

RIGHTS & RESOURCES

For employees who have experienced sexual harassment or sexual violence



This information is focused on the needs of *employees* who have experienced sexual harassment, sexual assault, dating/domestic violence or stalking.

For resources available to students, see the student [Campus Resource Guide](#).

For complete policy information, see the [UW-Madison Policy on Sexual Harassment and Sexual Violence](#).

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DEFINITIONS

Below are summary descriptions of prohibited conduct. For policy definitions of each term, please reference the [UW-Madison Policy on Sexual Harassment and Sexual Violence](#).

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, or other unwelcome sexual conduct that negatively affects your academic or work environment. When determining whether sexual harassment occurred, a variety of factors may be considered, including differences in power status between the involved parties and the context of the interactions (i.e., social setting or workplace). Sexual harassment can occur in two different forms.

Quid Pro Quo

“*This for that*” occurs when major academic or employment decisions are based on someone’s submission to or rejection to the unwanted sexual advances or conduct.

Examples include:

- A supervisor requires sexual favors in exchange for a hiring, promotion, raise or grade
- An advisor refuses to write a recommendation letter for a graduate student because they’ve rejected advances
- A manager or professor changes a work or academic assignments because someone has refused requests for dates or a romantic relationship

Hostile Environment

Sexual harassment occurs when the unwanted sexual conduct is sufficiently severe or pervasive to interfere with someone’s workplace or academic environment.

Examples include:

- Someone is subjected to unwanted sexual comments about their appearance from co-workers almost daily, making that person so uncomfortable and distracted they are unable to complete their work on time.
- A professor frequently tells his student about his personal sexual relationships during office hours, and this makes the student so distressed that they no longer attend office hours or the professor’s class.

Sexual Assault

Sexual contact without consent, including fondling (touching of private body parts) and rape (penetration). Remember, a person is unable to consent to sexual activity if they are incapacitated due to alcohol or drugs.

Consent means words or clear actions that openly show a person who is competent to give informed consent freely agrees to the sexual contact.

Stalking

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

Dating & Domestic Violence

Violence or threat of violence by someone in a dating, sexual, or romantic relationship with the victim.

Sexual Exploitation

Attempting, taking, or threatening to take nonconsensual sexual advantage of another person.

Retaliation

University policy, as well as state and federal law, prohibits retaliation against anyone who has filed a complaint or otherwise participated in the investigation of a complaint of sexual harassment or sexual violence.

ACCOMMODATIONS AND PROTECTIVE MEASURES

Requesting an Accommodation

You may have trouble focusing or concentrating at work or you may no longer feel safe in certain places and you may desire changes in your environment. UW-Madison will make every effort to make accommodations for academic, living, transportation, working situations, or protective measures if requested and reasonably available. Victims do not need to report to law enforcement or participate in a formal university investigation to receive these accommodations.

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21 N. Park St., #5101,

Madison, WI

608-890-3788

608-265-2257

wr@ohr.wisc.edu

www.ohr.wisc.edu

Protective Measures

The University has a variety of resources to help you maintain your safety. These services are available to you whether or not a formal investigation occurs. In addition to the accommodations listed above, you may want to consider these methods of restraining contact:

No Contact Directives Issued by UW-Madison

One tool the University of Wisconsin-Madison uses to support a safe, respectful, and responsible educational and working environment, either as a proactive measure or in response to and prevention of additional incidents, is a no contact directive.

A no contact directive is a university-issued directive that prohibits the recipient from having contact with the individual or individuals named in the directive. The no contact directive is different than a restraining order/civil injunction issued by a court of law and may be issued independent of campus investigatory/disciplinary processes. A no contact directive is issued when an authorized university employee determines that an individual

should be prohibited from having contact with another person or persons. Violation of a no contact directive issued by UW-Madison may result in disciplinary action up to and including dismissal.

