

UNIVERSITY OF WISCONSIN SYSTEM

Task Force on Sexual Violence and Harassment

REPORT AND RECOMMENDATIONS SUBMITTED
TO UW SYSTEM PRESIDENT RAY CROSS

December 2016

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I. Executive Summary

In July 2014, University of Wisconsin System President Ray Cross charged the UW System Task Force on Sexual Violence and Harassment (Task Force) to lead and coordinate systemwide efforts to strengthen the UW System's capacity to prevent sexual violence and harassment and to provide safe classroom, living, and campus environments across the UW System and adjacent campus communities. President Cross appointed Vicki Washington, Associate Vice President for Inclusivity, Diversity, Equity and Student Success (now the office of Student Affairs and Student Success)¹, and Anne Bilder, Senior System Legal Counsel, to co-chair the Task Force. Members of the Task Force were appointed to serve two years, the timeframe for accomplishing its goals, and charged with submitting a report with recommendations to President Cross.

The Task Force organized itself into six workgroups to accomplish its goals: Policies; Training and Professional Development; Survivor Resources; Communications; Outreach/Partnership and Funding; and Assessment. The Task Force met regularly to continue its education on issues relating to sexual violence and harassment on campuses, and to formulate its recommendations.

In sum, the recommendations of the Task Force are as follows:

Policies

Board of Regents policies, institution policies, and state law addressing sexual violence and harassment require updates to be in compliance with federal laws – such as Title IX and the Violence Against Women Act (VAWA) Reauthorization – and guidance issued by the Office for Civil Rights (OCR), and further to reflect evidence-based best practices for raising awareness of, preventing, and responding to sexual violence and harassment. To that end, the Task Force recommends:

1. UW System President Ray Cross recommend that the Board of Regents adopt the new Regent Policy Document on sexual violence and sexual harassment, adopt revisions to Regent Policy Document 14-8, "Consensual Relationships," and require each Chancellor to ensure that their institution implements these policies in a consistent manner. Regent Policy Document 14-2, "Sexual Harassment Policy

¹ Vicki Washington retired in August 2016. Petra Roter, Senior Special Assistant to the UW System's Vice President for Academic and Student Affairs, was asked to serve as Ms. Washington's replacement as co-chair of the Task Force.

Statement and Implementation," would be repealed.

2. President Cross and the Board of Regents support efforts to explore changes to the following state laws:
 - a. Amend [§ 36.11\(22\), Wis. Stats.](#) to avoid confusing overlap in the reporting of sexual assault, to remove concerning language, and to permit institutions to offer education relating to sexual assault in a manner consistent with its culture and evidence-based best practices.
 - b. Amend [§ 36.35, Wis. Stats.](#) to allow the Board and institutions to enact one uniform policy covering all aspects related to sexual violence and harassment and to permit the university to respond nimbly to the evolving law and policy in this area.
3. President Cross designate the two Task Force Co-Chairs, with appropriate assistance, to provide oversight, guidance, support, and coordination for the systemwide implementation of these recommendations, and to further these efforts as described in more detail in the Report.

Training and Professional Development

The importance of providing comprehensive, accessible training concerning sexual violence and harassment to members of the university community cannot be overstated, and is consistent with the overall educational mission of the university. Providing uniform basic training across the UW System promotes a consistent understanding of the issues and provides a platform for inter-institutional assessment. The Task Force recommends that President Cross require Chancellors to:

1. Ensure that all current employees and students complete the appropriate web-based training modules covering the general topics of sexual violence and harassment at institutions as follows:
 - a. All students complete the training within the first six (6) weeks of the start of their first semester enrolled at the institution and complete a refresher training annually.
 - b. All employees complete the training by June 30, 2017, and complete a refresher training at least once every three (3) years.
 - c. Ensure that all new employees complete the training within one month of their start date.

2. Provide in-depth training, whether web-based or face-to-face, for employees with higher-level responsibilities at each institution, such as supervisors, managers, directors, responsible employees, investigators, hearing examiners and panels, and campus police.

Survivor Resources

Insufficient information and inconsistent access points complicate the navigation of resources available to UW System students and employees who are survivors of sexual violence and harassment. The Task Force recommends that President Cross require each Chancellor to:

1. Ensure their institution provides visible, accessible, and inclusive information about resources available to survivors and victims of sexual violence and harassment.
2. Ensure their institution develops memorandums of understanding (MOU) with local law enforcement agencies, victim services agencies, and state coalitions on sexual and domestic violence to support the institution's efforts in the areas of prevention, training, and advocacy.
3. Ensure their institution adopts trauma-informed principles to guide its policies, practices, trainings, victim response protocols, and reporting options.

In addition, the Task Force recommends that President Cross, through the continuing efforts of the Task Force Co-Chairs and staff:

4. Provide support to institutions in their efforts by outlining best-practice models in the following areas: responses to sexual violence and harassment, and victim services.

Communications

Communications strategies can enhance education, prevention, and response initiatives, as well as help to promote cultural change. The Task Force recommends that President Cross support the ongoing efforts to:

1. Create and actively maintain a UW System Sexual Violence and Harassment – Awareness, Prevention and Response website, accessible through the UW System's website, to serve as a gateway for internal and external stakeholders to efficiently and effectively locate information about sexual violence and harassment, including

governing statutes, policies and procedures, and links to resources at each UW institution.

2. Require all UW institutions to develop a crisis communication plan involving key personnel, to include Chancellors, Title IX Coordinators, Public Information Officers (PIOs), Senior Student Affairs Officers (SSAOs), Clery Act Compliance Officers, and Chiefs of Police, among others.

The Task Force further requests that President Cross provide support through the Task Force Co-Chairs and UW System Office of University Relations to:

3. Develop and implement a comprehensive communication plan for internal and external stakeholders that conveys the finalized recommendations of UW System President Ray Cross and the work product of the UW System Task Force on Sexual Violence and Harassment.

Outreach/Partnership and Funding

Prevention and educational efforts will be enhanced by collaboration with community agencies and other educational institutions (K-12, technical colleges, private colleges) to reduce risk as students enroll in higher education, and to promote cultural change around the important issues of sexual violence and assault. The Task Force recommends that President Cross support the ongoing efforts to:

1. Develop an inter-educational workgroup on sexual violence and harassment, to include members representing the Wisconsin Technical College System, the Wisconsin Association of Independent Colleges and Universities, and the Wisconsin Department of Public Instruction.
2. Encourage institutions to develop partnerships with local K-12 schools and community agencies to focus on primary risk factors for sexual violence and other programs.
3. Pursue collaborative efforts with grant officers across the UW System and the UW System's Office of Federal Relations to seek funding opportunities to support programs and initiatives that address sexual violence and harassment, and strengthen services to support victims/survivors.

Assessment

It is imperative that UW System institutions proactively integrate empirically informed assessment and evaluations into sexual violence and harassment prevention and awareness programs to measure whether they are achieving the intended outcomes. The Task Force recommends that President Cross require all UW System institutions:

1. Implement a study that seeks to gather data and information concerning sexual violence and harassment on or near campus at least once every three (3) years. It is recommended that institutions adopt a common survey – the Administrator-Researcher Campus Climate Collaborative (ARC3) – to allow for systemwide assessment.
2. Implement mechanisms to ensure that quality assessment and evaluation are included in all intervention programs in order to use resources efficiently and provide maximum impact.

In addition, the Task Force recommends President Cross, through the Task Force Co-Chairs:

3. Support these efforts by providing guidance on best practices and legal mandates as they develop, as well as supporting institutions in creating, selecting, and implementing assessment and evaluation tools for intervention programs.

Global Recommendation

The Task Force recognizes that the foregoing will require a renewed commitment of financial and human resources to carry out the recommendations. Accordingly, the Task Force recommends President Cross provide leadership and support to the Chancellors in their efforts to evaluate existing and potential resources and encourage reallocation of funds where appropriate.

