

## **HARASSMENT, VIOLENCE, AND DISCRIMINATION POLICY (TITLE IX)**

In keeping with its mission to promote the personal and professional development of all members of the Alverno community and to provide a safe and welcoming campus, Alverno College fosters a climate of mutual concern, respect and caring. Alverno is committed to promoting a rich learning environment that is free of violence, discrimination, harassment and other barriers to students learning, healthy growth and development. All members of the Alverno community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

### **Alverno College Nondiscrimination Statement**

Alverno College intentionally creates a welcoming and inclusive learning community in which all members recognize and respect the rights and human dignity of every other member. The College values diversity and seeks talented students, faculty and staff from a variety of backgrounds. In keeping with its long-standing Catholic Franciscan foundations, Alverno College does not discriminate against any student, employee or applicant on the basis of any individual's age, citizenship, color, disability, gender, gender identity or expression, genetic information, marital status, military status, national origin or ancestry, pregnancy or parenting status, political belief or affiliation, race, religion or creed (except in campus ministry staff positions), sex, sexual orientation, or veteran's status in the administration of its educational programs and activities or in its employment practices. Furthermore, the College prohibits the harassment of students and employees, as harassment is a form of discrimination.

In the area of undergraduate enrollment, Alverno College's weekday undergraduate programs will remain exclusive in respect to gender identity, but not as to any of the other aforementioned characteristics.

Alverno College, an institution dedicated to the education of women, pays particular attention to issues of harassment, discrimination or violence on the basis of sex, gender, pregnancy or parenting status. Conduct, whether intentional or unintentional, that results in discrimination, harassment, or violence toward a student or employee is illegal and unacceptable, undermining the mission of the college. Such conduct, whether on or off campus, is expressly prohibited by the college and is considered a serious violation of human rights.

In alignment with federal Title IX regulations, Alverno College has procedures to receive, investigate, respond to and resolve complaints of discrimination, including harassment based on gender. Title IX violations include discrimination on the basis of sex or gender, gender identity, gender expression, and sexual orientation, and include sexual harassment, sexual exploitation, nonconsensual sexual acts, and sexual misconduct. This policy applies to conduct between men and women or between members of the same sex. In this policy, "discrimination," refers generically and inclusively to all forms of discrimination based on sex or gender, including sexual harassment, sexual exploitation, sexual assault and sexual violence. Sexual misconduct includes but is not limited to conduct prohibited at Wisconsin Statutes 940.225.

**The Title IX Coordinator** is Sandra Siira, Executive Director of the Career Studio and the Deputy Title IX Coordinator (for employees) is Mary Casey, Director of Human Resources. For any issues related to gender-based harassment and discrimination, students are encouraged to contact the Title IX Coordinator. The Title IX Coordinator has the responsibility to:

- oversee complaints of discrimination on the basis of gender, including discrimination based on a student's pregnancy, childbirth, false pregnancy, termination or recovery;
- ensure thorough investigations into complaints of sexual discrimination or harassment;
- assure equitable remedies;
- provide campus-wide training regarding sexual harassment, violence and discrimination, including the related Title IX policy and procedures; and,
- issue timely warnings for incidents reported to her that are confirmed to pose a substantial threat of bodily harm or danger to members of the College community.
- make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

When an allegation of gender discrimination is brought to an appropriate administrator's attention and an individual is found to have violated this policy, serious and prompt sanctions will be used to reasonably ensure that such actions are never repeated. Employees found to have violated this policy will be disciplined up to or including termination of their employment. Students found to have violated the policy will be disciplined up to or including dismissal from the college. The college will not tolerate any reprisal or threat against any individual who alleges sexual discrimination. Beyond the campus policy and procedures for investigation and adjudication, Alverno will also respond to victims of sexual violence by providing access to support services and resources.

*Student Affairs Advisory Committee, 1998  
Revised August 2018*

### **Expectations and Definitions Related to Sexual Harassment, Violence and Discrimination**

Consent - Positive cooperation involving an act of free will AND the absence of coercion, intimidation, force or the threat of force. A person cannot give consent if unable to understand what is taking place. Each person engaged in the sexual experience must provide active consent in order for mutual consent to be present. If limits are made clear and consent is not given, pressuring an individual into changing his or her mind is not consent. A person may not consent if unconscious, frightened, physically or psychologically pressured or forced, intimidated, impaired because of a psychological condition, and/or intoxicated by the use of drugs or alcohol. Use of alcohol or other drugs will never function as a defense for behavior that violates this policy.

