

ANNUAL SECURITY AND FIRE SAFETY REPORT

2019

Information and Resources for
Marquette Students, Faculty and Staff



MARQUETTE
UNIVERSITY

BE THE DIFFERENCE.

ANNUAL SECURITY AND FIRE SAFETY REPORT

Marquette University Resources

Marquette University Police Department 16th Street Parking Structure 749 N. 16th St.	
Emergency	288.1911
Non-emergency	288.6800
LIMO Program (5 p.m. to 3 a.m.)	288.6363
Counseling Center Holthusen Hall, Room 204	288.7172
Office of Residence Life Carpenter Tower, Room 203	288.7208
Office of Student Development Alumni Memorial Union, Room 329	288.1412
Marquette University Medical Clinic Schroeder Complex, Lower Level	288.7184
Victim Advocate	288.5244
Campus Ministry Alumni Memorial Union, Room 236	288.6873

Milwaukee Resources

Information on Milwaukee resources	211
Sexual Assault Treatment Center Aurora Sinai Medical Center (24-hour helpline)	219.5555
Behavioral Health Services, Aurora Sinai Medical Center	219.5000
Alcoholics Anonymous (24-hour helpline)	771.9119
Rogers Memorial Hospital (24-hour access)	800.767.4411
Narcotics Anonymous	866.913.3837
IMPACT Alcohol and Drug Abuse Services Inc.	256.4808
Aurora Psychiatric Hospital	454.6600
Milwaukee Women's Center (24-hour helpline)	671.6140
Poison Center, Children's Hospital of Wisconsin	800.222.1222

All phone numbers are 414 area code unless noted.

Safety begins with information.

The Marquette University Police Department, with more than 80 professional and 60 student staff members, is committed to providing the safest environment possible in which to learn and live. To fulfill this commitment, the Marquette University Police Department continuously addresses campus and community safety with new and innovative programming, educational efforts, technological advances and the best-trained campus law enforcement staff in the area. With our expansive patrol operations, on- and off-campus outreach efforts, and nationally recognized Department of Campus Safety, we continue to set the standard in excellence among campus safety departments.

Campus and neighborhood safety requires a great partnership among all community members, including students, university staff, neighboring residents and the Milwaukee Police Department. These partners need to work together to achieve the goals associated with maintaining a safe and secure environment. Personal safety is enhanced by using the LIMO vans, participating in the department's numerous programs, and contacting the department with questions or concerns. Please take a moment to review the following important information and discover more about the programs and services offered by the The Marquette University Police Department.

PREPARING THE ANNUAL SECURITY REPORT — POLICIES

The Marquette University Police Department (MUPD) is responsible for preparing Marquette's Annual Security and Fire Safety Report. Each year, MUPD publishes the Annual Security and Fire Safety Report, disseminates it to the University community via email to the University community, and posts it online at <http://www.marquette.edu/mupd/documents/annual-security-and-fire-safety-report-2019>. Printed copies may be requested at MUPD headquarters.

This report, and the data included in it, is compiled by collecting data, programs, policies and other information from Campus Security Authorities, and local police. If there are any reports taken, they are verified between MUPD and the reporting Campus Security Authority after the report is forwarded to MUPD.

"Campus" is defined as property owned or controlled by the institution within the same reasonably contiguous geographic area, and used by the institution for its educational purposes. It specifically includes residence halls. It also includes property that is with or reasonably contiguous to the same geographic area that is owned by the institution and controlled by another person, that is frequently used by the students that support institutional purposes, such as a food or other retail vendors.

"Non-campus building or property" is defined as (1) any building or property owned or controlled by a student organization recognized by the institution; or (2) buildings or property owned or controlled by the institution that are used in direct support of, or in relation to the institution's educational purposes, are frequently used by students, and are not within the same reasonably contiguous geographic area of the institution.

"Public property" is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. MUPD collects statistics from the Milwaukee County Sheriff's Office and the Milwaukee Police Department on all reported crime which occurs in close proximity to the campus. If appropriate, these crimes are reported in the category of "public property."

