests for sexual favors in exchange for better work assignments, job duties, grades
- Unwanted propositions for sexual activity
- Intrusive touching (pats, hugs, squeezes, or pinches), whistling, leering, brushing against the body
- Suggestive, insulting, or obscene comments or gestures of a sexual nature
- Unwanted sexual comments about a person’s body, or derogatory comments about a person’s sex, gender identity or expression, or sexual orientation
- Subjecting a person to pornographic or sexually-explicit images without the person’s agreement
Title IX Resources: Confidential Resources

**Students**
- UWM Victim/Survivor Advocate
- Norris Health Center
- University Counseling Services

**Employees**
- Employee Assistance Program

**Everyone**
- Aurora Healing and Advocacy Services
- The Sojourner Family Peace Center
Title IX Resources: Investigations

Title IX Deputies

Athletics

Associate Director Athletics
Kathleen Litza
Office: Pavilion 159
Phone: (414) 229-3739
Email: kclitzau@uwm.edu

Dean of Students

Interim Dean of Students
Rebecca Freer
Office: Union 345 F
Phone: (414) 229-4632
Email: bfreer@uwm.edu

University Housing

Director
Arcetta Knautz
Office: Sandburg Commons C134A
Phone: (414) 229-6589
Email: knautz@uwm.edu

Office of Equity/Diversity Services

Director
Jamie Cimpl-Wiener
Office: Mitchell Hall 359
Phone: (414) 229-5923
Email: cimplwie@uwm.edu

Student Conduct Investigator

Nelida Cortes
Office: Sandburg Hall C126
Phone: (414) 229-4059
Email: cortes@uwm.edu

Interim Associate Dean of Students
Barbara Wilson
Office: Union 345 A
Phone: (414) 229-4632
Email: wilsonba@uwm.edu

Study Abroad

Director of Study Abroad
Mark Eckman
Office: Garland 138
Phone: (414) 229-4846
Email: eckmanm@uwm.edu

UW Waukesha and UW Washington County Campuses

Executive Director, Office of Equity, Diversity, and Inclusion
Kelly Thomas
Office: 432 N. Lake St, Madison, WI
Phone: (608) 890-3472
Email: Kelly.thomas@uwex.edu

Director of Conduct and Compliance
Kristine McCaslin
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Phone: (715) 261-6222
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UW Housing

Director
Arcetta Knautz
Office: Sandburg Commons C134A
Phone: (414) 229-6589
Email: knautz@uwm.edu
Title IX Resources: Materials

- Title IX Brochure
- Title IX Website (uwm.edu/titleix)
- Email communications: preventative and communicative
- Title IX Employee reporting poster
- Responsible Employee signs/Email signature
Title IX Resources: Title IX Working Group

- Title IX investigators,
- Police,
- Norris Chief Health Officer,
- Victim/Survivor Advocate,
- Legal Counsel

- Athletics Director,
- Study Abroad,
- Women’s Resource Center,
- Dean of Students,
- Student Government Rep,
- Title IX Coordinator
How Reporting can help:

After you contact one of our offices, we can assist you by:

- Talking you through interpersonal problem-solving
- Talking you through Reporting Options
- Investigating Complaints
- Connecting with support services
- Sanctioning an offender
Levels of Reporting

Confidential Report
- Reported only to a Confidential Resource (Norris or the Victim Advocate)
- The University will not respond to this complaint, and will not receive notice of it, unless a victim comes forward themselves

Anonymous Report
- Disclose that they are the victim of sexual violence without identifying themselves or providing sufficient information to determine the reporting party’s identity or enabling specific action.
- Reporting a non-mandatory issue to a supervisor to address, or

Report
- Working with EDS/DOS/Title IX to arrive at a resolution outside of formal sanctioning
- The University may have to go forward with a formal report based on the severity of the allegations
- May limit the university's ability to respond to a report
- Providing the University with enough information to act on your complaint fully, and potentially provide sanctions to the offending party
Informal Reports

Looks Like:
■ Person making the complaint does not want an investigation
■ Person requests that their supervisor “handle it”
■ “Lower-level” behavior
■ Not most cases, but it is possible to manage this way

Title IX Response:
■ Supervisor coordinates the response with assistance/guidance from Title IX or Deputy
■ No punitive response
■ No investigation
■ No assessment of blame
■ Supervisor shares results/outcome with Title IX for record-keeping
Formal Reports

Looks Like:

■ Alleged victim wants disciplinary action for the accused party,
■ Alleged victim wants an investigation, or
■ Regardless of the alleged victim’s wishes, conduct is so dangerous that an investigation must begin to protect the campus community

Title IX Response

■ Formal Title IX investigation
■ Confidential: you will only be looped in when necessary to support the investigation, interim measures, or implement a decision
■ Supervisor will internally manage issues as requested with Title IX support
Reporting Obligations: Responsible Employees

A “Responsible Employee” is any employee (other than a “confidential resource”):

1. Who has the **authority** to take action to redress sexual misconduct;
2. 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; or
3. Who a **student could reasonably believe** has this authority or duty.

