

STUDENT SEXUAL MISCONDUCT GUIDE

Defining & Addressing a Community Concern

University of Wisconsin
Eau Claire

Affirmative Action

| SEXUAL MISCONDUCT GUIDE – FOR STUDENTS |

UW-Eau Claire does not tolerate harassment of any member of our community. When sexual harassment occurs, it degrades the quality of work and education at UW-Eau Claire. It erodes the dignity and productivity of the individuals involved and diminishes the quality, effectiveness and stature of the institution.

Sexual harassment not only violates the law and university policy but also can damage personal and professional relationships; cause career or academic disadvantages; and exposes the university to legal liabilities, a loss of federal research funds and other financial consequences. For all these reasons, it is in our best interest to educate all community members and take other steps necessary to prevent sexual harassment. We have a collective responsibility to do so, thereby promoting a climate that supports excellence in teaching, research and service.

This guide is intended to address sexual harassment. The Affirmative Action Office can assist with concerns about any type of prohibited harassment based on gender, race, religion, ethnicity, age, disability, and sexual orientation.

Any one of us may experience harassment, be accused of harassment, or be consulted by someone who thinks he or she has been harassed. Sexual harassment can occur in any university setting: in the workplace, and learning environment or university programs.

Navigating after the experience of sexual harassment and sexual assault, stalking or dating violence can be very difficult. Let this be your guide to finding the tools and support you need on and off the University of Eau Claire campus. Whether you're looking for support, advice, to report, or a referral, let this guide provide a complete list of campus agencies designed to support you.

Take a look at the resource directory on the next page to decide where you want to go for the support you need.

SEXUAL MISCONDUCT RESOURCES

Definitions

How do I describe what happened?

Did I consent?

Consent is clear actions or words that say Yes! It is not the absence of No! It must be informed and freely given.

Sexual Assault. Any sexual contact without consent, including sexual touching, groping, or rape. Remember, a person is unable to consent to sexual activity if they are incapacitated due to alcohol or drugs, see below for more.

Sexual Harassment. Unwelcome, sexual advances, unwelcome requests for sexual favors or other unwelcome sexual conduct.

Stalking. Behavior pattern directed at a specific person that causes serious emotional distress, or fear for physical safety. This may include monitoring, pursuing contact through calls or emails, sending unwanted gifts or items and showing up at victims' home, workplace, or class.

Dating & Domestic Violence. A single act or ongoing pattern of abusive behaviors that exert control and power over a significant other. This can include physical, sexual, emotional or economic abuse. See the following page for warning signs.

Recognizing the Signs of Abuse

My partner makes me feel powerless. Am I safe?

[There are a variety of methods used to exert control and power over someone.]

Jealousy & Possessiveness

Example: Following you or showing up uninvited, sexting, extreme jealousy, seeing you as property or "less than."

Emotional Abuse and Humiliation

Example: Making fun of your weight or clothes, telling you you deserve abuse, constantly criticizing.

Manipulation & Limiting Independence

Example: using anger or silent treatment as punishment, controlling your finances, monitoring your alcohol intake.

Sexual Abuse

Example: using drugs to get sex, comparing you to past partners.

Threats & Intimidation

Example: Threatening you with harm, warning you they will commit suicide if relationship ends.

Academic Abuse

Example: Transferring into your class to monitor you, keeping you from class, checking on your grades.

Isolation

Example: Controlling what you do and who you spend time with, pressuring you to choose between them and family or friends.

Physical Abuse

Example: Punching, hitting, throwing objects.



NAVIGATING YOUR RESPONSE

What I'm feeling, is it normal? Do other people feel this way?

Experiencing violence such as sexual assault or an abusive relationship can be a traumatic event and we all handle trauma and stress differently. Though each person and situation is unique, the following list provides some examples of possible reactions. You may experience one or more or none of these.

