



## Title IX Overview and Updates

### Introduction

This document is maintained by Administrative Affairs as a means to update our campus community about continuing activities that we conduct to ensure our compliance with Title IX.

### Assessments

In January of 2019, the Assistant Director of Facilities completed a review to assess the facility conditions of all UW Whitewater Athletic related areas. He specifically looked at the locker room, practice and competition spaces for each athletic team. He found no significant gap in disparity between conditions and usefulness of facilities in regards to gender equity. For purposes of clarity, when the term “equivalent” is used, this means that the facilities are substantially similar for functionality purposes rather than aesthetics.

In October of 2018, the Vice Chancellor of Administration conducted a review of the Athletic Division’s Budget to ensure that the budgets of Women’s Athletics overall and individual sports were equitable. This review will be conducted annually to ensure continued equity.

### Trainings

#### LawRoom – Mandatory Online Title IX Training for Employees

**Dates:** Continuous

**Numbers:** Since implementation 1,627 out of 1,808 staff members assigned to this training have completed it. Thus far, 297 out of 478 active employees have completed this training for 2018.

#### D. Stafford and Associates – Title IX Training and Certification

**Dates:** July 5<sup>th</sup> & 6<sup>th</sup> 2018

**Numbers:** 24 Certifications issued including Students, Faculty and Staff.

**Course Description:** This training class is designed for campus police/public safety administrators and investigators (both sworn and non-sworn) and Conduct and Title IX Investigators who have responsibility for conducting and overseeing sex crimes investigations on their college campuses. Attendees will learn how to investigate sex crimes in higher education from start to finish with special emphasis on complying with the Clery Act and Title IX regulations.

For the Law Enforcement/Public Safety Investigators: This class is appropriate for sworn and nonsworn agencies from private and state institutions of higher education, as most campus public safety agencies are involved in some level of investigation of these types incidents on their respective campuses.

For the Conduct/Title IX Civil Rights Investigators: This class will focus on the criminal investigation with special emphasis on the intersections between the criminal and administrative/Title IX processes.

The faculty includes experienced campus administrators who have significant experience in conducting and overseeing sex crime and sexual misconduct investigations on college campuses.

Some of the key topics that will be covered are:

- Understanding the prevalence of rape and sexual assault, especially non-stranger campus rapes.
- Rape and its impact on the survivor.
- Understanding how experiences impact trauma, memory, reactions and behavior and how an investigator's interpretation of this behavior impacts sexual assault investigations.
- Understand that victim disclosure often occurs in pieces over time and identify strategies for working with victims to facilitate trust and communication.
- Understanding how key decisions made by law enforcement impact the progression of a sexual assault investigation.
- How to develop strategies that suspend judgment regarding the validity of a case until a thorough investigation is completed.
- Working cooperatively with survivors of sexual assault to effectively and efficiently investigate adult sexual assault crimes.
- Working collaboratively with other responders and support resources to include hospital based victim care.
- The rape or sexual assault of Men
- Considerations for investigating sex offenses against persons who identify as LGBTQ
- Stranger vs Non-Stranger considerations
- Substance Facilitated assaults
- Reluctant Reporting/Late Reporting
- Investigating:
  - Behavioral-Oriented Interviewing of Victims
  - Collection of Evidence
  - Report Writing
  - Suspect patterns, to include Grooming and Stalking
  - Suspect Interviews
- Managing Retaliation and the Hostile Academic Environment

- Working with your local prosecutor-Trial Preparation
- Clery Act Considerations-Timely Warning, Immediate Notification
- On-campus Student Conduct Process Considerations for Law Enforcement
- Title IX Implications in your rape investigations—Managing Concurrent Investigations

The curriculum for this class takes into consideration the guidance and recommendations contained in the “Promoting Effective Criminal Investigations of Campus Sex Crimes” report that was published following the Campus Sex Crimes Forum that was conducted by U.S. Department of Justice’s Office for Victim of Crime (OVC), Office on Violence Against Women (OVW) and Office of Community Oriented Policing Services (COPS). In addition, one of the instructors of this course participated in that national forum. The class is also informed by the guidance and resources provided by the White House Task Force To Protect Students From Sexual Assault.

### ATIXA – Civil Rights Investigator Certification Course: Level Two

**Dates:** August 21<sup>st</sup> & 22<sup>nd</sup> 2018

**Numbers:** 7 Certifications issued including Staff and Faculty.

**Course Description:** Level Two investigator training is an intermediate level of training that builds on your skill set with more nuanced questioning techniques, a strong focus on questioning, record keeping and note-taking, managing complex investigations, and a topical exploration that broadens beyond the sexual misconduct focus of Level One. This training builds strong skills with frequent exercises and case studies that allow for high levels of interaction, analysis and the application of various civil rights investigation techniques.