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Marquette University prohibits sexual misconduct including sexual assault, domestic violence, dating violence, and stalking. This conduct will not be tolerated on campus and is a violation of Wisconsin law and the Marquette University Title IX Sexual Harassment, Discrimination and Sexual Misconduct Policy ("Policy").

To review the Policy in full, please see page 61 in this document entitled Marquette University Sexual Harassment, Discrimination and Sexual Misconduct Policy, or online at, http://www.marquette.edu/osd/policies/sexual_misconduct_policy.shtml.

SEXUAL VIOLENCE PREVENTION EDUCATION

The Sexual Violence Prevention Education ("SVPE") team is dedicated to addressing sexual, assault, domestic violence, dating violence and stalking at Marquette. SVPE provides prevention programming to end gender-based violence and advocacy support services to students who have faced violence on- or off-campus. Staff members can help students report to the police, Title IX, safety plan, get academic accommodations, and connect with long term support services

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DISCLOSURE OF CRIME STATISTICS

The Marquette University Police Department prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Violence Against Women Reauthorization Act of 2013 (VAWA). These regulations require colleges and universities to:

- Publish an annual report containing three years of crime statistics and certain campus security policy statements.
- Disclose crime statistics for campus, public areas immediately adjacent to campus and specific non-campus facilities. These statistics are gathered from campus security, local law enforcement and other university officials who have significant responsibility for student and campus activities.
- Provide campus safety alerts pertaining to crimes that have been committed and pose ongoing threats to students and employees.
- Disclose in a public campus crime log any reported crime occurring on campus or within the patrol boundaries of the campus police or campus security department.
- Publish fire safety statistics.
- Maintain and publish statistics about the number of incidents of dating violence, domestic violence, sexual assault and stalking.

The Marquette University Police Department maintains responsibility for preparing and distributing this report by October 1 of each year. The report is prepared in cooperation with other university departments and local law enforcement agencies. The report is available at marquette.edu/mupd/crime-data.php.

CAMPUS SAFETY

Taking basic safety precautions and being well-informed about the numerous programs and services offered by the Marquette University Police Department will allow students and employees to become engaged partners in maintaining a safe university community.

What You Can Do

- Use Local Intercampus Mobile Operation vans during evening hours (see page 11).
- Remain alert and aware of your surroundings.
- Become familiar with the locations of Blue Light Phones (see page 11).
- Attend safety-related programs (see page 10).
- Do not leave personal property unsecured and/or unattended.
- Park in well-lit areas, place valuables in the trunk and lock your car.
- Immediately report suspicious circumstances and crimes to the Marquette University Police Department. Use a Blue Light Phone or call 414.288.6800 (8-6800 from any campus phone).

Marquette University Police Department (MUPD)

MUPD is staffed 24 hours a day with over 40 sworn police officers whose goal is to assure the safety and security of campus.

All MUPD police officers are armed and deputized and have the power and authority to make an arrest. Wisconsin Statute 175.42(2)(b) grants Marquette University police officers the same powers as City of Milwaukee police officers to maintain public order, to detect and prevent crime, to enforce state laws and local ordinances and to make arrests for violations of state laws and local ordinances. MUPD officers patrol the campus and adjacent areas by squad, on foot and by bicycle.

In addition, they provide services through their own Communications Center and are further supported by a non-sworn public safety department. MUPD cooperates with the Milwaukee Police Department and other state and federal authorities in the exercise of their jurisdiction.

Reporting Incidents

Timely reporting of incidents relating to suspicious activity, medical emergencies, accidents or crime is vital in summoning the appropriate assistance. Students and employees are encouraged to program the Marquette University Police Department's routine and emergency phone numbers into their cell phones for easy access. The Marquette University Police Department's phone numbers are posted near all phones located in common areas of university buildings and residence halls. Additionally, more than 450 Blue Light Phones, providing direct access to the Marquette University Police Department, are available throughout the campus area for use in reporting a crime or requesting assistance.