Civil Restraining Orders Issued By a Court of Law

A Restraining Order is a court order limiting defined potential conduct of someone who has abused or harassed you, ordering them not to abuse or contact you. A restraining order is issued by a judge and is enforced by police; a restraining order can be issued to people not affiliated with UW-Madison. For instructions on how to file for a court-ordered restraining order, please visit the [Dane County website](#) or contact [Domestic Abuse Intervention Services](#) (DAIS) (608-251-4445). Additionally, the [VOCA Restraining Order Clinic](#) (608-263-9574) provides no-cost, direct legal services to victims/survivors of intimate-partner violence in Dane, Jefferson, Rock and Sauk Counties.

UW-Madison and UWPD will enforce active no contact and restraining orders issued by a court of law. If you are an employee and have a court issued restraining order, please notify UWPD.

**Information specific to students requesting a No Contact Directive can be found in the [Annual Security Report](#) or the [Sexual Misconduct Resource and Response Program's website](#).*

REPORTING AND RESPONSE OPTIONS

Concerns that are raised to the university might be handled in a variety of ways, including formal investigations and alternative resolutions. When a report is made to the university, it is not confidential.

Reporting to the University

Alternative Resolution

An alternate resolution may include a university official speaking with the respondent (the person accused of the misconduct) about their conduct and reviewing relevant campus policy. The purpose of this meeting would be to stop the problematic conduct from continuing. This type of resolution may be appropriate for people experiencing harassment, stalking or other ongoing unwanted contact, but may not be appropriate for other types of misconduct. No factual findings or conclusions are made about the alleged conduct in this scenario. This type of response allows the victim the possibility of remaining anonymous.

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Formal Investigation

A formal investigation concludes with factual findings and a decision about whether the respondent violated campus policy, which could result in sanctions. For more information on situations where the respondent is a UW employee or guest, read Section VIII of the [UW-Madison Policy on Sexual Harassment and Sexual Violence](#). You have the right to a support person or an advisor (who may be an attorney at your own expense) during all stages of this process.

Investigations regarding alleged violations of this policy will be conducted using the applicable university investigatory or disciplinary procedures. The disciplinary procedures that will be used will be based on the relationship of the respondent with the university.

Reporting to Law Enforcement

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

UWPD is a full-service, 24-hour law enforcement agency. UWPD officers have the authority to make an arrest, regardless of whether the perpetrator is associated with UW-Madison or not. Contact: UWPD (608-264-2677) or the Sexual Misconduct Resource and Response Program (608-265-6018).

Other local law enforcement agencies include the [Madison Police Department](#) and the [Dane County Sheriff's Office](#).

Other Useful Information about Reporting

Campus vs. Criminal

Campus Process

- Penalties are given for violation of university policy
- Responsibility based on “preponderance of the evidence” standards
- Limited ability to impose penalties or restrictions for those not affiliated with UW

Criminal Process

- Has power to arrest and charge with criminal offenses
- “Beyond a reasonable doubt” standard for conviction
- Only able to take action on conduct that violates criminal law

Preserving the Evidence

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

Evidence may include:

- Text messages, emails, and other written communications. Messages between the parties or between witnesses may be helpful, including messages in which you may have told a friend or support person what happened.
- If you are experiencing ongoing or repeated abuse or harassment, track dates and times and specific conduct in a calendar or journal. You can also obtain a “stalking booklet” from the police or use a personal calendar to help you keep track. This practice can also help with memory recollection.
- In some situations, collecting forensic and medical evidence close to an assault can prove critical, specifically in relation to law enforcement prosecutions. This is best collected and documented by a forensic nurse examiner.
- Timing may be important for other types of evidence. Reporting as soon as possible increase the likelihood that evidence will remain available.

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

CONFIDENTIAL RESOURCES

Confidential Campus Resources

Employee Assistance Office (employees only)

A resource provided by the University of Wisconsin-Madison to assist employees and their *immediate* family members or significant others who are finding it difficult to successfully cope with personal or work-related issues or concerns.

610 Langdon Street, Lowell Center, Room 226, Madison,
WI 53703 (608) 263-2987 or toll-free (877) 260-0281

<http://eao.wisc.edu>

eao@mailplus.wisc.edu

Life Matters (employees only)

Life Matters, a service of the Employee Assistance Office, provides employees with free and confidential statewide coverage, and 24/7 telephone access to professional counselors in support of employees' personal and work-related concerns.