II. Introduction/Overview

Background

For the purposes of this report, sexual violence and harassment refer to conduct by an individual against another individual that involves nonconsensual sexual touching and unwelcome advances, or other verbal or physical harassment of a sexual nature, as defined by law and policy. This includes relationship violence and stalking. Such conduct is an offense to both the individual and the university community.

The prevalence and persistence of incidents of sexual violence and harassment on college and university campuses² is a complex, multi-faceted problem which has recently received increased attention as a result of more survivors and advocates speaking up about the problem. This attention has resulted in new laws and guidance from the federal government, public discussion about the proper allocation of responsibilities of law enforcement and the university, consideration of new and existing scholarly research exploring the parameters of the problem, and attentiveness to the personal stories of survivors, which can help inform policy and practices, among other things.

This wealth of information, however, has proven to be both helpful and challenging as college and university administrators attempt to identify the most effective approaches to raise awareness, and prevent and respond to incidents of sexual violence and harassment on their campuses, in an ever-shifting landscape that often can reflect competing interests.

For example, after concluding that our institutions need to provide enhanced training on the topic of sexual violence and harassment prevention, the Task Force Training Workgroup grappled with the following questions: Who must be trained? Who will deliver the training and how? What is the frequency of the training? What topics will it address? Who will pay for it, and how? The myriad stakeholder interests, as well as evolving regulatory and legal directives and government agency expectations, complicate the questions and possible solutions.

The processes that guided the work of the Task Force and aided in the development of this

² For example, a comprehensive study conducted by the Association of American Universities in 2014 found that “Overall, 11.7 percent of students across the 27 universities reported experiencing nonconsensual penetration or sexual touching by force or incapacitation since enrolling in the IHE [Institution of Higher Education],” further that, “overall, 47.7 percent of students indicated that they have been the victims of sexual harassment since enrolled at the IHE.”
www.aau.edu/uploadedFiles/AAU_Publications/AAU_Reports/Sexual_Assault_Campus_Survey/AAU_Campus_Climate_Survey_12_14_15.pdf

report are noted below:

- Identify and define the problem(s).
- Shape a response constructed upon the following foundational operating principles:
 - Input from those with diverse experience and backgrounds.
 - Consideration of both experience- and research-based approaches.
 - Consideration of impact on individuals and groups.
 - Attention to legal requirements and compliance expectations.
 - Attention to implementation in the university context.

Creation and Work of the Task Force

The Task Force Charge

President Ray Cross identified a three-fold purpose to guide the work of the Task Force when it was first established in 2014:

1. Ensure compliance with the new and existing requirements established by state and federal laws and the expectations of enforcement agencies related to this area.
2. Advance continued efforts on campus to promote a culture of prevention, timely reporting, and effective response to allegations of sexual misconduct.
3. Serve as a clearinghouse for resources concerning training, research, and best practices.

In so doing, President Cross charged the Task Force with the following:

1. Guide the development of UW System policies and procedures regarding prohibited behaviors; complaint and grievance procedures; awareness and prevention education; and professional development and training.
2. Provide leadership for the development of guidelines to assist UW System institutions in implementing policies.
3. Identify and facilitate the development of training resources.
4. Develop and facilitate the administration of institutional climate assessments.
5. Create a UW System website to communicate the work of the Task Force.
6. Help identify sources of funding to help support and advance these efforts.
7. Advance other areas identified by the Task Force.

See Appendix A, President Cross's Charge to the Task Force.

Task Force Membership

In identifying members of the Task Force, President Cross and the Co-Chairs sought to achieve representation based on consideration of the following factors: practitioner experience in relevant areas, field, or discipline; geographic distribution; institutional home; and diversity of background (including race/ethnicity, gender, life experiences, etc.). President Cross solicited nominations from each Chancellor for membership on the Task Force and asked select employees of the University of Wisconsin System Administration (UWSA) to support the work of Task Force as ex-officio members.

See Appendix B for a list of current and past members of the Task Force.

Task Force Structure

Co-Chairs Vicki Washington and Anne Bilder led the Task Force and Artanya Wesley, Senior Academic Planner for Student Affairs, staffed the Task Force. Ms. Wesley's duties included conducting research, taking minutes, helping draft agendas, and planning for meetings. Ms. Washington, Ms. Bilder, and Ms. Wesley participated in the work of the Task Force Workgroups as described below. Brinsen Wynn, Program Associate, provided administrative and logistical support for the Task Force.

The Task Force accomplished its work through six Workgroups: Policy; Training and Professional Development; Survivor Resources; Communications; Outreach/Partnership and Funding; and Assessment. Members and ex-officio members of the Task Force were affiliated with workgroups based on areas of expertise and interest.

Meetings

The Task Force initially held meetings on a monthly basis and subsequently every two or three months, either face-to-face or by videoconference. Each meeting was structured to permit the invited guest(s) to provide a presentation and engage in discussions with the Task Force to help inform the work. Guests included Carmen Hotvedt, Assistant Director for Violence Prevention at UW-Madison; Eve Bertrand, Campus Coordinator, and Kelly Moe Litke, Director of Prevention and Programs, Wisconsin Coalition Against Sexual Assault (WCASA); a panel of student advocates from two UW System institutions; Antonia Abbey, Ph.D., Professor, Wayne State University, Department of Psychology; Sarah Van Orman,

M.D., Executive Director of UW-Madison Health Services; and Senator Tammy Baldwin. Meetings also allowed time for members to work in their workgroups. (See Appendix C for dates and meeting agendas.)

In September 2015, Ms. Bilder and Ms. Wesley met with Jill Karofsky, Director of the Office of Crime Victim Services, and Audrey Skwierawski, Wisconsin Department of Justice's Violence Against Women Resource Prosecutor, to share information about the Task Force and to discuss ways in which the Task Force and the Attorney General's Statewide Sexual Assault Response Team (SART) could collaborate. (See Appendix C.) Ms. Washington gave a presentation at a subsequent meeting of the SART describing the work of the Task Force.

Guiding Principles

At the first meeting of the Task Force, the Co-Chairs proposed that the Task Force identify "Guiding Principles" to help inform its work. The Task Force adopted the following principles:

1. Sexual violence and harassment is a societal challenge, and a great concern to colleges and universities.
2. Colleges and universities have a duty to undertake preventive measures and properly respond to concerns or complaints of sexual violence and harassment.
3. Fostering collaborative partnerships and working relationships among schools and community organizations is critically important to ensuring safe and welcoming campus and work environments.
4. Anyone can be a victim of sexual violence and harassment; likewise, perpetrators come from wide array of backgrounds and experiences.
5. Survivors of sexual violence and harassment require access to unique support services and resources.
6. Universities must employ robust prevention and response strategies, and policies and procedures that are fair and accessible.
7. Education and training should be relevant, comprehensive, and appropriate for the audience.
8. Corrective actions and strategies need to be appropriate to the context of the universities.
9. Current and relevant research should inform policies and practices.

Development and Adoption of the Recommendations

The recommendations of the Task Force evolved out of suggestions advanced by each Workgroup, as well as the deliberations and consensus of the entire Task Force. After initial review by President Cross and members of the President's Cabinet, the Task Force disseminated its recommendations for initial stakeholder review and input. Upon completion of that process, the Task Force met to review and incorporate the feedback and suggestions as appropriate.

In September of 2016, the Task Force Co-Chairs met with Chancellors, Provosts, and governance groups to preview the Task Force recommendations and request additional comments on the proposed new Board of Regents policy on Sexual Violence and Harassment and the proposed revised Board of Regents policy on Consensual Relationships. The Task Force Co-Chairs considered the comments resulting from that process and appropriate revisions were made thereafter. Following submission and approval of the report by President Cross, it is anticipated that President Cross and the Co-Chairs will present the Report and policies to the Board of Regents at its December 2016 meeting.