If you witness a crime or are the victim of a crime, please:

- Get to a safe place where others are present.
- Report the incident immediately. Call the Marquette University Police Department at 414.288.1911 or use a Blue Light Phone.
- Do not touch anything. Let the Marquette University Police Department (and the Milwaukee Police Department, if necessary) investigate to secure the area and preserve evidence.

When a crime is reported, the Marquette University Police Department will coordinate an appropriate response with the Milwaukee Police Department or appropriate law enforcement agencies as necessary or requested.

Timely Warnings and Emergency Notifications

When a crime or incident is reported that represents an imminent threat to the campus community, the Marquette University Police Department, in collaboration with other university departments, is prepared to issue Safety Alerts in a timely manner. An Event and Emergency Management Plan is in place, outlining a process to quickly share information and provide the most appropriate response, including the issuance of Safety Alerts. The issuance of Safety Alerts is subject to the availability of pertinent information.

Safety Alerts may be distributed to community members via email, text message, social media, university voicemail, the university's website, Axis TV message boards, and/or postings in on- and off-campus buildings. The method(s) of dissemination will be determined based on the particular situation.

Sources of Information for Students and Staff

Information about campus safety, incidents of crime and crime statistics are available from the Marquette University Police Department via several sources.

- A report is generated each business day listing all incidents reported during the previous 24-hour or weekend period. The report is distributed to administrative offices, student media, student government offices and the Milwaukee Police Department. See Daily Crime Log below.
- The student newspaper, television station and radio station report on crime news and trends.

Daily Crime and Fire Log

The Marquette University Police Department maintains a Daily Crime and Fire Log that records, by the date the incident was reported, all crimes and other serious incidents occurring on campus, within non-campus buildings or properties, on public property or within the department's patrol boundaries. The daily log is available for public inspection at the department's headquarters, located at 749 N. 16th St., and is posted on the Marquette University Police Department website.

The Daily Crime and Fire Log includes the nature, date, time and general location of each crime reported to the department, as well as the disposition of the complaint, if the information is known at the time of publication. The department posts incidents in the Daily Crime and Fire Log within two business days of receiving a report and reserves the right to exclude reports under certain circumstances.

Missing Student Notification Policy

In compliance with the Higher Education Opportunity Act of 2008, this policy sets forth procedures for the reporting, investigating and making emergency notifications regarding any currently enrolled student who is believed to be missing.

A student will be presumed to be missing when his/her absence, of 24 hours or more, is inconsistent with his/her established patterns of behavior and the deviation cannot be readily explained.

Reporting a Possible Missing Student:

Any member of the university community, including both employees and students, who is concerned that a currently enrolled student may be missing should immediately contact the Marquette University Police Department at 414.288.6800. Any university employee who receives a report of a possible missing student must immediately refer such report to the Marquette University Police Department.

The Marquette University Police Department shall investigate all reports and determine whether a student is missing. If the Marquette University Police Department determines that a student is missing, it shall notify the Office of Student Affairs. Further, the Marquette University Police Department shall notify the Milwaukee Police Department, and/or other appropriate law enforcement agencies, as necessary.

Missing Person Emergency Contact:

All Marquette University students shall be provided an opportunity to designate an individual to be contacted by the university in the event the student is determined to be missing. Students can designate a "Missing Person Emergency Contact" at any time online via CheckMarq Self-Service. If a student is determined to be missing, the Marquette University Police Department shall notify the designated Missing Person Emergency Contact not later than 24 hours after the student is determined to be missing. This contact information is considered confidential and will only be accessible to authorized university or law enforcement personnel.

Parent/Guardian Notification for Students under 18 years of age:

If a student is under 18 years of age (and not emancipated) and is determined to be missing, the Marquette University Police Department shall notify a custodial parent or guardian not later than 24 hours after the student is determined to be missing.

Law Enforcement Notification:

If a student is determined to be missing, the Marquette University Police Department shall notify the Milwaukee Police Department, or other appropriate law enforcement agency, not later than 24 hours after the student is determined to be missing.

