

# Sexual Misconduct and Harassment Policy

## (Title IX Compliance Requirements)

### Overview

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. All members of the Alverno community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Alverno believes in a zero tolerance policy for harassment and sexual misconduct. Conduct, whether intentional or unintentional, that results in discrimination, harassment, or an assault of a student or employee is illegal and unacceptable, undermining the mission of the college. Such conduct is expressly prohibited by the college and is considered a serious violation of human rights.

The Title IX Coordinators are Virginia Wagner, Associate Vice President for Student Affairs, and Sharon Wilcox, Director of Human Resources. They have the responsibility to oversee the process of investigations, provide training, and assure equitable remedies. For any issues related to harassment or sexual misconduct, use the Complaint and Conflict Resolution Process but know that at any time an individual can contact the Title IX Coordinators.

Confidential/Anonymous Reporting - Alverno College accepts and investigates all allegations of improper activity by Alverno employees. Potential wrong doing may be reported on this Confidential/Anonymous form (found on the first page of IOL). In order for us to properly investigate concerns, we ask that you provide as many details as possible about the potential improper activity.

When an allegation of misconduct is brought to an appropriate administrator's attention, and an individual is found to have violated this policy, serious and prompt sanctions may be used to reasonably ensure that such actions are never repeated. The college will not tolerate any reprisal or threat against any individual who alleges that he or she has been subjected to personal harassment or sexual misconduct. This policy applies to conduct between male and female or between members of the same sex. Alverno will also respond to victims of sexual assault by providing access to services and resources.

*Student Affairs Advisory Committee, 1998  
Revised March 2012*

### Identifying Sexual Misconduct

Sexual misconduct includes but is not limited to, conduct prohibited at Wisconsin Statutes. 940.225.

- 1. Harassment** – includes unwanted, unsolicited and offensive conduct that tends to injure, degrade, disgrace, or show hostility toward a person because of one's gender, sexual orientation, race, religion, color, creed, national origin or ancestry, age, disability, or any other characteristic protected under applicable law.
- 2. Sexual Harassment** is 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, and 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: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to unwelcome touching or sexual attention; using sexually oriented comments about the body or lifestyle; requests for sexual favors; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.
- 3. Non-Consensual Sexual Contact** is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, that is without consent and/or by force. See the State of Wisconsin Statutes referenced above.

4. **Non-Consensual Sexual Intercourse** is any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. See the State of Wisconsin Statutes referenced above.
5. **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, and that behavior does not otherwise constitute one of other sexual misconduct offenses. See the State of Wisconsin Statutes referenced above. 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 your friends hide in the closet to watch you having consensual sex); engaging in voyeurism; knowingly transmitting an STI or HIV to another student; exposing one's genitals in non-consensual circumstances; inducing another to explore their genitals; sexually-based stalking and/or bullying may also be forms of sexual exploitation.

### **Key Concepts and Definitions Central to all Forms of Sexual Misconduct**

1. **Consent** is positive cooperation involving an act of free will, absence of coercion, intimidation, force or the threat of force. A person cannot give consent if unable to understand what is going on. There must always be active consent on both sides. Consent to one thing does not imply consent to another. If limits are made clear and consent is not given, pressuring an individual into changing her/his mind is not consent. A person may not consent if she is unconscious, frightened, physically or psychologically pressured or forced, intimidated, impaired because of a psychological condition and/or intoxicated by use of drugs or alcohol. Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
  - Consent is based on choice.
  - Consent is active, not passive. Silence and passivity do not equal consent.
  - Consent is possible only when there is equal power.
  - Giving in because of fear is not consent.
  - Giving in or going along with someone to gain approval or to avoid being hurt 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.
2. **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. 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. Coercion happens when someone is pressured unreasonably for sex. 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.") Coercion is unreasonable pressure for sexual activity. 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. 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. (Incapacitation is a state where 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/>

### 3. 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 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 generally discouraged. 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.