You are a **Responsible Employee** if you are named in the list to the right, OR you otherwise meet the expectations above.
Reporting Obligations

All Employees: Mandatory Reporting
- Witness Sexual Assault/Receive a Report of A Sexual Assault (Wis. Stat. 36.11(22))
  - Report to: Title IX
  - Report: Statistical Information if known (will receive guidance from reporting office)
- Child Abuse/Neglect (EO 54)
  - Report to: Police

Responsible Employees: Mandatory Reporting
- Sexual Assault
- Sexual Harassment
- Stalking
- Dating Violence
- Domestic Violence
  - Report to: Title IX
  - Report: Known information. You cannot withhold known information (such as reporting party name). Do not investigate!

All Employees: Permissive Reporting
- Sexual Assault
- Sexual Harassment
- Stalking
- Dating Violence
- Domestic Violence
- Non-mandatory Sexual Misconduct Reports
  - Report to: Title IX
  - Report: to level of comfort
When is something “enough” to “count” as sexual misconduct?

You are responsible to report it. Investigators will decide whether to charge it.

Investigators consider the totality of the circumstances, and consider whether they create a hostile environment:
- Sufficiently SEVERE, or
- PERSISTENT and PERVERSIVE, and
- OBJECTIVELY OFFENSIVE.

This is assessed both from a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint.

Even if we do not launch an investigation, we can address the underlying behavior.
What should I do if I experience/witness/learn of sexual misconduct at work?

Experience it yourself

- Are you comfortable asking the person to stop?
- Decide whether you would like to report to the University. You may want to connect with a confidential advocate to help you decide (Confidential Victim Advocate).
- Decide whether you want to report to the police.

Witness/learn of it at work

- Do not promise confidentiality
- As Responsible Employees, you are MANDATED to report what you know to the Title IX Office
Do Not Promise Confidentiality

- UWM employees who receive information about sexual misconduct cannot promise confidentiality
  - “I think you may be about to share something personal with me regarding sexual misconduct or stalking. I want to support you in any way that I can, but I need you to know that I am required by law and by UWM policy to report anything you tell me to the Title IX Office. If you want to speak with someone who does not have to report what you say, I can help connect you with a Confidential Resource, like the UWM Victim Advocate or Norris Counseling services.”
After disclosing your reporting responsibilities:

**Someone continues sharing after your disclosure:**

- Listen and support them to the extent you **feel comfortable**.
- Make a report to the **Title IX office**.
- Suggest connecting with a **Confidential Resource**.

**Someone requests you do not make a formal report:**

- Ensure the person understands you do not have a choice of whether to report or not.
- Listen and support them to the extent you **feel comfortable**.
- Make a report to the **Title IX office**.
- Suggest connecting with a **Confidential Resource**.

**You’re not sure whether the conduct is sexual misconduct or sexual harassment:**

- Listen and support them to the extent you **feel comfortable**.
- Make a report to the **Title IX office**.
- Suggest connecting with a **Confidential Resource**.
Where Do I Report?

To make a Title IX report, contact the Title IX Coordinator at (414) 229-7013 or via email at titleix@uwm.edu. You can also report directly to any Title IX Deputy who can help your complaint arrive in the proper location.

If you would like to limit the number of times you need to repeat your complaint, you can also connect directly with the office that will be assigned to investigate your case. The flowchart below is intended to direct your complaint to the correct office, but adjustments may be made as necessary.

- What is the University’s relationship with the Alleged (the person you’re reporting)?
  - The Alleged is an Employee/affiliated individual/visitor
  - The Alleged is not affiliated with UWM, or I don’t know their affiliation
  - The Alleged is a UWM Student

- What is your reason for reporting?
  - I am concerned about a UWM employee
  - I am concerned about a UWM student

Report to the Office of Equity and Diversity Services (EDS). Call (414-229-5923), or stop by their office in Mitchell Hall, Room 359.