<https://hr.wisc.edu/employee-assistance-office/lifematters/>

Ombuds (employees only)

The Ombuds Office facilitates understanding, communication, and resolution of conflict for employees. The office offers confidential and neutral help to people on campus so they can communicate more effectively with each other. A person from the Ombuds office will listen to your concerns, explain procedures, and talk about your choices. If you ask them, they may be able to serve as an intermediary as you try to resolve disputes. The Ombuds office can also give you confidential advice.

Rooms 223-225, Lowell Hall
610 Langdon St, Madison, WI 53703
608-265-9992

Rape Crisis Center

24-hour line: 608-251-RAPE (7273)

(608) 265-6389 (campus office)

info@danecountyrc.org

333 E. Campus Mall, #7901 Madison, WI

Confidential Community Resources

Rise Law Center

A non-profit law office that provides culturally relevant legal representation in the following areas: family law, immigration law, civil injunctions/restraining orders, and immigration needs including U-Visas, T-Visas and VAWA self-petitions

1245 E. Washington Ave #102, Madison, WI

<http://www.riselawcenter.org/>

Domestic Abuse Intervention Services (DAIS)

Works to ensure the safety and well-being of domestic violence survivors and their families, and to challenge societal attitudes that perpetuate violence and the abuse of power.

24-hour line: (608) 251-4445

Toll free: (800) 747-4045

Deaf Unity

Provides victim advocacy for victims of sexual assault, intimate partner violence, and/or stalking provided by staff who are Deaf and use American Sign Language (including text helpline) and provide emotional support, and accompaniment to medical appointments and court dates.

Text helpline: 608-566-2881; M-F 9am-10pm

PO Box 8713 Madison, WI 53708

Toll free: (800) 747-40457

UNIDOS of Wisconsin

Provides victim advocacy services for Latina and non-Latina survivors of sexual assault and domestic violence.

Toll free: 1-800-510-9195

Freedom, Inc.

Victim advocacy services for victims of sexual assault and intimate partner violence that are language/gender/generation and culture-specific to women, gender non-conforming, and youth in African American and Southeast Asian families.

(608) 661-4089; M-F 9am-5pm

601 Bay View, Madison, WI 53715

refugeproject@hotmail.com

Room to Be Safe

This is a collaborative anti-violence program that provides support and resources to LGBTQ people who are experiencing or have experienced dating, long-term or intimate partner violence. Room to be Safe also provides support and resources for family members of LGBTQ people who are experiencing or have experienced dating, long-term or intimate partner violence.

Resource line: 414-856-5428

Meriter Forensic Nurse Examiner Program

They provide medical and forensic examination for victims of sexual assault, domestic violence and dating violence. Nurses will examine for injuries, collect evidence, and offer medications to prevent STIs and/or pregnancy. Evidence can be collected within 5 days of an assault. There is no requirement to report to law enforcement. Visit, the [Unity Point Meriter website](#) for more.

(608) 417-5916

UnityPoint Health-Meriter Hospital: 202 S. Park St. Madison, WI

Midwest Center for Human Services, Domestic Violence Resource Center

Comprehensive program of treatment and social change which offers services to both abusers and survivors of domestic violence, including children and teenagers.

313 Price Place, Madison, WI (608) 231-3300

info@mchumanservices.org | <http://mchumanservices.org>

RISE Respite Center

Provides respite and crisis childcare 24 hours a day, 7 days a week to families experiencing high levels of stress. Services are available for both planned childcare and emergency and crisis childcare. Children stay an average of 4-16 hours in a single visit.

2120 Fordem Ave, Madison, WI

(608) 241-5150 | info@centerforfamilies.org

[RISE Respite Center website](#)

OTHER RESOURCES

Mental Health

The Rainbow Project

(608) 255-7356

831 East Washington, Madison, WI

info@therainbowproject.net

Employee Assistance Office

See page 9 for details about this confidential campus resource.