Emergency Response

The university's Emergency Procedures Guide includes information about criminal activity; medical emergencies; severe weather and utility failures; chemical spills and hazardous odors or leaks; and shelter-in-place and evacuation guidelines. University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The university conducts emergency response exercises, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

The Marquette University Police Department officers and supervisors have received training in incident command and responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Marquette University Police Department, the Milwaukee Police Department and the Milwaukee Fire Department, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other Marquette departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and procedures for Marquette is publicized each year as part of the institution's Clery Act compliance efforts, and that information is available on the Marquette University Police Department website. Detailed information and updates to the Emergency Procedures Guide are available on the Marquette University Police Department website at marquette.edu/mupd/documents/emergency-procedures-guide.pdf.

ANNUAL FIRE SAFETY REPORT

If a fire occurs in a Marquette University building, community members should immediately notify the Marquette University Police Department at 414.288.1911. The Marquette University Police Department will initiate a response, as the department can summon the fire department quickly and provide detailed directions to the location. If a member of the Marquette community finds evidence of a fire that has been extinguished, and the person is not sure whether the Marquette University Police Department has already responded, the community member should immediately notify the Marquette University Police Department to investigate and document the incident.

Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. For more specific information on policies and rules related to fire safety, please see the Standards of Conduct section of the student conduct code, *At Marquette*, at marquette.edu/at-marquette.

When a fire alarm is activated, the elevators in most buildings will automatically stop at a safe floor. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus ring to the Marquette University Police Department Command Information Center.

Marquette University publishes this fire safety report as part of its annual Clery Act compliance document, via this brochure, which contains information with respect to the fire safety practices and standards for Marquette. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire (see charts on pages 22–23 for more information). The compliance document is available for review 24 hours a day on the Marquette University Police Department website at marquette.edu/mupd.

Fire Protection Equipment/Systems

A majority of university buildings are equipped with automatic fire detection and alarm systems that are monitored by staff at the Marquette University Police Department. Refer to page 23 to review the Fire Safety Amenities in the Marquette University Residential Facilities Chart for information about fire detection, notification and suppression systems in each residential facility.

MARQUETTE UNIVERSITY POLICE DEPARTMENT
PROGRAMS AND SERVICES

Safety Seminars

The department’s crime prevention officers present programs on many safety- and security-related topics. Programs are held throughout the school year and by request and are available to all Marquette community members. Some of the most popular programming topics include:

- Self-defense;
- Active shooter
- Personal safety for men and women;
- Safety when traveling abroad;
- Home security;
- Online safety and computer security;
- Alcohol and drug awareness;
- Identity theft prevention; and,
- Interpersonal violence awareness.

Property Security

The following options are designed to maintain property security.

- Through Operation Identification, electric engravers are available to students to place identifying marks on valuables, such as smartphones, tablets, televisions, audio equipment and computers. The engravers are loaned without charge to members of the Marquette community.
- Home Safe Home is a program designed to provide basic home security and safety information for students living in residence halls.
- Through the Vacant House Watch program, students residing within the patrol zone can have their residences periodically monitored while they are away during academic break periods. Forms are available on the department’s website.
- Home security surveys are available to students residing in apartments and houses within the near-off-campus neighborhood.

Campus Safety

Safe travel on campus and in the near-campus area is provided by the MU Department of Campus Safety. LIMO van requests can be made by calling 414.288.6363.

Additional Marquette University Police
Department information

- *At Marquette* (student handbook)
- MUPD website: marquette.edu/mupd
- Information at New Student Orientation and Mission Convocation
- Marquette University Police Department office

LIMO (Local Intercampus Mobile Operation) Vans

- Nine vans provide free door-to-door transportation from 5 p.m. until 3 a.m. Sunday–Thursday and 5 p.m. to 4 a.m. Friday and Saturday.
- Vans travel throughout campus and the near-off-campus neighborhood.
- Marquette IDs are required upon boarding.
- There are two express routes: The Wells Express travels westbound on Wisconsin Avenue, then eastbound on Wells Street. The Kilbourn Express travels eastbound on Wisconsin Avenue, then westbound on Kilbourn Avenue. The Express LIMOS operate nightly from 5 p.m. to 3 a.m., picking up those with a Marquette ID at any LIMO stop along the routes. Those walking along the express routes can also flag down a LIMO Express.
- An early-morning shuttle is available to transport students to their residences from 3 a.m. until 7 a.m.