It should be noted that President Cross approved the adoption of several recommendations in advance of the final completion of the Report to ensure timely implementation. These include the creation of a System website (see Communications recommendations), the UW System-supported purchase of a license to deliver online training for students and employees (see Training recommendations), and the creation of an inter-educational workgroup (see Outreach/Partnership and Funding recommendations). These efforts are currently ongoing.

Evolution of Recommendations

Consistent with the charge from President Cross, the Task Force recommendations contained herein are just that – recommendations – subject to the approval of, and adoption by, President Cross. Although all the recommendations evolved through efforts of the Workgroups, all Task Force members support and endorse the full set of recommendations. Each set of recommendations corresponds with the topics each Workgroup addressed.

The Task Force intends to present its recommendations and supporting analysis in a manner informed by the relevant research, as well as consideration of a trauma-informed

approach. The Task Force wrote this report using inclusive language, and a glossary is provided at the end of the report to promote consistent terminology and understanding.

The Task Force has addressed concerns about the evolving nature of issues within its purview in two ways. First, it acknowledges that its recommendations may be subject to modification in the wake of future legal requirements, changing perspectives, and new research on policy and practices. Second, it recommends that President Cross appoint the current Co-Chairs, Anne Bilder and Petra Roter, to continue to focus on implementation, to monitor progress, and to provide guidance, coordination, and oversight.

III. Recommendations

Policies

Problem Statement/Objectives

The policies of the Board of Regents, the University of Wisconsin System, and UW System institutions that address sexual violence and harassment require updating and revision in accordance with federal laws – including Title IX and the Violence Against Women Act (VAWA) Reauthorization – and guidance issued by the Office for Civil Rights (OCR). Because the law and research on these issues continues to evolve, such policies must be nimble enough to permit revision to incorporate new and improved approaches to prevention and response to sexual violence and harassment.

Recommendations

1. The Task Force recommends that President Cross recommend that the Board of Regents:
 - a. Adopt the new Regent Policy Document on Sexual Violence and Harassment (Appendix D).
 - b. Adopt the revisions to the Regent Policy Document on Consensual Relationships (Revised policy, Appendix E; Current policy, Appendix F).
 - c. Repeal Regent Policy Document 14-2, “Sexual Harassment Policy Statement and Implementation” (Appendix G).
 - d. Require each Chancellor to ensure that their institution implements these policies in a consistent manner (Appendix H).
2. The Task Force recommends that President Cross and the Board of Regents support efforts to explore changes to the following state laws:
 - a. Amend [§ 36.11\(22\), Wis. Stats.](#) to address confusing overlap in the reporting of sexual assault, to remove concerning language, and to permit institutions

- to offer education relating to sexual assault in a manner consistent with its culture and evidence-based best practices.
- b. Amend [§ 36.35, Wis. Stats.](#) to allow the Board and institutions to enact one uniform policy covering all aspects related to sexual violence and harassment and to permit the university to respond nimbly to the evolving law and policy in this area.
3. The Task Force recommends that President Cross designate the two Task Force Co-Chairs, with appropriate assistance, to provide oversight, guidance, support, and coordination for the systemwide implementation of these recommendations and to do the following:
- a. Promote institutional compliance with relevant Regent Policy Documents.
 - b. Develop a template Memorandum of Understanding (MOU) with law enforcement, in accordance with developing law and practice in this area (see also recommendations of Survivor Resources Workgroup).
 - c. Develop a sexual violence and harassment “toolkit” which contains templates for documents used in the various stages of sexual violence and harassment prevention and response.
 - d. Foster partnerships with UW System AODA colleagues (see also recommendations of Outreach/Partnership and Funding Workgroup).
 - e. Explore options for maximizing experience and resources by considering System investigators and/or hearing examiner model, or regional investigators and/or hearing examiner model.
 - f. Create and provide support for an inter-educational policy workgroup on sexual violence and harassment, which would include membership from the Wisconsin Technical College System, the Wisconsin Association of Independent Colleges and Universities, and the Department of Public Instruction (*See also* recommendations of Outreach/Partnership and Funding Workgroup).
 - g. Promote research within the UW System on topics that advance understanding of sexual violence and harassment and its prevention, response, and resources (*See also* recommendations of Survivor Resources Workgroup; Assessment Workgroup).
 - h. Contingent upon amending [§ 36.35, Wis. Stats.](#), revising, as appropriate, the Board of Regents policy and related template to incorporate complaint and investigation procedures into the Sexual Violence and Sexual Harassment policy, and to support the creation of a general student misconduct policy addressing misconduct other than sexual violence and harassment.

- i. Review existing Regent Policy Documents 14-3, 14-6, 14-7, and 14-8 to avoid redundancy, ensure consistency, and include appropriate cross-referenced statements.

Rationale

The recommendations support the Task Force’s perspective that enacting robust policies at the highest university level, and then aggressively implementing those policies, effectuates the Board of Regents’ and the university community’s strong commitment to promoting an environment that is free from sexual violence and harassment.

The Task Force supports the adoption of a new policy that addresses many aspects related to combatting sexual violence and harassment advocated by the U.S. Department of Education. That agency has encouraged universities to create a unified policy to address sexual violence and harassment, primarily to make it easier for survivors and others to understand and navigate the complexities of the reporting and grievance process, and to learn about available resources.

Although the recommendations contained herein attempt to achieve this, the UW System has been unable to achieve the desired result of a single policy because state law requires it to promulgate the student disciplinary code through the Wisconsin Administrative Code. Therefore, the Task Force recommends revising [§ 36.35, Wis. Stats.](#), to instead state, “The Board shall issue policies [promulgate rules under ch. 227] governing student conduct and procedures for the administration of violations.” This would allow the System to incorporate aspects of the student nonacademic misconduct code that pertain to sexual violence and harassment into the proposed Board of Regents policy on Sexual Violence and Sexual Harassment, and thus have one unified policy.³ Removing this statutory language would also allow the UW System to respond nimbly to any relevant changes in the law by amending policy rather than the Administrative Code, and to consider emerging research-based policy models that promote prevention and adjudication of campus sexual violence and harassment. Importantly, any amendment of that section must be accompanied by a commitment to include new policy language that preserves the due process protections currently provided for in Chapter UWS 17 of the Wisconsin Administrative Code.

³ While this would not result in the policy unification for employees (for whom complaint and grievance procedures would still remain in the Administrative Code), the Task Force believes that this is an important first step, particularly in light of the agency emphasis on addressing sexual violence and harassment concerning students.

Additionally, UW System Administration has been discussing with the Wisconsin Coalition Against Sexual Assault (WCASA) certain changes to [§36.11\(22\), Wis. Stats.](#) Sexual assault advocates and other staff at UW-Madison initially brought the need for these changes to the attention of UW System Administration. They believed the reporting requirements under that statute led to substantial confusion concerning the occurrence and risk of sexual assaults on campus, particularly in light of required reporting under the Clery Act. Moreover, the advocates and staff shared that in their experience and professional opinion, the statutory requirement of providing certain education at orientation was not productive or helpful. Finally, they expressed concern about certain language in the statute they characterized as “victim-blaming.” Therefore, UW System Administration sought to amend that section of the state statutes to address these important concerns. (See Appendix I.)

The Task Force developed the proposed revisions to Regent Policy Document (RPD) 14-8, “Consensual Relationships,” to clarify the type of affiliations subject to the policy, as well as guidance on how existing and potential conflicts can be avoided or mitigated. The purpose of the revised RPD 14-8 is to ensure that the employment and academic environment is free of real or perceived conflicts of interest between employees and students of unequal power in consensual romantic or sexual relationships. The policy also recommends alternative supervision arrangements, documentation requirements, and potential disciplinary actions for violations of the policy.