Incapacitation is a state in which someone cannot make rational reasonable decisions because they lack the capacity to give knowing consent (e.g. to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including but not limited to Rohypnol, Ketamine, GHB, Burundaga, etc. is prohibited and administering

one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>. It is critical to remember that:

- Consent is based on choice.
- Consent is active, not passive. Silence and passivity do not equal consent.
- Consent is more difficult to establish when there is unequal power.
- Consent to one type of sexual contact does not imply consent to another.
- Consent requires conditions free of coercion and undue influence. Relenting because of fear is not consent.
- Consent means two people (or more) deciding together to do the same thing, at the same time, in the same way, with each other.
- Absence of a no does not mean yes.

Force - The use of physical violence and/or physically imposing on someone to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me; I'll do what you want"). There is no requirement that an individual resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced. Sexual activity with someone who one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

Coercion - Unreasonable pressure for sexual activity. There is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consensual Relationships - The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. Our intent is not to discourage friendly associations but rather discourage the abuse of authority in relationships. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). Consensual intimate relationships may produce a conflict of interest, such as when one of the parties is responsible for evaluating an academic file or making employment decisions. The relationship may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Charges of sexual harassment may develop even though both parties have consented to the relationship. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, designated leader-student) are not appropriate. Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of

their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. Failure to report such relationships to a supervisor as required can result in disciplinary action for an employee.

Amnesty - At times, alcohol is involved in gender discrimination cases. In an effort to encourage victims and witnesses of harassment and discrimination to report incidents and to focus on the safety of the student, an assurance of amnesty from an alcohol policy violation is provided for the student reporting gender-based discrimination.

Sexual Harassment - Unwelcome, gender-based verbal, written or physical conduct that is sufficiently severe, pervasive and objectively offensive that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the College's educational program and/or activities. Sexual harassment is based on power differentials, the creation of a hostile environment, retaliation, unreasonably interfering with the employee's or student's performance or creating an environment which is intimidating, hostile or offensive to the employee/student. Examples include but are not limited to: slurs, threats, derogatory or suggestive comments; unwelcome jokes; exposure to sexually-oriented literature or pictures; attempts to coerce an unwilling person into a sexual relationship; unwelcome teasing, touching or sexual attention including email, phone calls or other online communication; making sexually oriented comments about the body or perceived sexual orientation; requests for sexual favors; punishing a refusal to comply with a sexually based request; conditioning a benefit on submission to sexual advances; sexual violence between strangers, acquaintances or intimate partners; stalking; and, gender-based bullying. Sexual violence including rape, sexual assault, sexual battery and sexual coercion are forms of sexual harassment covered under Title IX.

Non-consensual Sexual Contact - Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman without consent and/or by force. See the State of Wisconsin Statutes referenced below.

Non-consensual Sexual Intercourse - Any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman without consent and/or by force. See the State of Wisconsin Statutes referenced below

Sexual Exploitation - Occurs when an individual takes non-consensual or abusive sexual advantage of a person for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include but are not limited to: invasion of sexual privacy; prostituting another student; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting friends hide in the closet to watch the consensual sex); engaging in voyeurism; knowingly transmitting an STI or HIV to another student; inducing incapacitation for the purposes of engaging in sexual activity with the incapacitated person; exposing one's genitals in non-consensual circumstances; and, inducing another to expose his/her genitals. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

*Sexual Assault* - Any sexual contact without consent is against the law in Wisconsin. Wisconsin State Statute 940.225 creates four degrees of sexual assault. The Degrees are based upon the amount of force used by the assailant and the amount of harm done to the victim, rather than on the resistance offered by the victim. First, second and third degree sexual assaults are felonies; fourth degree sexual assault, lewd and lascivious behavior & sexual gratification are misdemeanors. Sexual assault is known to be a crime of indifference to the feelings of others, dominance, hostility and sometimes physical brutality. It is not primarily a sexually motivated crime but rather a crime of assault using sex as a weapon. Sexual assault can occur between persons in dating or sexual relationships, including marriage. It can also occur between persons of the same gender.

*Stalking* - Activity consisting of the repeated following and harassing of another person. It is a form of criminal activity that is comprised of a series of actions that individually may constitute legal behavior. For example, sending flowers, sending notes or text messages, or waiting for the person outside of work or their home. When these actions are made and instill fear or injury, they constitute a pattern of behavior that is inappropriate and, in some cases, may be illegal.

*Retaliation* - Any adverse action that a person takes against another person because she filed a complaint about harassment or discrimination. This adverse action can deter that person from coming forward to report concerns.

