

Title IX and Minors: Reporting and Responding

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Who We Are



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Agenda

Introduction

Title IX and Related Policy

Additional Regulatory Considerations

Case Study 1

Case Study 2

Questions

Closing



Objectives

Upon leaving this session, you should be able to:

- Identify select policy requirements that address the reporting of minor-involved incidents
- Describe overlaps between policies across UW System
 - (e.g., sexual harassment/sexual violence, child abuse and neglect, criminal background check policies)
- Apply reporting requirements within situations at your own institution

Title IX and Related Policy



Office of Compliance

- Mission: promote ethical conduct and compliance with applicable laws, regulations, and policies at UW-Madison
- Provide program oversight for the ADA, HIPAA Privacy, Wisconsin Public Records Law, and Title IX of the Education Amendments
- The Sexual Misconduct Resource and Response Program (formerly the Title IX Program) is overseen by the Title IX Coordinator

Sexual Misconduct Resource and Response Program

- Receive reports of sexual harassment and sexual violence (SH/SV) and coordinate the University's response
 - Includes sexual assault, dating/domestic violence, stalking, and sexual exploitation
- Ensure compliance with Title IX and the UW-Madison Policy on Sexual Harassment and Sexual Violence (UW-146)
 - Deputy Title IX Coordinator for Precollege and Youth Programs ensures compliance of this policy in youth programs and activities

Title IX

- Federal law established in 1972
- Prohibits sex-based discrimination in any school or education program that receives funding from the federal government
- Procedures within Title IX cases are mandated by the Department of Education
 - Process requirements, complainant and respondent rights, etc.
- Title IX requirements must be included in campus SH/SV policy, but policy can go above and beyond Title IX

UW System Policy

- UW System Sexual Violence and Sexual Harassment Regent Policy Document 14-2
 - Covers sexual harassment, sexual assault, dating/domestic violence, stalking, and sexual exploitation
 - Applies to **all** UW System institutions and programs
- This policy requires that all System institutions have their own SH/SV policy in place
 - UW-Madison Policy on Sexual Harassment and Sexual Violence (UW-146)

UW-Madison Policy and Responsible Employees

- One component of both Title IX and SH/SV policy is the designation of “Responsible Employees”
- UW-Madison Policy on Sexual Harassment and Sexual Violence outlines who is deemed a Responsible Employee
- Responsible Employees have a duty to report any information that suggests a violation of the policy has occurred or is occurring

UW-Madison Policy and Responsible Employees

- Responsible Employees must also:
 - Be familiar with the policy
 - Be familiar with the definitions of SH/SV
 - Be familiar with confidential resources on campus and in the community to share with reporting parties
 - Be prepared to explain their reporting responsibility to anybody who is considering sharing such information with them
 - Complete relevant training on an annual basis
- How does this impact those who work with youth?

Responsible Employees in Youth Activities

- Among many other job categories, UW-Madison designates the following group as Responsible Employees:

“Any employee or volunteer who is responsible for the supervision or custodial care of minors in university sponsored or supported activities”

- Title IX regulations require that Title IX cases involving youth need to follow the same disciplinary procedures as the undergrad population (rather than K-12)
- So, what does this mean “on the ground”?

Responsible Employees in Youth Activities

- Authorized Assistant Custodians at UW-Madison are all considered Responsible Employees

Responsible Employees in youth activities must:

1. Understand their responsibilities under our policy
2. Complete training on an annual basis
3. Fulfill their reporting responsibility when needed

Responsible Employees in Youth Activities

Office of Compliance must:

1. Develop training for youth-involved Responsible Employees
2. Coordinate with the UW-Madison Office of Youth Protection (OYP)
3. Access staff rosters to track training completion
4. Collaborate with OYP to follow up with programs who are out of compliance with training requirement

Training Development

- *Sexual Misconduct and Clery Crimes in Youth Activities: Reporting and Prevention*
- Condensed version of employee Responsible Employee training
 - Directed toward those working with youth
 - Also includes content on prevention and Clery Act requirements
- Hosted outside of Canvas to allow access for volunteers
 - Division of Extension
 - Text-based version

Additional Considerations

- Considerations for training development, tracking, and compliance included:
 - How will we communicate the new SH/SV policy requirement to youth programs and other campus partners?
 - How will we ensure training access for the greatest number of people?
 - How will we know who needs to complete the training?
 - What database or system should be used to track training compliance?
 - How will we communicate with those who are out of compliance?