## Available Options for the Victim Dealing with the Situation

1. **File a complaint with the Milwaukee Police Department**
2. **Seek confidential support** - Consult with the Director of Counseling, Coordinator of Health Services or the Campus Minister. They will offer confidential resources and options. These individuals are not required to tell anyone else private, personally identifiable information unless there is cause for fear of safety for the victim or the safety of others. Some faculty and staff, who do not have supervisory responsibility or remedial authority to address sexual misconduct (e.g. faculty members, advisors to student organizations, some staff), will be able to inform and help make decisions about who can be most helpful. These individuals can be talked to off the record. They are required to share this information if they fear for the safety of the individuals or the safety of others. If unsure of someone's duties and ability to maintain privacy, ask the individual before talking to them. They will explain options and provide resources. Talking to any of these people does not constitute reporting the incident to the college.
3. **Seek support and with those responsible to take action** – A victim is encouraged to speak to College officials (otherwise known as a “responsible employee”) to report incidents of sexual misconduct (e.g. deans, administrators with supervisory responsibilities, security, human resources). At Alverno we define “Responsible Employees” as those who have the authority to take corrective action or are perceived to have the authority to address sexual and gender-based misconduct on behalf of the College. When consulting campus resources, all parties should be aware of confidentiality, privacy and mandatory reporting in order to make informed choices. On campus, the Counseling and Health Services Staff and the Campus Minister can offer confidential advice without any obligation to tell anyone unless the individual consents or if there is a fear for the safety of the individual or others. The law does not require CA Staff, faculty and other non-supervisory employees to report personally identifiable information (at least initially, unless the victim gives permission) such that reporting can be accomplished. If the investigation reveals that a need to protect the victim or other members of the community, personally identifiable information will be shared. It will only be shared as necessary with as few people as possible, and all efforts will be made to protect the victim's privacy.

4. **Make a report through confidential/anonymous reporting** - (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.
  
5. **File a formal complaint with the college** - The Title IX Coordinators are Virginia Wagner, the Associate Vice President for Student Affairs/ Dean of Students and Sharon Wilcox, the Director of Human Resources. As needed, the Title IX Coordinators will work closely together and work with both parties (the complainant and respondent) to assign a designated support person throughout the complaint process. Either party may refuse the assistance of a support person, but the offer must be made. The Coordinators have the responsibility to provide training, assure equitable remedies and oversee the process of investigating. Once the Coordinators have notice of possible harassment / sexual misconduct, they will take immediate and appropriate steps to investigate what occurred and take prompt and effective action. A victim has the right to expect that incidents of sexual misconduct will be taken seriously when formally reported, and those incidents will be investigated and properly resolved. The investigator will take the complaint to a formal investigation when the potential for repeat offenses, patterns, predation and/or future violence is real. Formal reporting means that only people who need to know will be told and information needs to be shared only as necessary with investigators, witnesses and the accused individual. The Coordinators will
  - a. Maintain confidential records
  - b. Immediately conduct an investigation and do the following
    - Work with the person making the complaint to determine the scope of the incident and implications for further action.
    - Examine the facts of the complaint as presented by the person making the complaint, the accused, and witnesses for both parties.
    - Inform the accused if there is a reasonable basis for believing that the alleged violation of this policy has occurred. The information will include the person making the complaint and the circumstances which precipitated the filing of the complaint.
  - c. Issue timely warnings for incidents reported to them 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.
  - d. Apply remedies that can be effective within the bounds of victim privacy. Breach victim privacy only when a comprehensive investigation and/or full formal resolution are required to prevent its future reoccurrence, remedy the effects upon the victim and the community.
  - e. Recommend Action