Immigration

Office of International Faculty and Staff Services (on campus)

The Office of International Faculty and Staff Services (IFSS) in the Office of Human Resources provides comprehensive assistance to the University of Wisconsin-Madison on all aspects of non-student immigration. The office acts as the liaison between the university and all government agencies involved in immigration matters, and assists both the institution and individuals in complying with immigration laws and regulations.

(608-265-2257)

21 N. Park St., Suite 5101, Madison, WI

ischolars@ohr.wisc.edu

Americans Overseas Domestic Violence Crisis Center

Works with Americans in foreign countries who need domestic violence and child abuse advocacy and support, and provides resources and tools to navigate jurisdictional, legal and social international landscapes.

1-866-879-6636

https://www.catchafire.org/organizations/americans-overseas-domestic-violence-crisis-center_7531

Rise Law Center

A non-profit law office that provides culturally relevant legal representation in the following areas: family law, immigration law, civil injunctions/restraining orders, and immigration needs including U-Visas, T-Visas and VAWA self-petitions.

1245 E. Washington Ave #102, Madison, WI

<http://www.riselawcenter.org/>

Legal

VOCA Restraining Order Clinic

Provides direct legal services to victims/survivors of intimate-partner violence in Dane, Jefferson, Rock and Sauk Counties. Law students assist victims/survivors of intimate-partner violence by completing Restraining Order petitions, representing them at injunction hearings (restraining-order hearings), and providing relevant resources under the supervision of experienced clinical faculty. The Clinic works directly with community groups and agencies throughout the counties to provide services with no cost to the victim/survivor.

608-263-9574

<https://law.wisc.edu/eji/voca/>

Rise Law Center

A non-profit law office that provides culturally relevant legal representation in the following areas: family law, immigration law, civil injunctions/restraining orders, and immigration needs including U-Visas, T-Visas and VAWA self-petitions

1245 E. Washington Ave #102, Madison, WI

<http://www.riselawcenter.org/>

Dane County District Attorney's Office, Victim Witness Unit

Works with criminal cases that are referred to the District Attorney for prosecution.

608-266-9003 215 S. Hamilton St. #3000

https://da.countyofdane.com/victim_witness.aspx

Community Justice, Inc.

Provides people with access to justice by offering affordable legal services from qualified and dedicated attorneys. CJI works with low-income families and individuals to secure fair representation in court, protecting the legal rights of those who would otherwise face the system alone. Practice areas include domestic violence support.

(608)-204-9642

<https://www.communityjusticeinc.org/>

Domestic Abuse Intervention Services

The DAIS Legal Advocacy Program provides support, information, advocacy and court accompaniment to people who are experiencing intimate partner violence or stalking. DAIS legal services include assistance with restraining orders, family law, criminal law, immigration and other legal matters.

608-251-4445

<https://abuseintervention.org/help/legal-help/>

State Bar of Wisconsin Lawyer Referral and Information Service

This is offered by the State Bar of Wisconsin and is a public service that helps identify the most appropriate resource for legal needs. State Bar of Wisconsin Lawyer Referral and Information Service

800-362-9082

<https://www.wisbar.org/forpublic/ineedalawyer/pages/lris.aspx>

CONFIDENTIALITY

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

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

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

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

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

For Clery Act reporting and disclosures, a victim's name or identifying information will never appear in a Crime Warning, on the Daily Crime Log or in the Annual Security Report. UW-Madison will redact a victim's identifying information when responding to requests for information pursuant to the Wisconsin Public Records law. The university also will not disclose identifiable information about research subjects if prohibited by an NIH-issued

Certificate of Confidentiality, HIPAA regulations and state laws pertaining to the privacy of health information or promises of confidentiality made to research subjects pursuant to the federally required consent form and authorization form. UW-Madison must respond to valid subpoenas that are not prohibited by other applicable law, and may not be able to redact information when responding to a subpoena.

