DATE: January 5, 2022

TO: Honorable Members of the Law Revision Committee

FROM: Sarah Harebo, UW System Director of Title IX and Clery Compliance and Investigations

RE: Testimony on LRB-4604

Thank you, committee members, for holding this hearing on the proposed remedial changes to Wisconsin Statute 36.11(22) to align this statute with current federal definitions, administrative code, and institution practices.

Under Wisconsin Statute 36.11 (22), UW System and its universities are required to provide information regarding sexual assault and sexual harassment, including definitions, rights of victims, and prevention education in orientation programs. 36.11 (22) also outlines reporting requirements for employees. In addition, Wisconsin Statute 36.11 (22) requires an annual report submitted to the chief clerk of each house of the legislature on the methods being used by the universities to effectuate the informational and educational requirements of 36.11 (22). The statistics gathered by UW System institutions are also shared with the Department of Justice.

The proposed remedial revisions update the language of 36.11 (22) to incorporate the current definitions as required by the new Title IX regulations and revised Wisconsin Chapters 11, 4, and 17. The revisions in this respect do not remove the Wisconsin legal definitions under ss. 940.225, 948.02, and 948.025, sexual exploitation by a therapist under s. 940.22, and harassment under s. 947.013. The updated language will reflect the current definitions used by institutions as required by the Title IX regulations and Wisconsin Chapters 11, 4, and 17, in addition to the Wisconsin Statutes.

The updated citations to the new Title IX regulations, Clery Act, and Wisconsin Chapters 11, 4, and 17 more accurately define the data collected and what will be reflected in the annual 36.11 (22) report to the legislature and the data shared with the Department of Justice.

An additional remedial change is that the required reporting of incidents be made to the Title IX Coordinator or their designee, not the Dean of Students. This is inline with the new Title IX regulations, Wisconsin Chapters 11, 4, and 17, and current practices at UW System institutions.

Overall, these proposed changes are remedial in that they ultimately do not change any of the substantive requirements of the Wisconsin 36.11 (22), instead the changes update to align with current federal requirements and institution practices.

The UW System takes seriously its obligation to provide information and prevention education regarding sexual assault and sexual harassment to students and employees. The UW System is continuously working to improve our policies and procedures to have a respectful and safe campus climate. Thank you again for the opportunity to speak on these proposed remedial changes and I’m happy to answer any questions you might have.