Level Two training is an intermediate level of training for those who have some experience as investigators, or who have taken the ATIXA Level One training, previously. This training meets the required training mandates of Title IX and VAWA Section 304 for participants, whether you are a fulltime investigator or have investigation responsibilities on top of other duties. In this training, you’ll build on your skill set with more nuanced questioning techniques, a strong focus on record keeping and note-taking, managing complex investigations, and a topical exploration that broadens beyond the sexual misconduct focus of Level One, as the skills of investigating sexual harassment, stalking, and intimate partner (domestic and dating violence) violence are learned. Trauma-informed interviews and addressing pattern/predatory behavior are special topics of focus for this training. There will be a legal update on any new mandates that are timely, but this training is not as law focused as the Level One training. This training builds strong skills with frequent exercises on questioning, an emphasis on analysis by investigators, and case studies which allow for high levels of interaction and the application of various civil rights investigation techniques.

In this course, you will learn:

- Investigation Process Overview
- Components of an Investigation

- Investigation Strategies
- Elements of Investigation Reports
- Basic Understanding of Evidence
- Basic Understanding of Credibility
- Basic Understanding of Sanctions
- Case Studies

The Riseling Group – Title IX, Clery, and Chapter 36

**Date:** October 25, 2018

**Numbers:** Open to the Campus Community.

**Course Description:** All schools that receive federal funding in any capacity must comply with Title IX regulations. Because of differing interpretations over the years since it became law, it is often confusing and frustrating to administrators who want to do the right thing, but don't know where to start. The Riseling Group (TRG) can provide concise, easy to understand precepts, with the intent of full compliance and to ensure that victims are provided needed services. Even with the best of intentions, many schools fail audits and are threatened with financial penalties. TRG can sort through the extraneous clutter and provide a roadmap to Title IX compliance.

The overall goal of this training program is to provide each participant with a sufficient amount of knowledge, understanding and practical skill to serve as a hearing examiner, panel member or decision maker in student disciplinary proceedings involving sexual violence.

This program will provide participants with an overview of the topic of sexual violence as it relates to conducting student disciplinary proceedings on college campuses. Participants will receive a basic understanding of federal laws and guidance in regard to sexual violence on a college campus. Participants will also be trained on the definitions of sexual violence, the cultural myths and misperceptions of sexual violence and how a traumatic event can impact the behavior of a victim of sexual violence.

Finally, participants will be provided with the opportunity to serve as a hearing panel member and engage in the process of reviewing evidence and issuing a determination in a student disciplinary proceeding for sexual assault. A roundtable discussion will be scheduled at the end of the program to allow participants to share their previous experiences and collaborate on this topic.

This program will provide each participant with the following information and understanding:

- An overview of sexual violence on college campuses.
- Title IX and federal law implications on a student nonacademic misconduct hearing process.
- An overview of applicable OCR investigations and civil court rulings regarding student nonacademic misconduct findings and sexual violence.

- Definitions and discussion of sexual violence, misperceptions and impact of trauma on a victim of sexual assault.
- How to conduct a student nonacademic misconduct hearing involving allegations of sexual violence, including assessing credibility, issuing determinations and preparing written findings.
- Participation in an interactive group assignment. Participants will be assigned to a hearing panel and provided with a full record of a hypothetical sexual assault case. Panels will use the record to deliberate, reach findings of fact, issue a determination and present the group's conclusions to other participants.

#### Upcoming: Student Study Abroad Orientation

**Date:** December 7, 2018

**Numbers:** TBD.

**Description:** UW-Whitewater's Chief Human Resources Officer, Janelle Crowley Ph. D., will provide an educational overview of Title IX topics to students who are studying abroad during Spring Semester.

Athletics Title IX Trainings: Training provided by the Office of Human Resources and Diversity, the Title IX Coordinator and the Dean of Students Office to athletic coaches during the month of April, 2019.

## Resources

#### Policies and Procedures

Margaret Wheeler<sup>1</sup> is currently updating Title IX Policies and Procedures documents. These updates include adding flow charts to facilitate better understanding of processes and procedures.

#### Web Updates

9/18/18 Meeting Scheduled with Margaret Wheeler (HR) and Christa Vrabell (iCIT) to track down all active Title IX-related webpages and content. All Title IX Web-based content is being reviewed for consistency, accuracy, and accessibility.