Blue Light Phones and Video Cameras

- More than 450 Blue Light Phones provide direct contact to the Marquette University Police Department’s Command Information Center.
- The phones are available throughout campus and in the near-off-campus areas.
- There are also phones in Marquette parking lots and structures.
- The phones may be used for emergencies and non-emergencies, calls for Campus Safety services, and vehicle assistance.
- Video cameras are located throughout campus and in the near-campus neighborhood. They are linked to the Command Information Center and are used to help monitor suspicious behavior and document activity in a given area.

Victim/Witness Services

The Victim/Witness Services Unit provides assistance to members of the Marquette community affected by crime or crisis situations, including:

- Assistance in reporting incidents to the university and the appropriate law enforcement agencies;
- Assistance in understanding the criminal justice system;
- Escorts to related appearances and court proceedings;
- Collaboration with university officials in coordinating class and work schedules to allow for the necessary court appearances;
- Referrals to university and community service providers;
- Escorts to protect personal safety; and

All officers are trained to provide information about victim/witness services. Officers stay informed of changes in the law and the availability of services so those in need of assistance can receive the most accurate and helpful information possible.

SAFETY IN THE OFF-CAMPUS NEIGHBORHOOD

The Marquette University Police Department regularly patrols the area immediately surrounding campus, where many students reside. The Milwaukee Police Department also routinely conducts foot, bicycle and vehicular patrols of the area. Video cameras in key off-campus locations are in place. The university and the city of Milwaukee continuously work together to enhance the safety of the area and provide crime prevention information to residents.

The Marquette University Police Department and the Milwaukee Police Department exchange vital information relating to activity occurring within the near-off-campus neighborhood and greater Milwaukee community. Additionally, specific Milwaukee Police Department and Milwaukee County Sheriff’s Office liaisons work closely with the Marquette University Police Department to create a comprehensive approach to maintaining a safe and secure neighborhood.

SEXUAL MISCONDUCT/SEXUAL ASSAULT UNIVERSITY RESPONSE

Please see page 63 for Marquette University’s full Title IX Sexual Harassment, Discrimination and Sexual Misconduct Policy or visit Marquette’s website: marquette.edu/sexual-misconduct/index.shtml

Marquette University Police Department Officers are trained to help obtain medical assistance, counseling, and related support for victims including contacting a university victim advocate. At the request of the victim, the Marquette University Police Department can contact the Milwaukee Police Department when it receives a report of criminal sexual misconduct, including sexual assault. The Sensitive Crimes Unit of Milwaukee Police Department may follow up on such reports. Confidential assistance and referrals are available if reported to the Sexual Assault Treatment Center (SATC), ordained members of the clergy in Campus Ministry, counselors in the Counseling Center, and doctors, registered nurses and physician assistants in the Marquette University Medical Clinic. Other confidential resources are listed here: marquette.edu/sexual-misconduct/resources.php.

Sexual Violence Prevention Programs and Support Services

To help foster a safe and responsive environment, the university provides a wide range of prevention programming, education, resources and support services relating to sexual violence, which includes sexual assault, relationship violence and stalking.

Off-campus support services are available through:	
Sexual Assault Treatment Center of Milwaukee	414.219.5555
Rogers Memorial Hospital (24-hour helpline)	800.767.4411
Aurora Psychiatric Hospital	414.454.6600
Milwaukee Women’s Center (24-hour help line)	414.671.6140
The Healing Center	414.671.4325
Pathfinders	414.964.2565

Through a variety of educational programming efforts, students receive information that increases awareness about sexual violence issues and challenges beliefs to support risk reduction and prevention of sexual violence. The programming curriculum focuses on encouraging and supporting students in taking an active role in defining and preventing sexual violence. Bystander intervention is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, identifying allies, and/or creating distractions. Bystander intervention training highlights the need for those who intervene to ensure their own safety in the techniques they choose, and motivates them to intervene as stakeholders in the safety of the community. Through peer-to-peer training programs, students review situations where sexual assault can likely occur and develop and discuss strategies they can use to support each other.