You may experience changes in thinking, feeling, relating and functional behaviors:

- Diminished capacity to cope with the demands of daily life
- Loss of interest in previously enjoyable activities
- Inability to concentrate and focus on the tasks at hand; slowly recall and organization of information
- Lack of energy; fatigue
- Sleeping and eating disturbances
- Depression, anxiety
- Very calm or upset
- Flashbacks (feelings of reliving the event), intrusive memories, and nightmares
- Changes in your relationship with your partner
- Hypervigilance

There is no right or wrong way to act or feel.

It's also okay if your experiences don't fit into these categories, remember, everyone responds differently. If you want to speak with someone about your experiences or how you are feeling, confidential support services are available.

SELECT THE SUPPORT YOU NEED:

Support While Maintaining Safety

Can I get help with protection? The University has a variety of resources to help you maintain your safety. These services are available to you whether or not a formal investigation occurs.

If you are in immediate danger, please call 911

You may need assistance staying safe. Abusers can create hostile environments and can make it difficult to feel safe in class, at home, at work or in other social spaces. Also, certain spaces may hold connections to your assault and harassment and make you feel unsafe or uncomfortable. We can help you make changes to your academic schedules, workplace situations, housing or living situations or transportation methods.

If you are worried about ongoing contact from someone, you may want to consider an official method of restraining contact:

University No Contact Directives

A No Contact Directive is issued by a University staff member and is a letter that prohibits someone associated with the University (student, employee, or community member) from having contact with you. It does not require any other disciplinary process to take place.

Please contact:

Teresa O'Halloran, Title IX Coordinator
Schofield Hall, Room 101
715-836-2387
ohallote@uwec.edu

Dean of Students
Schofield Hall, Room 240
715-836-5626
deanofstudents@uwec.edu

Maintaining Safety in a Stalking Situation

If you are the victim of stalking on campus or elsewhere, the Dean of Students Office is here to help you get the law enforcement and legal assistance you need to put a stop to this criminal behavior.

Stalking is defined as a “course of conduct” (a series of two or more acts carried out over time, however, short or long), “that show a continuity of purpose. “It can also be defined as a “course of conduct directed at a specific person that would cause a reasonable person to feel fear” (National Center for Victims of Crime).

Any person employed at an institution who witnesses a stalking incident on campus or receives a report from an enrolled student must report it to the dean of students.

The UW-Eau Claire Dean of Students Office takes stalking incidents seriously and will investigate. Information regarding emotional, medical, legal, and other support resources for victims is available through the Dean of Students and University Police. ****A VICTIM NAME IS NOT REQUIRED FOR THIS REPORT.****

Victims are not required to give their name when reporting stalking. However, if the victim’s name is provided, the Dean of Students Office will be able to assist the victim in a variety of ways; Assistance could include providing alternate living locations in residence halls, alternate enrollments in courses and academic arrangements, parking arrangements, safety planning, referrals to on and off campus resources and assistance in obtaining “no-contact,” or “restraining orders.”

To report a stalking incident, please complete this form

https://cm.maxient.com/reportingform.php?UnivofWisconsinEauClaire&layout_id=4

CONFIDENTIAL SUPPORT AND REFERRAL OPTIONS

I Need some help sorting through my feelings.

You do not have to navigate this experience alone. If you are unsure about what you are feeling or what you should do, you may want to speak with a confidential support resource.

Resources are available both on and off campus to help you make an informed choice about what is right for you.

On-Campus

Confidential Resources:	Law Enforcement:	Seek Medical Assistance:	Make a Complaint:
Counseling Services Old Library 2122 715-836-5521	EMERGENCY 911	Student Health Service Crest Wellness Center, 150 shs@uwec.edu	Title IX Coordinator Schofield 101 715-836-2387 Affirm01@uwec.edu
Center for Awareness of Sexual Assault (CASA) Old Library 2119 715-836-4357 casa@uwec.edu	UW-Eau Claire Police Crest Wellness Center, 119 (715) 836-2222 police@uwec.edu	Sacred Heart Hospital Emergency Room 900 Clairemont Avenue 715-717-4222	Dean of Students Schofield 240 715-836-5626 DeanofStudents@uwec.edu
		Mayo Clinic Health System Emergency Room 1221 Whipple Street 715-838-3242	Housing Staff Any RA or Hall Director Central Office 222 Crest Wellness Center 715-836-3674 housingoffice@uwec.edu