The recommendations outlined above will enhance the capacity of UW System to raise awareness of, prevent, respond to, and redress issues of sexual violence and harassment. Thematically, these recommendations reflect the following:

- Commitment of crucial elements to policy.
- Transparency of purpose and process.
- Integration of evidence-based approaches.
- Promotion of consistent response and approaches across the System, where appropriate.
- Recognition that sexual violence and harassment requires a shared approach.
- Recognition of the evolving nature of the law, policy, and research.
- Recognition that efforts must be continuing.

Implementation Challenges

Implementation challenges include the following:

1. Fiscal – There are fiscal implications for ongoing implementation and monitoring for compliance. Finding resources to implement the recommended policies fully may be a challenge for UW System institutions.
2. Legislative – Implementing the recommendations concerning changes to state law will depend upon support from the legislature and from relevant constituency groups.
3. Resources – The continued involvement of staff to implement recommendations and to monitor and respond to shifts in the legal and policy environment will require commitment of human resources.

Milestone & Timeline for Implementation

The Task Force recommends the following timeline:

- Adoption of the new Sexual Violence and Sexual Harassment policy and the revised Consensual Relationships policy, and repeal of RPD 14-2 in December 2016.
- Creation of consistent institutional policies by fall 2017.

Assessment/Evaluation

Institutions may use climate or other surveys (see Assessment Recommendations) to evaluate the efficacy of the policy changes and other recommendations contained in this section.

Training and Professional Development

Problem Statement/Objectives

The UW System's ethical and legal obligation to promote safe and welcoming living, learning, and working environments can be advanced by educating our employees and students about their rights and responsibilities concerning sexual violence and harassment. One way to support this objective is by requiring employees and students to complete an effective, standardized training program that meets legal requirements,

explains rights and responsibilities, and helps to create safe, welcoming, harassment-free campuses and university environments. In doing so, some considerations include:

1. Identifying training and education needs to address Title IX, healthy relationships/intimate partner violence, bystander intervention, and the intersection of those issues with alcohol, drugs, and other substances that impair judgment and behavior.
2. Identifying best practice compliance training tools for all students and all employee groups.
3. Recommending for each group the frequency of training and mandated versus voluntary training.
4. Recommending specialized training for particular identified groups, including Deans of Students; conduct/investigating officers; hearing committee members and hearing examiners; law enforcement; coaches; residence hall staff; supervisors; advocates, and responsible employees.
5. Promoting and supporting continued training and education on these issues and encouraging the incorporation of trauma-informed and evidence-based approaches.
6. Encouraging the use and development of training and education that facilitates cultural, environmental, and attitudinal changes that promote a safer, respectful, welcoming, and inclusive campus community.

Recommendations

1. The Task Force recommends that UW System President Ray Cross require Chancellors to ensure that all employees and students complete appropriate web-based training modules covering the general topics of sexual violence and harassment on campus. (See Appendix J for a description of the available training modules.)

The Task Force recommends that President Cross require Chancellors to do the following:

- a. Ensure that all *current* employees and students complete the appropriate web-based training modules covering the general topics of sexual violence and harassment on campuses as follows:
 - i. All students complete the training within the first six (6) weeks of the start of their first semester enrolled at the institution and complete a refresher training annually.
 - ii. All employees complete the training by June 30, 2017, and complete a refresher training at least once every three (3) years.

- b. Ensure that all *new* employees complete the training within one month of their start date.
- IV. Provide in-depth training, whether web-based or face-to-face, for employees with higher-level responsibilities at each institution, such as supervisors, managers, directors, responsible employees, investigators, hearing examiners and panels, and campus police in the following areas:
- i. Setting expectations for harassment-free workplaces, classrooms, and campus environments.
 - ii. Preventing unlawful harassment.
 - iii. Responding to Title IX and VAWA complaints and reports.
 - iv. Reporting requirements of the Clery Act and under state law.
 - v. Specifying when the disciplinary process regarding sexual violence or harassment is involved.
 - vi. Employing survivor and trauma-informed interventions and strategies.
 - vii. Identifying roles and responsibilities of Title IX coordinators and deputy coordinators.
 - viii. Identifying employees serving in the role of investigator.
 - ix. Identifying employees and students serving on hearing panels.

The Task Force further recommends that President Cross designate the Co-Chairs of the Task Force to help coordinate and support training and education, to include inter-institutional exchange of training and educational materials.

Rationale

Training and education are not only required by law, they are essential to raising awareness about important issues of sexual violence and harassment on campus and providing members of the university community with appropriate tools to help prevent and respond to such incidents. The Task Force's recommendations reflect the notion that training and educational efforts should be repeated and widespread, and accomplished through formats that are comprehensive, accurate, accessible, inclusive, user-friendly, and that adopt research-based methodologies for pedagogy and content.

The Task Force evaluated six online training modules currently offered by various vendors. In the process, the Task Force identified a number of factors it considers essential to a robust training program, including the following:

- Offers many interactive and engaging activities, especially in student modules.
- Compliant with current regulations, including VAWA.

- Offers customization, including inclusion of university policies.
- Addresses bystander intervention.
- Offers tribal inclusion statement.
- Includes streamlined useful analytics.
- Includes LGBTQ individuals.
- Compliant with Section 508 (accessibility compliant, i.e., closed captioning).
- Offers training in Spanish and additional languages.

The Task Force sought and received support from President Cross and the Chancellors to pursue a Request for Proposals (RFP) from vendors of online training covering topics such as Title IX and VAWA for students and employees as well as a commitment for the UW System to cover the cost of the contract. As a result of that process, Campus Clarity/Lawroom (CC) was selected as the provider. At the time of this Report, all UW System institutions are in the process of implementing the student and corresponding employee training.

In addition to online training, the Task Force recognizes the importance of offering other educational opportunities for students and employees to reinforce the information and values conveyed in the online training. Further, the Task Force was aware that certain groups – such as supervisors, responsible employees, Title IX coordinators and their deputies, and campus police – require more focused, in-depth training. Accordingly, Chancellors should work with their staff to identify and support individuals and groups who require additional training.

Implementation Challenges

1. Fiscal – While UW System Administration has agreed to fund the cost of the online training for five (5) years, fiscal implications remain for ongoing implementation and monitoring for compliance.
2. Compliance – Ensuring completion of mandatory training may present challenges. Institutions will need to promote a culture of compliance and commitment, and develop policies and practices that incentivize and/or establish the consequences for not completing training. For example, institutions might wish to offer credit to students who complete the training or place a hold on students' ability to register if they fail to complete the training. Employee training should be a regular expectation of employment and included in future employment contracts.
3. Resources – The continued involvement of staff to implement the training recommendations presents a challenge.

Milestone and Timeline for Implementation

Completion of initial implementation of online training programs: June 30, 2017.

Survivor Resources

Problem Statement/Objectives

Insufficient information and inconsistent access points complicate navigation of resources available to UW System students and employees who are survivors of sexual violence and harassment. Of significant concern is a perceived lack of clarity within, and among, UW System institutions about reporting incidents, and parameters for protecting confidentiality. That confusion often leads those most impacted by sexual violence and harassment to question whether their voices will be heard or their rights respected.

Recommendations

Resources that are visible, accessible, and inclusive must be available to survivors and victims of sexual violence or harassment at their identified point of need. The diverse communities within the UW System require that resources specific to the needs of international students and marginalized populations are available.