#### Student Handbook

Margaret Wheeler is also updating Title IX information for the Student Handbook with the Dean of Students Office.

#### Notice of Nondiscrimination Poster

The Human Resources team has also developed a Title IX Notice of Nondiscrimination poster with information and resources, which has been distributed around campus for display.

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<sup>1</sup> Margaret holds a Juris Doctorate and works for the University's Human Resources & Diversity Department. She serves as the campus' Immigration Specialist, Affirmative Action Program Coordinator and Interim Title IX Coordinator.

## Informational Video

A Title IX informational video was posted to the UW-Whitewater YouTube Account on 8/20/18. Refer to the following link to watch this video: <https://youtu.be/iy9Ecq1Ua8c>

## Other

### Committee Meetings

Ongoing monthly UWW Sexual Violence & Harassment Advisory Committee Meetings. The committee was created by the Chancellor after the 2011 Dear Colleague Letter. In March 2019 the Title IX Coordinator began working on Committee Bylaws, which have not existed previously. The Title IX Coordinator presents and discusses agenda items with the Committee.

#### **Members:**

- Artanya Wesley – Dean of Students
- Matthew Keiderlen – Chief of Police
- Keri Carollo – Women’s Basketball Coach, Admin Program Specialist
- Ellie Schemenauer – Associate Professor, Department Chair
- Danielle Galindo – Graduate Assistant
- Margaret Wheeler – Immigration, AA/EEO and Title IX Coordinator
- Theresa DeWalt – Psychologist
- Beth John – Director, New Student Services
- Kate Ksobiech – Associate Professor
- Matthew Schwartz – Assistant Chief of Police
- Janelle Crowley – Chief Human Resources Officer
- Terry Tumbarello – Associate Director, University Housing

New/Edited University of Wisconsin-Whitewater (UW-Whitewater) Sexual Violence and Sexual Harassment Policy implemented in accordance with Regent Policy Document 14-2 (*formerly 81-2*); approved by Chancellor Cheryl Green.

University of Wisconsin –Whitewater Consensual Relationships Flowchart Created. Flowchart for Instructor/ Student Relationships

Title IX Investigation (Employee Respondents) Flowchart Created.

Title IX Power Point Presentation created specifically for the Athletics Title IX Training.

Title IX User Friendly Chart created by UW-Whitewater Office of Human Resources and Diversity for Athletics Training to be shared across campus; chart entitled: *Child Abuse/Neglect, Clery Act, Sexual Assault [Sexual Misconduct], Title IX--Knowing the Difference & Knowing How to Respond.*

Assistant Chief Human Resources Officer attended Association of Workplace Investigation Training during the months of April and May, 2019, and received Investigator Certification.

Chief Human Resources Officer attended the American Association for University Women (AAUW) during the month of May, 2019. The training provided legislative updates and Title IX updates.

Dedicated, Full-Time Title IX Coordinator, Dr. Vicki Schreiber has been hired; she will begin employment on 5/29/2019.

Title IX Coordinator provided ongoing support to Dean of Students Office, Athletics, Housing, Dining Services, etc.

Title IX Coordinator completed documentation required by the UW- System Task Force, to comply with the Task Force recommendations and additional expectations of President Cross.

Title IX Coordinator prepared draft policy on Title IX prohibition on discrimination on the basis of sex, specifically regarding pregnancy, childbirth and parental status.

Title IX Coordinator attended ongoing webinar meetings and conference calls with Title IX Coordinators across UW-System.

Title IX Coordinator involved in extensive system-wide conference calls with discussions directed by Director of Compliance, UW-System.

The Title IX Coordinator compiled information on sexual assault and sexual harassment as required by Wisconsin Statute 36.11(22). The 2018 narrative and statistical data was due on April 1, 2019.

Title IX Coordinator prepared required documentation related to the new National Academies of Sciences Action Collaborative on Preventing Sexual Harassment (NASEM) in Higher Education; documentation was submitted to the UW-System Director of Compliance.

Title IX Coordinator prepared a Public Commitment Statement to serve as the official public record attesting that UW-Whitewater joined the Action Collaborative (NASEM); it was signed by the Interim Chancellor and submitted to the UW-System Director of Compliance, to be forwarded to NASEM.

There will be an Action Collaborative (part of NASEM) during the month of June, 2019 in which UW-System Title IX Coordinators will be divided into four focused workgroups, each focused on a specific aspect of preventing and addressing sexual harassment on college campuses: prevention, response, remediation, and measuring climate. Information must be provided to the Director of Compliance by May 16, to be shared with NASEM by May 17.