

# Rights for Sexual Violence Victims

(Sexual Assault, Domestic Violence, Dating Violence, Sexual Harassment, and/or Stalking)

## ***Counseling, Health, Mental Health, Victim Advocacy, Legal Assistance, and Related Services***

Assistance for victims of sexual violence are available at no cost from the following campus offices: Title IX Coordinator, Health Promotion and Wellness' Survivor Support and Victim Advocacy, UWM Police, Dean of Students Office, Equity/Diversity Services, and University Housing.

Medical and Mental Health Services are available on campus at the Norris Health Center and University Counseling (414-229-4716, [uwm.edu/norris](http://uwm.edu/norris)).

UWM Victim advocacy services are available through the Norris Health Center Health Promotion and Wellness Unit (414-229-4582). These services include the provision of clear and timely information about reporting options, accompanying victims to meetings with UWM investigators and/or police, addressing safety issues on and off campus, providing emotional support, and other support services regardless whether a victim reports a sexual violence incident to the police or university officials.

Community partners that provide victim advocacy services 24/7 include Aurora Healing and Advocacy Services at 414-219-5555 and Sojourner Family Peace Center at 414-276-1911.

For assistance with legal issues, students may contact the Milwaukee Bar Association Lawyer Referral and Information Service at 414-274-6768 ([http://www.findmilwaukeeattorneys.org/lawyer\\_referral/](http://www.findmilwaukeeattorneys.org/lawyer_referral/)).

For assistance with visa or immigration issues, students may contact the Center for International Education (CIE) at 414-229-4846. Depending on the nature of the issue, CIE may refer students to external resources.

## ***Options for Protective Measures/Assistance***

Students who are the victim of sexual violence may receive assistance, upon request and regardless whether the victim chooses to report the crime to the police, from the Title IX Coordinator. This assistance could include changes to academic, living, transportation, financial aid, and campus working situations if such accommodations are requested and reasonably available.

Any of these changes will be kept confidential to the extent that maintaining such confidentiality will not impair the University's ability to provide these accommodations. Confidentiality is protected through limited disclosure to only those individuals who need to know about them in order to implement or enforce them, and records about them are maintained confidentially consistent with the University's obligation to maintain the confidentiality of student education records.

## ***"No Contact" and Restraining Orders***

Students may request a "no contact" order from the Dean of Students office. This would apply only to students who have been

alleged to have engaged in nonacademic misconduct and prohibits them from contacting members of the UWM community (students, faculty, staff) specified in the order. Violations of such orders may subject them to additional nonacademic misconduct charges.

Students may also petition for a restraining order with Milwaukee County

([http://www.county.milwaukee.gov/ImageLibrary/Public/MilwaukeeCounty/DistrictAttorney/Restraining\\_Order.pdf](http://www.county.milwaukee.gov/ImageLibrary/Public/MilwaukeeCounty/DistrictAttorney/Restraining_Order.pdf)). If the court grants a restraining order, it would be illegal for the individual to contact you. UWM's Victim Advocate can help you obtain a no contact order or a restraining order and can answer your questions about either process. The UWM Police can also provide you with information about restraining orders.

## ***Options to Report a Sexual Violence Incident or Declining to Report***

Students may report an incident of sexual violence anonymously or confidentially. Reporting *anonymously* means that you inform someone that you have been the victim of sexual violence without identifying yourself or providing sufficient information to determine one's identity. Reporting anonymously may permit a person to receive information about support and resources available to you. Please note, however, that UWM may be limited in its ability to investigate or respond to the incident if it does not have sufficient information from which to follow up on such a report.

Reporting *confidentially* means that you inform a person who has an obligation to keep your report of sexual violence confidential, and that report will not be shared with others. Please note that with a confidential report, the person to whom you report may disclose the fact that they received a report of sexual violence without any identifying information for the purposes of statistical reporting.

Confidential reporting options are available at the Norris Health Center, University Counseling (414-229-4716) and Health Promotion and Wellness' Survivor Support Services (Victim Advocate) (414-229-4582). Counseling services and the Victim Advocacy Services are located on the 5<sup>th</sup> floor of the Northwest Quadrant.

Any of the offices listed below can assist students in non-confidential reporting (including anonymously):

- Title IX Coordinator, 414-229-7012
- University Police, 414-229-4627
- Dean of Students Office, 414-229-4632
- Office of Equity/Diversity Services, 414-229-5923
- University Housing, 414-229-6123

If a report is filed, the University will investigate the complaint promptly and equitably using the process described in UWM's Discriminatory Conduct Policy ([https://www4.uwm.edu/secu/docs/other/S\\_47\\_Discriminatory\\_Conduct\\_Policy.pdf](https://www4.uwm.edu/secu/docs/other/S_47_Discriminatory_Conduct_Policy.pdf)) or the student disciplinary process if the alleged perpetrator is a student.