The Task Force recommends that President Cross require each Chancellor to:

1. Ensure their institution provides visible, accessible, and inclusive information about resources available to survivors and victims of sexual violence and harassment.
 - a. Each institution should clearly identify confidential resources or advocates, whether on- or off-campus. (A checklist is provided to assist in the development and support of survivor resources in Appendix K.)
 - b. Each institution will provide access to 24-hour phone services for students, employees, and community members to utilize as a resource for sexual violence and harassment. Such access can be on-campus or through an agreement with a local or community organization.
 - c. The UW System and each institution will pursue meaningful, consultative partnerships with state coalitions on sexual and domestic violence, state agencies addressing sexual violence, local victim service providers, and campus-based sexual violence programs and/or staff to provide comprehensive, best-practice service delivery models.
2. Ensure their institution develops memorandums of understanding (MOU) with local law enforcement agencies, victim services agencies, and state coalitions on sexual

and domestic violence to support campus efforts in the areas of prevention, training, and advocacy.

- a. UW System, under the direction of the Task Force Co-Chairs, will develop and share model MOUs between institutions and local law enforcement agencies that clearly outline investigation processes, civil injunction (restraining order) enforcement, information sharing, mutual aid, and jurisdictional issues (*see also* Policies Workgroup recommendations).
3. Ensure their institution adopts trauma-informed principles to guide campus policies, practices, trainings, victim response protocols, and reporting options.
 - a. UW institutions shall provide training on reporting obligations, as well as training on responding to victims utilizing trauma-informed principles (*see also* Training recommendations). This training shall include:
 - i. Providing information to victims about how to report to law enforcement and assist victims in doing so if requested, while also respecting the right of adult victims to decline to notify law enforcement and.
 - ii. Clearly identifying for victims which employees and campus offices can offer confidentiality, and which cannot offer confidentiality, so that victims can make an informed choice about to whom they disclose incidents of sexual violence or harassment. Institutions should also identify confidential advocacy services in the community.
 - iii. Providing clear and concise information about 24/7 victim services, interim measures for living, working, transportation, protective measures, physical and mental health, and advocacy services.
 - iv. Providing clear and understandable information about victim rights and options, particularly in campus disciplinary proceedings.
 - v. Institutions shall allocate adequate financial and human resources for prevention programs, training efforts, victim advocacy, and investigation/adjudication. Institutions should encourage faculty and student engagement in prevention programs, policy development, and training efforts to make decisions that are evidence-based and population-driven.

Rationale

A survivor's first interaction with institutional resources following an incident of sexual violence or harassment will have long-lasting impacts. Consequently, it is imperative that

campus resource information be clear, concise, easily accessible, and readily available to anyone seeking assistance. Resource availability involves more than improving current websites or developing additional pamphlets or written material, although these are important. Resources must also focus upon helping to infuse a trauma-informed approach to the support provided, the work done in the immediate aftermath, and throughout the process of responding to incidents of sexual violence or harassment. Consistent training and resources are the base-level standards to be met at the institutional level. The most important consideration is helping those in crisis feel supported and respected.

Implementation Challenges

1. Fiscal – Appropriating sufficient funding in a time of fiscal austerity and cuts by the legislature.
2. Resources – Developing training protocols for all faculty, staff, and students, especially regarding confidentiality and how and when to report incidents of sexual assault. Also identifying key staff to be responsible for managing these resources in a timely manner while being sensitive to growing responsibilities being assumed by university staff and administrators who are already being asked to do more.
3. Assessment – Determining which university office will be responsible for assessing and evaluating the outcomes of sexual assault initiatives.

Milestones and Timeline for Implementation

It is expected that MOUs, information, and policies identified under this section shall be developed by fall 2017.

Communications

Problem Statement/Objectives

Campus safety is paramount for UW System students and their families, as well as UW System leaders, administrators, employees, and the public. Communication strategies are sometimes underutilized as a means to generate cultural change at the institutional level and to educate the broader community about their roles, responsibilities, and progress toward actualizing the desired change.

Recommendations

The Task Force believes that enhanced communications strategies can have a far-reaching effect on helping to better communicate information and ultimately change the culture

around sexual violence and harassment at UW System institutions. To this end, the Task Force recommends that President Cross:

1. Support the creation and active maintenance of a UW System Sexual Violence and Harassment – Awareness, Prevention and Response website, accessible through the UW System’s website, to serve as a gateway for internal and external stakeholders to efficiently and effectively locate information about sexual violence and harassment, including governing statutes, policies, and procedures, as well as links to resources at each UW institution.
 - a. With the approval of President Cross, the Task Force has already embarked upon creating a system-level Sexual Violence and Harassment – Awareness, Prevention and Response webpage, with active links to resources at each institution.
 - b. Each institution shall establish and maintain its own strong campus web presence that is intentionally sensitive to the end user and incorporates best practices for website optimization.
 - c. Under the direction of Task Force Co-Chairs, the UW System will help create a resource guide for institutions’ proactive communications about sexual violence and harassment. The resource guide should include a checklist for institutions to assess and improve their online content. Guidelines should help ensure consistency in resources and language systemwide. Recommended content is described in Appendix L.

2. Require all institutions to develop a crisis communication plan involving key personnel to include Chancellors, Title IX Coordinators, Public Information Officers (PIOs), Senior Student Affairs Officers (SSAOs), Clery Act Compliance Officers, and Chiefs of Police, among others.
 - a. An effective, responsive communications plan, informed by principles developed with UW System guidance as described above, must also ensure that confidential or sensitive information is not disclosed. If the communication also contains messaging about campus safety, issuing a timely warning pursuant to the Clery Act, or recommending actions for the campus community, particular care should be taken to avoid victim-blaming language and to emphasize positive bystander behaviors.
 - b. Messaging should re-emphasize the principles of safety for all, support for affected individuals, and due process for any individuals accused of

wrongdoing. Even where a statement is published in response to a specific incident, the speaker or writer should be mindful of the university's key principles, values, and resources on sexual violence and harassment.

- c. Under the direction of the Task Force Co-Chairs, the UW System will propose a framework for ongoing communication and information sharing among key personnel across the UW System who work on sexual violence and harassment.
3. Support, through the Task Force Co-Chairs and UW System Office of University Relations, the development and implementation of a comprehensive communication plan for internal and external stakeholders that conveys the finalized recommendations of President Cross and the work of the UW System Task Force on Sexual Violence and Harassment. Additionally, UW System might consider providing the network and framework for front-line personnel from institutions across the UW System to come together with key personnel from UW System Administration (System legal counsel, administrative leaders, communications, or others) either periodically or on an as-needed basis to share best practices and successful programming.

Rationale

While local campus websites are an important source of sexual violence and harassment-related information and resources, a strong system-level web presence will affirm the UW System's broad commitment, unified approach, and leadership engagement with these issues. It will provide an open and transparent vehicle to communicate consistent information and messages to internal and external stakeholders including students, families, leadership and personnel at campus, legislators, the media and the public. A vital function of the system-level webpage is as an additional portal to connect users with local, campus-based resources as efficiently and directly as possible.

Individuals search the Internet seeking help and information on the topic of sexual violence and harassment. Communications from UW System institutions that meet a consistently high standard will ensure students and employees have access to the information and resources they are looking for, and their campus community is aware of the values and policies that shape our efforts.

Additional communication tools beyond the website are important for campuses to utilize. Campus personnel are encouraged to work collaboratively to develop effective communications in these areas.

Each campus has a unique climate to consider when developing a crisis communications plan. The key personnel at each campus, including Chancellors, Title IX Coordinators, PIOs, SSAOs, Clery Act compliance officers, and Chiefs of Police, all need to be involved in the development of the plan. Other personnel such as Provosts or HR Directors may be involved in planning and responses to particular incidents, depending on the roles of the complainant and the respondent. In addition, campuses should maintain open lines of communication with local law enforcement and community organizations that may be involved responding to an incident or in communicating about that incident.

When an incident of sexual violence or harassment affecting the campus community is reported in the media and/or becomes known to people on campus through word of mouth or social media, it is crucial that campus administrators know and execute the actions and steps required for timely, effective, and appropriate communications. Campuses need to develop protocols to facilitate a rapid response by key personnel (possibly in consultation with UW System or campus attorneys), in order to determine (a) whether an official statement by the university is appropriate, and if so, (b) what that statement should or should not contain.