Recommendations for Program Staff

- Understand your own obligation as a Responsible Employee (if applicable)
- Know who among your staff/volunteers are Responsible Employees
- Know who to contact with questions related to Title IX or SH/SV
- Understand the overlapping reporting requirements
 - Sexual abuse of a minor must be reported under Executive Order 54 and Title IX

Recommendations for Program Staff

- Get comfortable speaking with colleagues/staff/volunteers about this topic, which may feel uncomfortable at first
 - Be mindful of those with lived experience
- Become familiar with training tracking requirements
- Program Directors:
 - Do you know who you need to provide your staff roster to?
 - Are you familiar with how to ensure your staff complete required training?

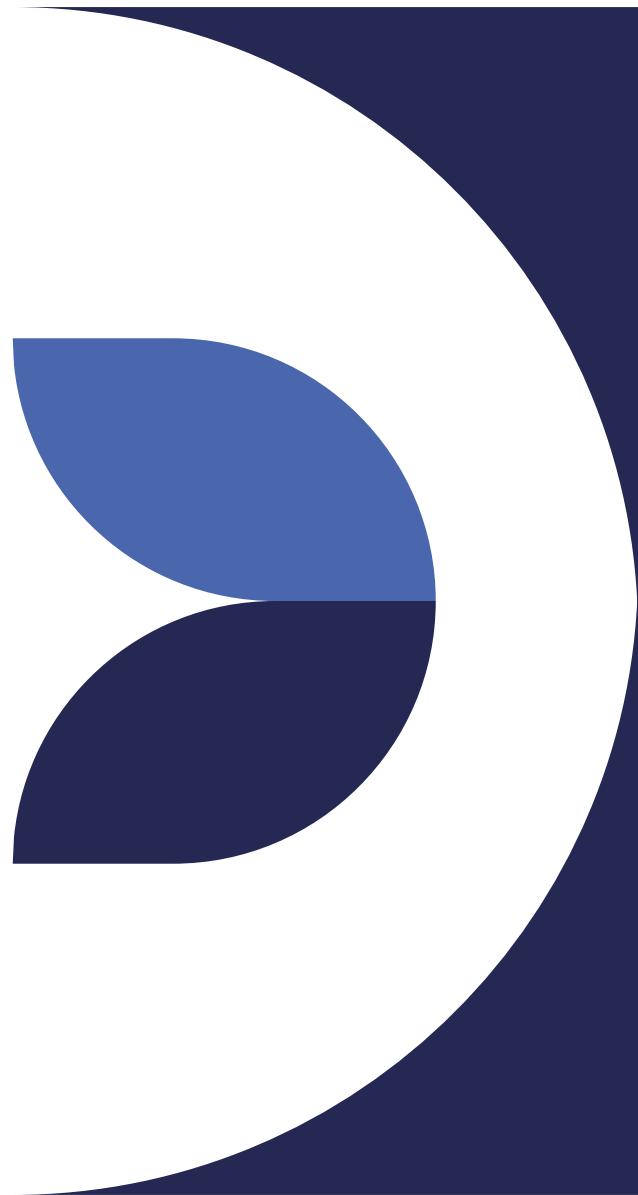
Recommendations for Administrators

- Designate those with custodial care or supervision of minors in youth activities as Responsible Employees under your Title IX or SH/SV policy
- Mandate training for Responsible Employees that is unique to their role working with youth
- Get to know the specific population you are working with to understand their needs (e.g., training access issues)
- Develop a training tracking system to monitor compliance

Recommendations for Administrators

- Remember that SH/SV policies may be broader than the requirements of Title IX
 - However, you may choose to treat them the same if your policy requires it or if your institution prefers consistency in how you respond
- Cultivate an environment of problem solving

Additional Regulatory Considerations



Other Regulatory Considerations Related to Title IX

- Executive Order 54 requires all UW-System employees, volunteers, or contractors to report suspected or known child abuse and neglect
 - A child is a person who is under age 18
 - Child abuse and neglect includes:
 - Physical abuse
 - Sexual abuse
 - Emotional abuse
 - Neglect
 - Threatened abuse or neglect
 - Abuse as manufacturing of meth

Other Regulatory Considerations Related to Title IX

- Sexual abuse under Executive Order 54 is defined as:
 - “Sexual intercourse or sexual touching of a child; recording or displaying of a child engaged in sexually explicit conduct; forcing a child to view or listen to sexual activity; exposing genitals or pubic area to a child or exposing a child’s genitals or pubic area for purposes of sexual gratification; or permitting, allowing, or encouraging a child to engage in prostitution.”