ACADEMIC, HOUSING, AND WORKPLACE SUPPORT

I need help with my classes and/or my job

You may have trouble focusing and concentrating at work or at school, or may no longer feel safe in these places. Many victims of assault or abuse know their abuser and thus, their school environment becomes difficult to navigate. We can help assist you with any impacts on your academics, work or housing due to an assault or harassment.

See below for more details on how the university can better support you.

Academic Support

We can advise and assist you with communication with your instructors when you are dealing with a crisis. We can also help with making changes and adjustments to your academic schedule.

Contact:

Dean of Students Office	Title IX Coordinator
Schofield Hall, Room 240	Schofield Hall, Room 101
715-836-5626	715-836-2387
Deanofstudents@uwec.edu	affirm01@uwec.edu

Housing Support

We can also provide help with housing as well if you are unable to continue living in your current housing or if you would like someone who is unsafe removed from your living area.

Contact:

Dean of Students Office	Title IX Coordinator
Schofield Hall, Room 240	Schofield Hall, Room 101
715-836-5626	715-836-2387
Deanofstudents@uwec.edu	affirm01@uwec.edu

Workplace Support

We also can advise and assist with communicating with your supervisor when you are dealing with a crisis or have ongoing safety concerns.

Contact:

Affirmative Action Office	Human Resources
Schofield Hall, Room 101	Schofield Hall, Room 226
715-836-2387	715-836-2513
Affirm01@uwec.edu	

REPORTING AND RESPONSE OPTIONS

Know your options when seeking official action

You may decide to pursue a university or law enforcement response regarding what happened.

You can choose to report to the university, the police, both or neither. However, before you report to either the university or law enforcement, here are some things to consider/keep in mind:

- Investigators will likely want as many details as possible about the misconduct, and it can sometimes be difficult to recount or describe a traumatizing event.
- Investigations cannot be confidential (although they should be as private as possible)
- It can be a lengthy and sometimes confusing process
- There is no guaranteed outcome

It is important to know the difference between action taken by the university and action by the criminal process. Support is available for both processes.

Campus Process	Criminal Process
<ul style="list-style-type: none">• Penalties are given for violation of University Policy	<ul style="list-style-type: none">• Has power to arrest and charge with criminal offenses
<ul style="list-style-type: none">• Responsibility based on “preponderance of the evidence” standards	<ul style="list-style-type: none">• “Beyond a reasonable doubt,” standard for conviction
<ul style="list-style-type: none">• Limited ability to impose penalties or restrictions for those not affiliated with UWEC	<ul style="list-style-type: none">• Only able to take action on conduct that violate criminal law.

REPORTING AND RESPONSE OPTIONS

Preserving the Evidence

If you choose to report to either the university or law enforcement or think you may consider doing so in the future, you should consider preserving evidence that might be relevant to an investigation.

Evidence may include:

- Text messages, emails, and other written communications. Messages between the parties or between witnesses may be helpful, including messages in which you have told a friend or support person what happened.
- If you are experiencing ongoing or repeated abuse or harassment, track dates and times and specific conduct in a calendar or journal. This practice can also help with memory recollection.

Even if you do not have all or any type of evidence described above, it does not mean that you cannot report the misconduct or that the respondent will not be able to be found responsible.

In some situations, collecting forensic and medical evidence close to an assault can prove critical, specifically in relation to law enforcement prosecutions. This is best collected and documented by a forensic nurse examiner, or healthcare provider.

Timing may be important for other types of evidence. For example, surveillance footage of private establishments or campus locations maybe deleted after a certain amount of time if not saved in a timely manner.