Incidents of sexual violence and harassment must be resolved in a manner that is compliant with applicable law and that is in keeping with the values of the UW System and UW institutions as outlined above. Incidents of sexual violence and harassment often spark intense reactions from various perspectives, and generate rumor, innuendo, and gossip. Campuses must be ready to respond promptly with accurate information while maintaining confidentiality as appropriate. This will serve to lessen the spread of inaccurate rumors and reassure the campus community that the appropriate personnel are taking the necessary action.

In addition, for the many students, faculty, and staff who may not focus their attention on sexual harassment, sexual violence, and gender equity, any incidents that do occur and the institutional response to those incidents provide an opportunity to remind people of the university's key principles, values, and resources in this area.

Sharing the recommendations, work process, and guiding principles informing the work of the task force informs both internal and external stakeholders of what the UW System is currently doing to address sexual violence and harassment issues on campuses. It also

reinforces the institutional and system-level commitment to addressing these important matters and principles, and supports a stronger systemwide identity.

Recognizing that conditions, legislation, and other factors related to sexual violence and harassment are subject to change, some ongoing provision or process should be made to keep all relevant stakeholders up to date.

Implementation Challenges

1. Resources – Once the system-level webpage is established, it is important that its information, data, and links continue to be accurate and up-to-date. This will require an investment of time and commitment during a time of stretched resources, including human resources. Adding to the challenge are the changing and/or evolving laws, practices, and protocols that will require continuous monitoring and sharing of best practices.
2. Assessment – Assessing and evaluating the effectiveness of communication efforts will require periodic check-ins and recalibrations with institutional peers.

Milestones & Implementation Timeline

The UW System Sexual Violence and Harassment – Awareness, Prevention and Response website is expected to launch sometime in December 2016.

Outreach/Partnership and Funding

Problem Statement/Objectives

Education and awareness focused on sexual violence and harassment in higher education is necessary in every area of the campus community. Universities are challenged to maintain healthy living, working, and learning environments by taking proactive and preventive measures, providing effective support services, and educating the community. UW institutions recognize that preventive and educational efforts will require collaboration with community agencies and other educational institutions (K-12, technical colleges, private colleges, etc.) to reduce risks as students enroll in higher education and to help improve the culture surrounding these issues. These collaborative efforts exist, but not to the degree necessary for greatest impact.

When sexual violence and harassment occurs within our campus communities, many different services act to help the survivor. Sometimes there is good communication between the service providers; in some communities, there is little or none. One common observation when working with survivors of sexual assault is that the various points of

service are rarely coordinated. This can be frustrating and traumatizing to the victim. The Task Force seeks to increase collaboration within the campuses community to serve victims, as well as increase collaborative efforts with community agencies and service providers, to develop a seamless process to assist those who need access to services.

Recommendations

The Task Force recommends that President Cross support the ongoing efforts to:

1. Develop an inter-educational workgroup on sexual violence and harassment, to include members representing the Wisconsin Technical College System, the Wisconsin Association of Independent Colleges and Universities, and the Department of Public Instruction. (See *also* Policies recommendations and Appendix M.)
2. Encourage institutions to develop partnerships with local K-12 schools and community agencies to focus on primary risk factors for sexual violence and other programs.
 - a. Factors may include: alcohol/drug use, domestic violence, community tolerance of sexual assault, sexism, homophobia, and others.
3. Pursue collaborative efforts with grant officers across the UW System and the UW System's Office of Federal Relations to seek funding opportunities to support programs and initiatives that address sexual violence and harassment, and strengthen services to support victims/survivors.
 - a. Identify and adopt appropriate educational campaigns and tailor them to specific campus culture and needs. For example:
 - i. It's On Us: <http://itsonus.org/>
 - ii. Bystander Intervention: <https://www.notalone.gov/assets/bystander-summary.pdf>

Rationale

State and federal law, federal agency guidance, individual agency policies, and governing bodies affect the highly decentralized education system in the State of Wisconsin. That reality complicates any effort to collaborate and unite behind particular policies regarding sexual violence and harassment across public, private, and technical institutions of higher education. Sexual violence and harassment education for students may be very thorough

in one school district/system, may be extremely comprehensive in one classroom, or may be completely nonexistent in another. Developing an inter-educational policy workgroup to collaborate across educational entities can reveal resources to the innovative administrator: knowledge, equipment, facilities, and services (which may be available at other agencies). Staff members will learn by meeting with colleagues from other institutions, exchanging ideas about new models and methods, and sharing ideas that may benefit their work. Staff may also learn about new resources, how to access them, and strategies for improving programs.

Partnerships involving K-12, community agencies, organizations, and service providers should move beyond the traditional prevention education programs and into primary prevention strategies aimed at social and cultural change, and skill building to address the root causes for sexual violence. Universities and collaborating partners need to be proactive so that each community member understands and upholds community expectations. Primary prevention efforts help the community take ownership of the problem of sexual violence and harassment, and seek to create a safe, healthy community by changing the conditions leading to sexual violence. Primary prevention initiatives will address sexual violence and harassment based on how they manifest in a given community, and will use data, provider knowledge, community knowledge, and theory to guide the design and implementation of strategies. This means moving beyond simply providing education or awareness programs, and being strategic about target audience and the content of our initiatives.

Partnership efforts among community-based organizations; public, private and technical colleges; law enforcement; and the K-12 system will give each entity the opportunity to fund programs to address sexual violence and harassment by strengthening services to victims and holding offenders accountable. These various entities could work collaboratively to seek out financial assistance to provide programs and initiatives to address sexual violence and harassment and strengthen services to support victims/survivors.

Implementation Challenges

1. Policy – Universities and community organizations vary in strategies and approaches used to provide services and programming. This could potentially affect collaborative efforts among the campus- and community-based organizations because each entity may have different guidelines that drive their initiatives and

target audiences. Examples include community grant stipulations, the Family Educational Rights and Privacy Act (FERPA), or state laws.

Milestones & Timeline for Implementation

UW System institutions initiating partnerships and seeking funding opportunities would be responsible for developing milestones and creating a timeline.

Assessment

Problem Statement/Objectives

The UW System strives to protect students and employees from sexual violence and harassment through quality interventions and programming. It is imperative that UW System institutions proactively integrate empirically informed assessment and evaluation activities into programs in order to achieve intended outcomes.

Recommendations

The Task Force recommends that President Cross require all UW System institutions:

1. Implement campus studies that seek to gather data and information concerning sexual violence and harassment at least once every three (3) years. It is recommended that institutions adopt a common survey – the Administrator-Researcher Campus Climate Collaborative (ARC3) – to allow for systemwide assessment.
2. Implement mechanisms to ensure that quality assessment and evaluation are included in all intervention programs in order to use resources efficiently and provide maximum impact.

In addition, the Task Force recommends President Cross, through the Task Force Co-Chairs:

3. Support these efforts by providing guidance on best practices and legal mandates as they develop, as well as supporting institutions in creating, selecting, and implementing assessment and evaluation tools for intervention programs.

Rationale

A growing consensus is emerging across the nation that universities need to undertake campus climate surveys. Some pending legislation – the Campus Accountability and Safety Act 2016 – would mandate such surveys. Campus climate surveys must serve several important functions:

1. Provide information about community perceptions, knowledge, and attitudes relevant to sexual assault.
2. Help establish incident rates.
3. Track change in sexual assault, awareness, and reporting.
4. Help institutions identify areas of particular concern.
5. Aid in demonstrating the university's commitment to addressing sexual assault and educating survey respondents.