Report through the Dean of Students (DoS). Complete a case summary on Report It. The Dean of Students investigator assigned to the case will follow up with you as appropriate.
Title IX Reporting Procedure

**Experience**
Alleged victim/survivor tells a Responsible Employee they are a victim/survivor of sexual violence

**Report**
Report to Title IX
Titleix@uwm.edu, 414-229-7012; Uwm.edu/reportit

**Investigate/Sanction**
Investigators/Title IX guide next steps in collaboration with supervisors as necessary

Now what?
Supporting a Title IX Investigation

A Supervisor’s role in assisting Title IX:

• REPORT
• Internally manage issues identified by Title IX as requested
• Participate in interviews as required
• Alert Title IX if additional claims arise
Supporting an Investigation: Internally Managing Issues (~60 days)

- While an investigation is ongoing, or after an investigation is complete, Title IX may assign “interim measures” to provide safety resources: e.g.:
  - Class schedule changes
  - No contact orders
  - Room changes

- Title IX will tell you what needs to be done (end result), Supervisor needs to ensure it is accomplished
  - Title IX can assist in brainstorming creative solutions if the issue is difficult to manage
  - No Title IX funding for changes: departments must absorb any costs incurred
  - Supervisor should lead efforts (not Title IX) to ensure changes are made

- Title IX will not tell you all case facts, just what you need to know to assist
  - There is a complaint
  - As a result of the complaint, I need the following to occur: (e.g: move, no contact, etc.)
Supporting an Investigation: Alert Title
IX if Additional Claims Arise

- Report!
- If you notice:
  - A violation of known interim measures
    - Contact with alleged victim after a no contact order
    - Failing to adhere to room changes/etc
  - A new complaint stemming from the investigation
Common Misconception #1

Misconception: “I don’t need to report to Title IX”

- Wasn’t reported to a Responsible Employee originally, even though I am a Responsible Employee
- This isn’t actually sexual misconduct
- This is an internal matter

Reality: If you are Responsible Employee, you must report allegations to the Title IX Coordinator. We will determine if we have an obligation to investigate/respond.
Common Misconception #2

- Misconception: Title IX Coordinator will fund/manage day-to-day issues arising from a complaint

- Truth: Title IX Coordinator will identify the end result (no contact order, etc) but the Supervisor is responsible for facilitating (selecting new office location, making that space workable, funding the move, etc).
Common Misconception #3

- Misconception: Supervisors need to investigate or get reports in writing

- Truth: There is a difference between passing on the report and becoming involved in the report. DO NOT investigate. DO NOT make additional requirements on the victim before passing on the report to Title IX.
Title IX Scenario # 1

- You are the dean of a department where a faculty member is the supervisor for a group of students studying abroad in South Africa.
- The group consists of 9 women and 7 men.
- 3 male students repeatedly refer to the female students as “darling, sweetie, and sweetheart.”
- One of the female students asked that the women be called by their names and was told by one of the supervising male students that he had no use for her if she “couldn’t act right.”
- THEN: the 3 males students begin to refer to the female students as “bitches, sluts, and whores.”
- The women report the matter to the professor who does not take action, then the women report to you as dean of the department.
- 8 women and 1 male drop out of the program early.
Title IX Scenario # 2

- You supervise a faculty member who is responsible for hiring students to work in a lab.
- The faculty member supervisor seems to only hire well-built, athletic men. She requires these employees to wear tightly-fitting T-shirts as part of their lab work uniform.
- The faculty member regularly sends a group text message to her employees, asking them to send her a picture of their “pecs of the week.”
- The male employees think the supervisor is a riot, and none of them has complained about her behavior.
- However, a female employee finds the supervisor’s behavior inappropriate and is uncomfortable with her actions. She reports to you.
Title IX Scenario # 3

- A faculty member is assisting a student in their office during office hours. Another student walks by, and the first student becomes very emotional and begins to cry.

- The faculty member asks the student: “Are you OK?”

- The student whispers: “That’s the person who raped me last semester.”

- The faculty member asks you what to do, and you make a report to the Title IX Office

- The Title IX office tells you the students have a no contact order, and the students’ schedules are going to be changed going forward

- The accused student sets up a meeting with you to discuss an unrelated matter
Employees are Required to Complete Online Training

New hires, and every 3 years after, all employees are required to complete Title IX online training.

This is in addition to student training (new students & transfers, and every 3 years after)
Summary

- You are in a position of authority that comes with responsibilities to protect your employees from sexual misconduct.

- Responsible Employees cannot keep reports of sexual misconduct confidential. Report!

- You need to internally manage issues as requested/guided by Title IX.
Don’t remember?

Uwm.edu/titleix

Visit the UWM Title IX Website!

- reporting options
- reporting obligations
- Support links
- Resources
QUESTIONS?

Please ask questions you’d like answered or discussed as a group.