[Report Child Abuse | Compliance & Integrity \(wisconsin.edu\)](#)

[Executive Order 54](#)

[Mandated Child Abuse and Neglect Reporters | Wisconsin
Department of Children and Families](#)

Reporting under Executive Order 54

- How do I report child abuse or neglect?
 - If there is an emergency or immediate danger, call 911
 - University police or local law enforcement
- Do I have to report?
 - University of Wisconsin System (UWS) professors
 - UWS administrators
 - UWS coaches
 - All other UWS employees

Reporting under Executive Order 54

- Penalty
 - Persons required to report, who intentionally fail to report suspected child abuse or neglect or threats of school violence, may be fined not more than \$1,000 or imprisoned not more than 6 months, or both
- Immunity
 - Persons making reports in good faith are immune from criminal or civil liability

Criminal Background Checks

- Regent Policy Document 20-19: UW System Criminal Background Check Policy
 - A Criminal Background Check (CBC) shall be conducted on current employees and volunteers holding a “position of trust with access to vulnerable populations” who have not previously been subject to such a CBC by the University
 - Employees and volunteers holding a position of trust with access to vulnerable populations (POTVP) shall be subject to a CBC every four years, and shall be required to self-disclose certain criminal offenses

Access to Vulnerable Populations

- 1.A. Access to Vulnerable Populations
 - Responsibilities require unsupervised or significant access to vulnerable populations, defined as minors and medical patients
 - For purposes of this policy, a minor is a person under the age of eighteen (18) who is not enrolled or accepted for enrollment at a UW System institution
 - Examples of settings with vulnerable populations include:
 - childcare centers
 - summer camps for minors
 - precollege or enrichment programs
 - health care facilities

Access to Vulnerable Populations

- 1.A. Access to Vulnerable Populations
 - This category includes employees who are not directly working in those units but have unsupervised access to the unit when the vulnerable population is present
 - This category does not include faculty or instructional academic staff performing regular teaching, service, and research responsibilities unless these responsibilities include unsupervised or significant access to vulnerable populations

Coverage of Volunteers

- UW institutions shall perform CBCs on prospective volunteers when the volunteer position involved is a position of trust, or when required by law to perform CBCs for specified volunteer positions
- Otherwise, UW institutions may determine whether a CBC should be conducted on prospective volunteers

Coverage of Volunteers

- In making this determination, institutions should consider the level of direct supervision and guidance provided to volunteers and the nature of the duties of the volunteer position
- CBCs must be conducted on current volunteers holding a position of trust with access to vulnerable populations
- Each institution must ensure that a CBC is performed every four years on volunteers in a position of trust with access to vulnerable populations

[University of Wisconsin System Criminal Background Check Policy | Board of Regents](#)

[Criminal Background Checks | UW System Human Resources \(wisconsin.edu\)](#)

Case Studies

Small Group Discussion



Case Study 1

Scenario

A University Grounds employee is working with a 16-year-old summer employee who is currently enrolled in high school. The University employee takes the summer employee to his campus office, shows him sexual images on his phone, and makes sexual comments. The youth summer employee reported the incident to his supervisor the next day.

Discussion Questions

1. What should the supervisor do next? Talk through each of the reporting steps with your group.
2. What is required of the University in this scenario?
3. Based on your current role, what procedures should you ensure occurred properly?

Case Study 2

Scenario

The University is hosting a soccer camp for high school youth. The camp is staffed by both University short-term employees and volunteers. One of the University camp employees receives a report from a volunteer that they saw fondling occur between two high school camp participants.

Discussion Questions

1. What should the University soccer camp employee do next? Talk through each of the reporting steps with your group.
2. What is required of the University in this scenario?
3. Based on your current role, what procedures should you ensure occurred properly?



Thank you!

- Questions?