### **Options for Students Experiencing Sexual Harassment, Violence and Discrimination**

Sexual discrimination prevention efforts are critical in creating a community in which individuals can learn and live successfully. Individuals are encouraged to report violations of this policy to the College so that support services can be made available. Talking with someone about what happened can help reduce the sense of isolation and start the path to healing. All complaints are taken seriously. Any personally identifiable information will only be shared as necessary with as few people as possible, and all efforts will be made to protect the victim's privacy. With the exception of medical treatment for incidents involving sexual violence, the following options are listed in no particular order and include both off campus and on campus options in order to ensure a multiplicity of choices for the victim.

- **Seek Medical Attention as soon as possible.** - The Sexual Assault Treatment Center at Aurora Sinai Medical Center is located at 945 N 12th St Milwaukee, WI 53233. All contact is confidential. They can be accessed in person or by phone (414-219-2000) 24 hours a day.
- **File a criminal complaint** - Milwaukee Police Department Sensitive Crimes Division is located at 749 West State Street, Room 601, Milwaukee, WI 53233. Their phone number is (414-935-7405)
- **Seek campus support**- A victim is encouraged to speak to College officials to report incidents of sexual harassment, violence, and discrimination (e.g. academic deans, administrators with supervisory responsibilities, campus safety, human resources). College officials who are perceived to have the authority to take corrective action or to address gender-based misconduct on behalf of the College are considered "Responsible Employees." Most college officials are considered Responsible Employees and will need to contact the Title IX Coordinator about the concern.

- **Seek confidential support** – To be assured the report will remain confidential, consult with one of Alverno's Counselors, Coordinator of Health Services or the Campus Minister. Each will offer confidential resources and options. These individuals are not required to tell anyone else private, personally identifiable information unless there is reason to fear for the safety of the victim or other community members.
- **File an online, confidential, anonymous report** - Alverno College accepts and investigates all allegations of improper activity by Alverno employees and students. Potential wrong doing may be reported on the Confidential/ Anonymous form (found on the first page of IOL). In order for us to properly investigate concerns, individuals will be asked to provide as many details as possible about the potential improper activity such as allegations of fraud, theft, gross misconduct or misuse of college property and facilities.
- **File a complaint with the college** - Students who believe they have been subjected to harassment, violence and/or discrimination are invited to contact the Title IX Coordinator. The Title IX Coordinator will ensure facilitation of the adjudication process outlined below. A victim has the right to expect that incidents of gender based harassment violence, and discrimination will be taken seriously when reported, and those incidents will be investigated and properly resolved. Reporting means that only people who need to know will be told and information will only be shared as necessary with investigators, witnesses, advocates, and the accused individual. The Title IX Coordinator has the responsibility to provide training, assure equitable remedies and oversee the process of investigating. Once the Coordinator has notice of possible gender based harassment, violence or discrimination, she will take immediate and appropriate steps to investigate what occurred and take prompt and effective action.

### **Investigations of Gender Based Harassment, Violence and Discrimination**

The College takes seriously the responsibility of affording all parties involved in a complaint a fair framework for encouraging resolution. Falsification, distortion or misrepresentation of information during the course of a complaint resolution process may be grounds for disciplinary action. The investigation will include the following:

- The Title IX Coordinator will meet with the person filing the complaint (complainant) to ascertain the details of the situation and determines if it is a Title IX issue.
- The Title IX Coordinator will then appoint the Investigator for the process.
- The Coordinator will inform the respondent of the complaint in writing or in person as soon as possible. The information will include the person making the complaint and the circumstances which precipitated the filing of the complaint.
- The Title IX Coordinator determines if interim measures (temporary sanctions for one or both parties for the duration of the investigation) need to be established in consultation with both parties.
- The Title IX Coordinator offers both parties (the complainant and respondent) a college advocate or support person to guide them through the complaint process. Either party may refuse the assistance of an advocate.
- The facts of the complaint are investigated as presented by the person making the complaint, the respondent, and any witnesses for both parties. Both parties will have an opportunity to review and comment on the evidentiary documents.
- The summary of the investigation, along with any finding of responsibility for a policy violation is submitted to the Title IX Coordinator with sanction recommendations if

appropriate. Ultimately, the determination of responsibility will be made based on the preponderance of the evidence (e.g., it is more likely than not that the accused violated the policy).

- If the Investigator's finding is that one or more policies have been violated, the Title IX Coordinator then accepts or modifies the recommended sanctions to prevent future recurrence and remedy the effects upon the complainant and the community.