If the incident occurred off campus, a student may report the incident to their local police department. The UWM Police Department may assist with such reporting upon request and/or identifying the appropriate police department.

Students are not required to report any incident of sexual violence to the police and will not be required to do so by any UWM office to whom a sexual violence incident is reported.

Students may also report an incident but request that the University not investigate it or pursue disciplinary action against the alleged perpetrator. Students may also request that the University not disclose their name to the alleged perpetrator.

Students may also file a complaint with the U.S. Department of Justice and/or U.S. Department of Education Office for Civil Rights.

*It is against Federal and State law and UW-Milwaukee policy to discriminate or retaliate against a person who, in good faith, files a complaint, participates in an investigation, or who opposes discrimination.*

### **Preserving Evidence**

Preserving evidence related to sexual violence may be important to an investigation and potential criminal prosecution. While it is not mandatory to report sexual violence to the police or to pursue criminal prosecution of the perpetrator, once evidence of sexual violence has been destroyed, it may impact any criminal proceeding, campus disciplinary proceeding, or the ability to obtain a protective order.

In order to preserve such physical evidence, the Sexual Assault Treatment Center (<http://www.aurorahealthcare.org/services/sexual-assault/satc.asp>) recommends the following if you have been sexually assaulted:

- Don't blame yourself
- Do not rinse your mouth, smoke, brush your teeth or have anything to eat or drink until you have been seen by one of our experts
- Do not wipe, bathe, wash, shower or douche until you have been seen by one of our experts
- If you think you may have been drugged, please save your urine in a clean container and bring with you to the treatment center as soon as possible (drugs may be found in urine)
- Get to a safe place as soon as possible
- Save all of your clothing you were wearing at the time of the assault
- Save any sheets, blankets or towels you may have used or came in contact with during or after the assault
- Consider reporting the assault to your local police department

Other evidence that should be preserved includes emails, text messages, chat records, other social networking records, photographs, and telephone records.

### **Student disciplinary process**

UW-Milwaukee enforces state regulations known as "[Chapter UWS 17](#)" for campus student disciplinary proceedings of sexual assault, dating violence, domestic violence, and stalking. See [Nonacademic Misconduct](#) for more information.

- UW-Milwaukee uses a preponderance of the evidence (i.e. more likely than not) standard in student misconduct proceedings involving sexual assault, sexual harassment, dating/domestic violence, and/or stalking.
- Sexual assault, sexual harassment, dating/domestic violence, and stalking cases require a prompt, fair, and impartial

investigation and resolution once notice of an incident is received.

- Investigating officers and hearing committee members receive annual training on sexual assault, sexual harassment, dating/domestic violence, and stalking cases.
- Investigations and resolutions of these cases shall proceed regardless of any criminal investigation or proceeding. An investigation may be temporarily postponed while law enforcement gathers evidence, then should be promptly resumed and completed. Any postponements or extensions will be communicated to the complainant and respondent.
- The complainant and the respondent have an equal opportunity to participate in the investigation and any subsequent hearing.
- Information about the respondent's or complainant's past disciplinary history, if any, will not be shared with the opposite party unless permitted by the Family Educational Rights and Privacy Act (FERPA).
- Formal hearings for sexual assault, sexual harassment, dating/domestic violence, and stalking shall only be conducted via hearing committee.
- The respondent shall have the opportunity to hear and respond to the information presented against them and be afforded the opportunity to present questions to adverse witnesses, including the complainant.
- Hearing procedures may be modified to allow the complainant to provide information in a manner that prevents a hostile environment. Such modifications may include allowing requests to have the complainant and respondent pose questions to each other through their respective advisors or the hearing committee, to offer testimony via phone or Skype, and/or to put up a room partition between the parties.
- **The complainant and respondent will be notified simultaneously and in writing of the outcome of any investigation, hearing, and appeal.**
- At no time can a complainant be required to keep the outcome confidential or be prohibited from discussing the case.
- The complainant shall have the same appeal rights as the respondent.
- Resolution can only be offered through settlement after the investigating officer has offered to consult with the complainant.
- Retaliation against a complainant for exercising their rights in good faith under these procedures is prohibited and may be subject to disciplinary action.
- The complainant and respondent have an equal opportunity to have others present throughout disciplinary proceedings, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- In accordance with the procedures of Chapter 17, the disciplinary sanctions that may be imposed for nonacademic misconduct are any of the following: a written reprimand; denial of specified university privileges; payment of restitution; educational or service, including community service; disciplinary probation; imposition of reasonable terms and conditions on continued student status; removal from a course in progress; enrollment restrictions on a course or program; suspension; and/or expulsion. One or more of these sanctions may be imposed.

*"Complainant" is the person alleging the misconduct. "Respondent" is the student accused of misconduct*

---