VICTIM'S RIGHTS

- Victims have the right to report to law enforcement and to be assisted by UW-Madison campus authorities in so doing.
- Victims have the right to decline to report to law enforcement.
- Victims have the right to report to UW-Madison and are encouraged to report to the offices designated to receive complaints: University of Wisconsin-Madison Police Department, the Dean of Students Office, the Office of Human Resources and the Title IX Coordinator.
- Victims have the right to a victim advocate of their choosing. UHS Violence Prevention and Survivor Services, the Rape Crisis Center, and Domestic Abuse Intervention Services (DAIS) all provide free and confidential victim advocacy services. For more information: <https://www.uhs.wisc.edu/survivor/>
- Victims have the right to be notified, in writing, of existing resources for counseling, mental health, health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both on campus and in the community.
- Victims shall be notified of options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures, if so requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report to campus police or local law enforcement.
- Victims have the right to request confidentiality from the accused.
- Victims have the right to be free from retaliation for filing an institutional complaint/report.
- Victims have the right to file a complaint with the [U.S. Department of Justice](#) and/or the [U.S. Department of Education Office for Civil Rights](#)

Rights when a victim reports to a Wisconsin Law Enforcement Agency:

- All victims of crime in Wisconsin who report to law enforcement are entitled to crime victim rights outlined in [Chapter 950 of the Wisconsin Statute](#). These rights include: the right to be treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies; the right to have his or her interest considered when the court is deciding whether to grant a continuance in the case; the right to be provided with appropriate intercession services to ensure that employers of victims will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances; and the right to have the opportunity to consult with the prosecution

in a case brought in a court of criminal jurisdiction.

- Crime victims in the State of Wisconsin have the right to apply for Crime Victim Compensation, which helps pay for unreimbursed expenses that are the result of crimes causing personal injury or death, including lost wages, counseling, medical costs, and replacement of property held as evidence.

Rights when seeking Forensic Nurse Examiner Services:

- Victims may obtain a sexual assault medical forensic examination without incurring out of pocket costs for that exam regardless of their decision to report to law enforcement. In Madison, this exam can be obtained from the Forensic Nurse Examiner at Meriter Hospital; if you seek additional medical attention, other hospital charges may be applied.
- Victims of sexual assault who seek emergency services at a hospital have the right to be provided with the option to receive emergency contraception at the hospital per Wisconsin Statute 50.375.

Rights when alcohol or drugs are involved:

- Per UW–Madison’s Policy on Sexual Harassment and Sexual Violence: complainants and witnesses to incidents of sexual harassment or sexual violence will not generally be issued citations or be subjected to university disciplinary sanctions for conduct at or near the time of the incident that would violate University policies regarding alcohol or the personal use of drugs unless the University determines that the violation of university policy exposed others to serious risks to their health and safety.

Rights in the Disciplinary Processes

Employees: UW-Madison has 3 major classes of employees – faculty, academic staff and university staff. Each category has distinct disciplinary procedures. For a detailed description of each procedure, please visit <https://kb.wisc.edu/ohr/policies/>

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

For students and members of faculty, academic staff and university staff, the following rights will be guaranteed in any sexual harassment or sexual violence disciplinary process:

- Disciplinary proceedings that provide a prompt, fair, and impartial investigation, and resolution.

- The same opportunity to have others present throughout disciplinary proceedings as the accused, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- The complainant* and the respondent** have an equal opportunity to participate in the investigation and any subsequent hearing.
- Disciplinary proceedings that are conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- Both parties shall be simultaneously informed, in writing, of the outcome of any disciplinary proceeding; UW-Madison's procedures for the accused and the victim to appeal the results of the proceeding; of any change to the results that occurs prior to the time that such results become final; and of when such results become final. At no time can a victim be required to keep the outcome confidential, or be prohibited from discussing the case.
- The complainant shall have the same rights to appeal as the respondent.
- Employees found responsible for sexual assault, domestic violence, dating violence and/or stalking may be subject to one or more of the following responses: written reprimand, unpaid suspension, dismissal, demotion, revocation of responsibilities, and/or reassignment.
- For UW-Madison employee disciplinary proceedings, the following sanctions, in accordance with the UWMadison Policy on Sexual Harassment and Sexual Violence, may be imposed following a final determination of responsibility for sexual assault, domestic violence, sexual exploitation, dating violence and/or stalking..

*Complainant is the person alleging the misconduct

**Respondent is the student accused of misconduct