## **STUDENT RIGHTS IN THE CONDUCT PROCESS**

Students who have allegedly violated the Student Code of Conduct are entitled to the following procedural protections. The student:

- Will be heard and treated with respect.
- Will be considered not responsible unless found responsible.
- May request a different Investigator if there is a perceived conflict of interest.
- May invite an advisor or advocate to assist with the process (i.e. parent, spouse, guardian, friend, faculty/staff member). This person can advise the student, accompany the student to the meetings, and assist the student in preparation of any appeal (if applicable). Attorneys may not engage in our conduct process.
- If the student desires an advisor or advocate for the process, but does not have someone to serve in that role, someone will be assigned for the student.
- May review investigator notes to ensure all relevant witnesses have been interviewed and information gathered.
- **RIGHT TO AN APPEAL**
  - All students involved in the student conduct process have a right to appeal a conduct process decision by writing the Vice President for Student Affairs & Dean of Students within 3 business days of notification. The appeal statement from the student should include sufficient detail to permit the evaluation of the merit of the grounds for appeal. The student is granted only one appeal, and the non-appealing party is afforded a chance to respond. Students may appeal in writing if:
    - A procedure or substantive error occurred that significantly impacted the outcome of the administrative meeting.
    - To consider new evidence unavailable during the original investigation that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
    - The sanction(s) imposed are substantially disproportionate to the severity of the violation.
  - The Vice President for Student Affairs & Dean of Students will
    - Affirm the finding and the sanction originally determined,
    - Affirm the finding and change the sanction,
    - Decide that the finding was not appropriate for the behavior and dismiss the case.

Students shall receive written notice of the results of their appeal no later than 3 business days after filing the appeal. The decision of the Appellate Administrator is final.

### **Possible Outcomes or Sanctions for Gender Based Harassment, Violence and Discrimination**

- The respondent could be found not responsible for the alleged violation. Please note, a finding of no responsibility does not mean the incident didn't happen, rather there was not enough evidence to meet the preponderance of evidence standard.
- If it has been determined that a policy violation has occurred, the College's response will depend on the nature and severity of the incident. The range of responses includes, but is not limited to:
  - Individual meeting with respondent and respondent's advocate
  - Required educational activity
  - No contact order between complainant and the respondent
  - Protective measures may be applied (e.g., No trespass order for certain parts of campus, residence hall move, etc.)
  - Disciplinary action may include a written warning, probation, removal from campus housing, suspension, termination of employment and/or dismissal from Alverno

### **Resources**

When consulting campus resources, all parties should be aware of confidentiality, privacy and mandatory reporting in order to make informed choices. Most college employees are required to report concerns to the Title IX Coordinator; however, the Campus Minister, Campus Counselors and Campus Nurse may keep the situation confidential. The following are options available to the Alverno community:

#### **On Campus Confidential Resources**

- **Campus Minister** – Lisa Cathelyn - FO 259 - [lisa.cathelyn@alverno.edu](mailto:lisa.cathelyn@alverno.edu) - 414.382.6352
- **Counseling Services Director** – Meg Pledl- AF 208 - [meg.pledl@alverno.edu](mailto:meg.pledl@alverno.edu) - 414.382.6119
- **Counselor** – Laci Oyler – AF 208 - [laci.oyler@alverno.edu](mailto:laci.oyler@alverno.edu) – 414.382.6117
- **Health Services** – Tamra Black, Nurse – AF 208 - [tamra.black@alverno.edu](mailto:tamra.black@alverno.edu) – 414.382.6319

#### **On Campus Reporting Resources**

- **Title IX Coordinator**– Sandra Siira, Executive Director of Career Studio – FO 101 – [Sandra.siira@alverno.edu](mailto:Sandra.siira@alverno.edu) – 414-382- 6011
- **Title IX Investigator (Lead)** – Michelle Engl, Director of Campus Safety, FO 254 – [michelle.engl@alverno.edu](mailto:michelle.engl@alverno.edu) – 414.382.6037
- **Campus Safety Officers** – FO 254 - [security@alverno.edu](mailto:security@alverno.edu) – 414.382.6911 or 414.382.6158

#### **Off Campus Resources**

- **Milwaukee Police Department Sensitive Crimes Division (414-935-7405)** for police officers with special training related to sexually-based crimes
- **Office for Civil Rights Hotline (800-421-3481) or email: OCR@ed.gov**



- **The Healing Center (414-671-4325)** for individual counseling, advocacy, and support groups
- **Sexual Assault Treatment Center (414-219-5555)**
- **Sojourner Family Peace Center (414-276-1911)** provides a confidential domestic violence hotline and emergency legal assistance 24/7
- **Milwaukee LGBT Community Center (414-271-2656)** includes outreach to LGBT youth, adults, and their allies, and a mental health clinic for confidential outpatient care
- **Milwaukee Women's Crisis Line and Shelter (414-671-6140)** offers 24 hour assistance to women in need of assistance from sexual or domestic violence