REPORTING AND RESPONSE OPTIONS

Reporting to the University

Concerns that are raised to the university might be handled in a variety of ways, including formal investigations and alternative resolutions. When a report is made to the university, it is not confidential. For more information about the university's obligation to respond to known incidents of sexual harassment and sexual violence, including the obligations to keep your disclosure as private as possible, please review UWEC's Sexual Violence and Sexual Harassment Policy.

Informal Resolution. To the extent practical, efforts should be made to resolve complaints informally among the parties involved. Employees and students may at any time seek advice and assistance on informal resolution from the Affirmative Action Officer, who may assist with a negotiated resolution either before or after a formal complaint is filed.

The informal resolution may include a university official speaking with the respondent (the person accused of the misconduct) about their conduct and reviewing relevant campus policy. The purpose of this meeting would be to stop the problematic conduct from continuing. This type of resolution may be appropriate for people experiencing harassment, stalking or other ongoing unwanted contact, but may not be appropriate for other types of misconduct.

Formal Complaint. A formal complaint that is filed with the Affirmative Action Officer (AAO) will initiate a formal investigation. Complaints must be initiated by filing in writing with the AAO within 300 calendar days after the complainant knew or reasonably should have known of the occurrence, event or omission out of which the complaint has arisen. A formal complaint/investigation concludes with factual findings and decision about whether the respondent violated campus policy, which could result with sanctions. A university investigation is an option regardless of whether the respondent is a student, employee, or other member of the campus community. An individual who does not comply with the time limits in this policy shall be barred from further pursuit of the complaint process.

For more information on the Discrimination, Harassment, and Retaliation Policy and how to file a complaint, click here: <https://www.uwec.edu/kb/article/policies-discrimination-harassment-and-retaliation-policy/>

REPORTING AND RESPONSE OPTIONS

Reporting to Law Enforcement

Criminal conduct can also be reported to law enforcement. Any criminal conduct can be reported to police. You should report to the law enforcement agency that has jurisdiction (location) or where the crime occurred.

UW-Eau Claire Police officers have the authority to make an arrest, regardless of whether the perpetrator is associated with UW-Eau Claire or not.

Contact: UW-Eau Claire Police
 Crest Wellness Center, Room 119
 715-836-2222
 police@uwec.edu

Other local law enforcement agencies include:

Contact: Eau Claire Police Department
 740 2nd Avenue
 Eau Claire, WI 54703
 715-839-4972

Eau Claire County Sheriff's Office
721 Oxford Ave. Suite 1400
Eau Claire, WI 54703
715-839-4709

ON CAMPUS AND OFF CAMPUS RESOURCE INDEX

On-Campus

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VICTIM'S RIGHTS

General Information

- Victims have the right to report to law enforcement and to be assisted by UW-Eau Claire campus authorities in doing so.
- Victims have the right to decline to report to law enforcement
- Victims have the right to report the crime to UW-Eau Claire and are encouraged to report to the offices designated to receive complaints: Affirmative Action Office (Title IX Coordinator), Dean of Students, UW-Eau Claire Police, and Housing Staff.
- Victims have the right to a victim advocate of their choosing.
- Victims have the right to be notified, in writing, of existing resources for counseling, health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to both on campus and in the community.
- Victims shall be notified of options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures, if so requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Victims have the right to request confidentiality from the accused.
- The right to be free from retaliation for filing an institutional complaint/report.
- The right to file a complaint with the US Department of Justice and/or the US Department of Education Office for Civil Rights.

VICTIM'S RIGHTS

Rights in the Student Disciplinary Process

UW-Eau Claire uses Chapter UWS 17 or campus student disciplinary proceedings of sexual assault, dating, domestic violence, and stalking.