A widely accepted, comprehensive set of questions has yet to emerge for campus climate surveys, although movement toward such a consensus is developing. At this time, however, no single set of questions has been identified. Many UW campuses, including Madison, Green Bay, and Parkside, have implemented campus climate surveys in recent years. UW-Madison administered the Association of American Universities' "Campus Climate Survey on Sexual Assault and Sexual Misconduct," and UW-Green Bay took part in the "College Experiences Survey Pilot Test," sponsored by the U.S. Department of Justice. Dr. Sara Van Orman, Health Director at UW-Madison, met with the Task Force to present and discuss UW-Madison's survey results.

Based on the Task Force's examination of existing survey instruments, it is recommended that UW campuses adopt the Administrator-Researcher Campus Climate Collaborative (ARC3) survey (See Appendix N). The ARC3 addresses issues related to sexual assault and harassment and is an excellent option for the UW System for the following reasons. The survey is a result of the independent and collaborative efforts of recognized experts in the field. The survey is comprehensive – with modules focusing on alcohol use, peer norms, sexual harassment, stalking, dating and sexual violence, and victimization – and allows for campus-specific customization. The survey is relatively brief and free to use.

The primary target for the ARC3 is students, but most of the modules would work equally well for college staff and faculty. The survey can be modified for this population, and supplemented, if need be, with staff/faculty-specific items.

The Task Force recommends surveying entire population cohorts rather than using sampling methods. Efforts must be made to maximize response rate. The timing of survey

administration should take into account when other campuswide surveys and programs are administered to avoid oversaturation.

It would be most efficient and beneficial if the ARC3 were adopted by all institutions systemwide, although control over timing, customization, and administration should reside with individual campuses.

Use of a climate survey also signals to stakeholders the primacy to the campus community of concerns about sexual violence and harassment, and indicates the institution's commitment to take active measures to prevent and respond to the problem and promote a safe, respectful, inclusive, and welcoming environment.

In addition to selecting empirically informed interventions, evaluating the effectiveness of the interventions implemented on UW System campuses is essential. Evaluation must be an integral element of intervention planning from the outset. Post-hoc evaluation designs are rarely as rigorous, or useful, as those that are planned from the start.

To this end, the focus should be primarily on assessing the outcomes that are most important – that is, actual rates of sexual assault and harassment. It is also important to measure intervening factors, such as knowledge of definitions of sexual assault or willingness to intervene or report, in order to understand why an intervention is effective. Assessment and evaluation should be research-based endeavors. Although most people recognize the importance of assessment and evaluation, the quality of these efforts is dependent upon individual expertise and/or institutional resources.

For newly instituted programs, for example, an experimental research design would be ideal but is not always possible. Evaluation must focus on outcomes, and not simply input or process measures (e.g., numbers of participants). In addition, due to the sensitive nature of the subject matter associated with sexual violence and harassment, additional precautions are necessary to create a quality assessment that takes into account barriers to candid responses and/or the potential for inadvertent re-traumatization of survivors.

A wide range of departments and staff are involved in student and employee programming relating to sexual violence, harassment, and related topics. However, these units have varying levels of expertise and institutional support related to assessment and evaluation. Colleagues on some campuses may have institutional expertise, and they may not be as familiar with the current research relating to sexual violence, harassment, and related programming, nor how it should inform assessment and evaluation activities.

Given the potential for harm, the unique considerations associated with evaluation of sensitive topics, and the lack of dedicated expertise across the UW System campuses, it is

essential that best practices for assessment and evaluation support be made available for colleagues involved in programming. In addition, assessment and evaluation protocols should be vetted through institutional review boards.

Intervention programs should include assessment/evaluation components starting with fall semester 2017. UW System personnel should be available for brief consultations on assessment and evaluation plans starting in fall semester 2017.

Implementation Challenges

1. Climate Survey – It is important for key measures of the survey to be uniform across campuses for comparison purposes. Beyond agreeing on the content of a survey, there is also the issue of cost. The Association of American Universities (AAU) charged UW-Madison approximately \$85,000 to administer its survey. Task Force members feel it is important that any recommendations by the Task Force be sensitive to the financial burden that it may be placing on campuses. The Task Force should investigate ways to administer campus climate surveys at a low cost to the campus or system. The ARC3 survey eliminates the cost of the instrument itself.
2. Assessment and Evaluation – The greatest challenge to implementing widespread assessment and evaluation is a lack of assessment experience and expertise among those tasked with program implementation. Assessment is often viewed as an add-on to the actual work of the program. It is important to convince those conducting interventions that assessment is an essential component of the intervention itself, and not an add-on. UW System should provide support in selecting and analyzing the assessment tools.
3. Guidance – There are two challenges associated with assessment and evaluation guidance. First, the subject of sexual violence is complex and serious. It can be difficult to reflect nuance or concisely summarize a multifaceted topic. The potential consequences are significant if inappropriate programming or assessments are conducted. However, this risk remains with the current structure, and limited written support is preferable to no support at all. The second challenge associated with providing assessment and evaluation guidance relates to resources and expertise. To be most effective, the individual creating these materials requires expertise in sexual violence and harassment, intervention programming, and its implications in assessment and evaluation. This presents either a workload or expertise issue, in that the task would need to be assigned to existing staff, or addressed through a project assignment.

Milestones & Timeline for Implementation

UW institutions need to agree upon the core content for a campus climate survey, to be administered systemwide, by summer 2018

IV. Conclusion

Sexual violence and harassment on campus has been and will continue to be a grave and persistent problem until universities better understand and develop strategies to address its root causes. The UW System and other universities must proactively work to ameliorate cultural paradigms, such as gender stereotypes, that allow or condone abhorrent behaviors.

In making the recommendations contained herein, the Task Force recognizes the challenges in combatting sexual violence and harassment, and at the same time puts forward suggestions that it believes will help mitigate the problem and address the effects on survivors and others. Any recommendation is only as good as its implementation, and continued assessment is needed to ensure that the recommendation is effective. With this in mind, the Task Force has invested responsibility for implementation with high-level administrators, both at the UW System and institutional levels, and has recommended the development of new partnerships as well as the strengthening of existing partnerships between schools and community agencies. The Task Force continues to emphasize the crucial importance of this work and that all of its efforts, and any subsequent remedial actions or policies, be grounded in and informed by current research.

Global Recommendation

The Task Force recognizes that the foregoing will require a renewed commitment of financial and human resources to effectuate the recommendations. Accordingly, the Task Force recommends President Cross provide leadership and support to the Chancellors in their efforts to evaluate existing and potential resources and encourage reallocation of funds where appropriate.

V. Glossary

For the purposes of this Report, the terms being used are defined as follows:

Complainant. Any individual who is reported to have been subjected to sexual harassment, sexual assault, dating violence, domestic violence, or stalking, as defined in the relevant Administrative Code provisions or policies. *See, e.g.,* Chpts. [UWS 4.015](#) (faculty), [UWS 11.015](#) (academic staff), and [UWS 17.02\(2m\)](#) (students).

Confidential Employee. Any employee, who is a licensed medical, clinical, or mental health professional, when acting in that role in the provision of services to a patient or client who is a university student or employee. A Confidential Employee will not report specific information concerning a report of sexual violence or sexual harassment received by that Employee in the Employee's professional capacity unless with the consent of the reporting individual or unless required by the Employee's license or by law.

Confidential Resource. Individuals or agencies in the community, whose professional license or certification permits that individual or agency to preserve the confidentiality of the patient or client.

Consent. Words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to have sexual intercourse or sexual contact. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness [[§. 940.225\(4\), Wis. Stats.](#)].

Dating Violence. Violence committed in a "dating relationship," which is defined as a romantic or intimate social relationship between two adult individuals; "dating relationship" does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship, [[§ 813.12\(1\)\(ag\), Wis. Stats.](#)].