## Alverno Resources Related to Student Concerns

<b>Early Alert Referral</b> <ul style="list-style-type: none"> <li>Attendance, Academic, Behavioral, Residence Hall, Life Events, Health, Other</li> </ul>		
<b>Academic Concerns</b> Academic Advising - Director, Kathy Bundalo Instructional Services - Director, Nancy Bornstein <ul style="list-style-type: none"> <li>For study groups, Dianne Klebenow</li> <li>For a diagnosed disability, Colleen Barnett</li> <li>For ESL Support, Sheryl Slocum</li> <li>For science, math and reading, writing, or speaking assistance, encourage students to drop in at the Science/Math/Communication Resource Centers.</li> <li>For peer assistance or instructor assistance, complete a referral form (available on Launchpad)</li> </ul>	<b>X 6398</b> <b>X 6353</b> <b>X 6257</b> <b>X 6026</b> <b>X 6219</b>	<b>LA 221</b> <b>LA 407</b> <b>LA 410</b> <b>LA 408</b> <b>LA 410</b>
<b>Life-Threatening Incident</b> (e.g. is threatening suicide, is resisting help, serious health issue) <ul style="list-style-type: none"> <li>From an On-Campus Phone</li> <li>From a personal phone or payphone</li> </ul>	<b>9-911</b> <b>911</b>	
<b>Non-threatening or emergency situations</b> - If the conduct is disruptive (uses verbal or physical threats) or if there are health concerns that disrupt classroom learning (mental health breakdown, seizure) <ul style="list-style-type: none"> <li>Security</li> </ul>	<b>X 6911</b>	
<b>Illness</b> <ul style="list-style-type: none"> <li>Student Health Services - Mary Reese, Nurse x6319, AF 203</li> <li>If an emergency call Security</li> </ul>	<b>X 6319</b> <b>X6911</b>	<b>AF 203</b>
<b>Mental Health Issues</b> <ul style="list-style-type: none"> <li>Student Counseling Services - Meg Pledl, Counselor</li> <li>If the counselor is not available, contact Asst. Dean of Students or Assoc. VP for Student Affairs</li> <li>if the student is threatening suicide, contact Security x6911</li> </ul>	<b>X 6119</b> <b>X 6116</b> <b>X 6117</b>	<b>AF 203</b> <b>AF 205</b> <b>AF 205</b>
<b>Disruptive and Worrisome Behavior</b> - If you identify a student who is disruptive but not necessarily dangerous in nature, or a student who is demonstrating worrisome behavior, contact the Alverno C.A.R.E. (Campus Assessment, Response and Evaluation) Team. Primary Contacts: <ul style="list-style-type: none"> <li>Vicki Schreiber, Asst. Dean of Students and Director of Residence Life</li> <li>Virginia Wagner, Assoc. VP for Student Affairs and Dean of Students</li> <li>Meg Pledl, Director of Counseling</li> </ul>	<b>X 6116</b> <b>X 6117</b> <b>X 6119</b>	<b>Austin Hall</b> <b>AF 205</b> <b>AF 203</b>
<b>Title IX Coordinators / Responding to Harassment and Sexual Misconduct Issues</b> <ul style="list-style-type: none"> <li>Virginia Wagner, Assoc. VP for Student Affairs and Dean of Students</li> <li>Sharon Wilcox, Director of Human Resources</li> </ul>	<b>X 6117</b> <b>X 6127</b>	<b>AF 205</b> <b>LA 115</b>
<b>Other Resources</b> <b>If an athlete,</b> contact <ul style="list-style-type: none"> <li>Brad Duckworth, Athletic Director or</li> <li>Heather Parkinson, Assistant Director</li> </ul> <b>If a resident student,</b> contact <ul style="list-style-type: none"> <li>Emme Sliwinski, Asst. Director of Residence Life</li> <li>Amy Westmoreland, Residence Hall Coordinator</li> </ul> <b>If an international student,</b> contact <ul style="list-style-type: none"> <li>Celia Jackson, Executive Director</li> <li>Rachel Haos, Program Director</li> </ul> <b>For an emergency loan,</b> contact <ul style="list-style-type: none"> <li>Bernardin Deutsch, Special Assistant in Student Affairs</li> </ul>	<b>X 6323</b> <b>X 6324</b>  <b>X 6387</b> <b>X 6312</b>  <b>X 6012</b> <b>X 6006</b>  <b>X 6242</b>	<b>AF 202</b> <b>AF 202</b>  <b>Austin Hall</b> <b>Clare Hall</b>  <b>LA 102</b> <b>LA 102</b>  <b>AF 203</b>