- The right to have options for offering victim testimony in a campus disciplinary hearing, including via telephone or with a room partition. The right to have questions in a disciplinary hearing posed through an advisor or the hearing committee.
- Disciplinary proceedings that provide a prompt, fair, and impartial investigation and resolution.
- The same opportunity to have others present throughout disciplinary proceedings as the accused, including the opportunity to be accompanied to any related meeting to proceeding by an advisor of their choice.
- The complainant (person alleging the misconduct) and the respondent (the student accused of misconduct) have an equal opportunity to participate in the investigation and any subsequent hearing.
- Disciplinary proceedings that are conducted by panel members who receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- Both parties shall be simultaneously informed, in writing, of the outcome of any disciplinary proceedings; UW-Eau Claire's procedures for the accused and the victim to appeal the results of the proceedings; of any change to the results that occurs prior to the time that such results become final; and of when such results become final. At no time can a victim be required to keep the outcome confidential or be prohibited from discussing the case.

- The complainant shall have the same rights to appeal as the respondent.
- The right to know the range of sanctions of the institution can impose a student respondent.
- If you choose to participate in a UW-Eau Claire disciplinary proceeding, the following sanctions, in accordance with UWS 17.0, may be imposed following a final determination of responsibility for sexual assault, domestic violence, dating violence and/or stalking: written reprimand, denial of specific university privileges, payment of restitution, educational or service sanctions (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.

VICTIM'S RIGHTS

When Reporting to Wisconsin Law Enforcement Agency

All victims of crime in Wisconsin who report to law enforcement are entitled to crime victim rights outlined in Chapter 950 of the Wisconsin Statute. These rights include:

- The right to be treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies.
- The right to have his or her interest considered when the court is deciding whether to grant a continuance in the case.
- The right to be provided with appropriate intercession services to ensure that employers of victims will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
- The right to have the opportunity to consult with the prosecution in a case brought in a court of criminal jurisdiction.
- Crime victims in the state of Wisconsin have the right to apply for Crime Victim Compensation, which helps pay for unreimbursed expenses that are the result of crimes causing personal injury or death, including lost wages, counseling, medical costs, and replacement of property held as evidence.

CONFIDENTIALITY

How the University Protects Your Private Information

When a student or employee victim reports to a university office or official who is not explicitly designated as confidential, UW-Eau Claire takes every precaution to protect victim privacy and confidentiality by sharing information only with university officials who have a legitimate education interest and/or those who need to know for the purpose of providing an institutional response.

In an effort to protect victim safety and privacy, UW-Eau Claire maintains information about sexual violence in a secure manner. If the University has notice of an incident, UW-Eau Claire will balance the victim's request to keep identifying information confidential with Title IX's mandate to investigate hostile environments.

To the extent permissible by law, UW-Eau Claire will endeavor to keep victim and necessary party information private. However, once a report is made to the University, or the University has notice of an incident of sexual assault, sexual harassment, domestic violence, dating violence, or stalking, confidentiality cannot be guaranteed unless that information is reported directly to one of the confidential resources.

UW-Eau Claire will strive to maintain as confidential any accommodations or protective measures provided to the victim but keeping victim information confidential may limit UW-Eau Claire's ability to provide accommodations or protective measures.

CONFIDENTIALITY

How the University Protects Your Confidentiality

For victims aged 18 and older who report to non-confidential resources, reports of sexual assault, domestic violence, dating violence and/or stalking are directed to the Title IX Coordinator, who will share relevant information only with those who need to know, such as Deputy Title IX Coordinators, complaint investigators, and other individuals who are responsible for handling the school's response to incidents, or as necessary to comply with the Wisconsin Public-Records law, a valid subpoena, a lawful discovery request, or a governmental inquiry or investigation. UW-Eau Claire follows applicable Title IX guidance and the requirements of the federal Family Education Rights and Privacy Act, 20 U.S.C. s. 1232g, when evaluating whether to disclose student information. In the case of minors, UW-Eau Claire employees must report child abuse to Child Protective Services or local law enforcement.

For Cleary Act reporting and disclosures, a victim's name or identifying information will never appear in the ASR. UW-Eau Claire will redact a victim's identifying information when responding to requests for information pursuant to the Wisconsin Public Records Law. The University also 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. UW-Eau Claire must respond to valid subpoenas that are not prohibited by other applicable law and may not be able to redact information when responding to a subpoena.