Domestic Violence. Any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common, [[§§ 813.12 \(1\)\(am\)](#) and [968.075](#), Wis. Stats.]:

1. Intentional infliction of physical pain, physical injury or illness.

2. Intentional impairment of physical condition.
3. A violation of the state statute regarding sexual assault [[§ 940.225\(1\), \(2\) or \(3\), Wis. Stats.](#)].
4. A violation of the state statute regarding stalking [[§ 940.32, Wis. Stats.](#)].
5. A violation of the state statute regarding damage to property [[§ 943.01, Wis. Stats.](#)], involving property that belongs to the individual.
6. A threat to engage in any of the conduct under 1 through 5 listed above [[§§ 813.12 \(1\)\(am\) and 968.0755, Wis. Stats.](#)].

Employee. Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment. (See, e.g., UPS Operational Policy, GEN 0, General Terms and Definitions (<https://www.wisconsin.edu/ohrwd/download/policies/ops/gen0.pdf>))

Executive Order 54. Executive Order issued by Governor Walker in 2011 requiring that university employees report incidents of child abuse and neglect which they observe or witness in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services.

(https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf)

Hostile Environment. A hostile work, academic, or program-related environment is created when one engages in harassment that consists of unwelcome verbal or physical conduct directed at another individual because of that individual's gender, and that has the purpose or effect of creating an intimidating, hostile, or offensive work, academic, or program-related environment or has the purpose or effect of substantially interfering with that individual's work or academic performance. Substantial interference with an employee's work or academic performance or creation of an intimidating, hostile, or offensive work, academic, or program-related environment is established when the conduct is such that a reasonable person under the same circumstances as the student or employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work or academic performance or to create an intimidating, hostile, or offensive work or learning environment. [See, e.g., [§ 111.36\(1\)\(b\), Wis. Stats.](#)]

Incapacitation. As it applies to this policy, the state of being unable to physically and/or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of Incapacitation requires an

assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

Office for Civil Rights. The U.S. Department of Education office that is responsible for enforcing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other education-based discrimination acts.

<http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

Preponderance of the Evidence. Information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than "clear and convincing evidence" and is the minimum standard for a finding of responsibility. [Sections [UWS 17.02\(13\)](#), [UWS 11.015\(7\)](#), [UWS 4.015\(7\)](#), and [UWS 7.015\(5\)](#), Wis. Admin. Code]

Respondent. A student who is accused of violating a policy under Chapter UWS 17, Wis. Admin. Code, or an employee who is accused of violating a policy under Chapters UWS [4](#), [7](#), or [11](#), Wis. Admin. Code.

Responsible Employee. Any employee (other than a "confidential resource"):

1. Who has the authority to take action to redress sexual misconduct;
2. Who has been given the duty of reporting incidents of sexual misconduct by students or employees to the Title IX coordinator or other appropriate school designee; or
3. Who a student could reasonably believe has this authority or duty. April 29, 2014 "Dear Colleague Letter", *available at* <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

Retaliation. An adverse action taken against an individual in response to, motivated by, or in connection with an individual's complaint of discrimination or discriminatory harassment, participation in an investigation of such complaint, and/or opposition of discrimination or discriminatory harassment in the educational or workplace setting.

Sex Discrimination. Discrimination on the basis of sex or gender. Sexual harassment and sexual assault are forms of sex discrimination. [See [20 USC §§ 1681-1688](#)]

Sexual Assault. Sexual contact or sexual intercourse with another person without the consent of that person.

1. **First Degree Sexual Assault.** Engaging in any of the following constitutes First Degree Sexual Assault:
 - a. Sexual contact or sexual intercourse with another person without consent of that person and that causes pregnancy or great bodily harm to that person.
 - b. Sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
 - c. Sexual contact or sexual intercourse with another person without the consent of that person by use or threat of force or violence, aided or abetted by one or more persons.

2. **Second Degree Sexual Assault.** Engaging in any of the following constitutes Second Degree Sexual Assault:
 - a. Sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
 - b. Sexual contact or sexual intercourse with another person without consent of that person causing injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
 - c. Sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.
 - d. Sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.
 - e. Sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
 - f. Sexual contact or sexual intercourse with another person without the consent of that person, aided or abetted by one or more other persons.

3. **Third Degree Sexual Assault.** Sexual intercourse with a person without the consent of that person.
4. **Fourth Degree Sexual Assault.** Sexual contact with a person without the consent of that person. [[§940.225\(4\), Wis. Stats.](#)]

Sexual Contact. Intentional touching, whether direct or through clothing, if that intentional touching is for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under [§ 940.19\(1\)](#) or [§. 940.225\(5\)\(b\)\(1\), Wis. Stats.](#)

Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience, (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment. [Adapted from [29 C.F.R. § 1604.11 \(1980\)](#).]

Sexual Intercourse. Penetration, as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction [[§ 940.225\(5\)\(c\), Wis. Stats.](#)].

Sexual Violence. The phrase, for the purposes of this report and related policies, refers to incidents involving sexual assault, sexual harassment, stalking, dating violence, and domestic violence.

Stalking. Intentionally engaging in a course of conduct that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household [[§. 940.32, Wis. Stats.](#)].

Student. "Student" means any person who is registered for study in University of Wisconsin System institution for the academic period in which the alleged act of sexual violence or sexual harassment occurred, or between academic periods for continuing students. [See [Chapter UWS 17.02\(14\), Wis. Admin. Code.](#)]

Title IX. Title IX of the Education Amendments of 1972 (20 U.S.C. sec. 1681 et seq.; 34 C.F.R. Part 106)(as amended) is a federal law that states, "[n]o person in the United States shall, on

the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” [20 U.S.C. § 1681\(a\)](#).

Title IX Coordinator (and Deputies). An employee designated to coordinate compliance with Title IX, who plays an important role in an institution’s efforts to ensure equitable opportunity for all students and employees, and who works with school officials to remind the school community that students and employees must have equal access to all programs. (Adapted and revised from April 24, 2015, “Dear Colleague Letter” available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>).

Trauma-Informed Care. Trauma-informed care reflects an understanding of trauma and emphasizes creating services and programs that are sensitive and directly responsive to the trauma that many victims and survivors experience following a violent crime. Trauma-informed care programs identify and limit potential triggers to reduce their re-traumatization and protect their mental and emotional health.

<https://www.justice.gov/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>. Trauma-informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed care also emphasizes physical, psychological and emotional safety for both consumers and providers, and helps survivors rebuild a sense of control and empowerment. *See also:*

<http://www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf> and http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building_cultures-of-care.pdf

Violence Against Women Act (VAWA). Federal law enacted in 1994, which promotes the investigation and prosecution of violent crimes against women, among other objectives. Recently, it affected amendments to the Clery Act [[42 U.S.C. §§ 13701-14040](#)], through the Campus Sexual Violence Act (SaVE) provision, Section 304.

VI. Appendices

- A. [President Cross's Charge to the Task Force](#)
- B. [List of Current and Past Members of the Task Force](#)
- C. [Task Force Meeting Dates and Agendas](#)
- D. [Revised Sexual Violence and Sexual Harassment Policy](#)
- E. [Revised Consensual Relationships Policy](#)
- F. [Current Regent Policy Document 14-8, "Consensual Relationship Policy"](#)
- G. [Regent Policy Document 14-2, "Sexual Harassment Policy Statement and Implementation"](#)
- H. [Template Sexual Violence and Sexual Harassment Policy](#)
- I. [Proposed Revisions to State Statue 36.11\(22\) Memo to WCASA](#)
- J. [Campus Clarity Training Module Description](#)
- K. [Checklist of Survivor Resources](#)
- L. [Recommended Website Components](#)
- M. [Inter-educational Workgroup on Sexual Violence and Harassment](#)
- N. [Administrator-Researcher Campus Climate Collaborative \(ARC3\) Survey](#)