Marquette University provides prevention and awareness campaigns for students, faculty and staff throughout the year.

Marquette University makes available victim advocates to provide support and assistance to those affected by sexual misconduct/violence. The advocates can be contacted at 414.288.5244. Services the advocates can provide include:

- Referrals to university and community service providers.
- Assistance with obtaining a university “stay-away” order.
- Assistance with housing, academic and other related matters and concerns.
- Information about reporting options.
- Escorts to all necessary court proceedings.
- Escorts through the process of obtaining a court-issued restraining order.
- Assistance with creating a safety plan.

Wisconsin Sex Offender Registry Information

The Sex Offender Registration and Community Notification Law (beginning June 1, 1997, Wisconsin Act 440) provides the public with automated access to information about offenders, who are required to register with the Department of Corrections. Registration is a way to monitor and track an offender’s whereabouts, thereby providing access to information for law enforcement agencies, victims, public/private organizations and the general public. It is intended to promote public safety and help detect and prevent crime. Access to the registry is provided by the Department of Corrections through the Sex Offender Registry System.

For information about the Wisconsin Sex Offender Registry, go to the Wisconsin Department of Corrections website at <http://offender.doc.state.wi.us/public>. To contact the Wisconsin Sex Offender Registry, call 800.398.2403

BUILDING AND PROPERTY SECURITY

Building and property security programs are designed to allow members of the Marquette community to live, work and socialize in a safe environment.

Access to Student Residential Areas

- Residence halls and most university-owned apartment buildings have one entry that is monitored 24 hours a day by a desk receptionist or Safety Services Officer.
- Other entrances are locked and alarms alert professional staff when a door is opened without authorization.
- Strict key control is maintained. Students are not provided keys to exterior doors.

- Entry into residence halls is permitted only with a valid student ID card or special registration.
- Visitation policy in residence halls requires student hosts to register visitors and guests at the reception desk.
- Visitation in residence halls is limited to specific hours.
- Hosts are responsible for the behavior of their guests.
- Students may have guests of the same gender stay overnight by notifying their resident adviser and registering their guests at the front desk. Guests must be escorted by hosts at all times.

Access to Academic and Administrative Facilities

- Academic facilities are opened and closed by the Marquette University Police Department.
- Buildings are secured every evening and weekend after class activity has concluded.
- Buildings are patrolled by the Marquette University Police Department on a regular basis.
- Libraries have automated access systems that require a valid university ID card.
- Library visitors must produce identification and register with library staff.
- Most academic and administrative areas require university ID cards for after-hours access, including access to specific classrooms, laboratories and computer areas.
- After-hours passes are required for students to be in areas unequipped with ID card-reader systems.

Facility Maintenance

Marquette employs its own staff for regular building and system maintenance and repair, including full-time locksmiths and personnel trained in the repair and upkeep of doors, windows and related security equipment.

- The Marquette University Police Department contacts on-call staff or contractors for after-hours security maintenance.
- University locksmiths issue keys only to faculty and staff who have legitimate access needs and only with the approval of the academic dean, department chair or other supervisors.

Video Surveillance Cameras

Closed-circuit video cameras provide views of most parking areas, several adjacent streets and many building entrances. Monitors for the cameras are located in and controlled by the Marquette University Police Department Command Information Center.

WEAPONS

The university complies with applicable state and federal statutes and local ordinances regarding the possession of firearms or other dangerous weapons.

More detailed information on the university’s revised weapons policy is posted on the Marquette website at marquette.edu/weapons-policy.

IDENTITY THEFT

Identity theft is a modern-day phenomenon. According to the Federal Trade Commission, millions of Americans will have their identities stolen this year.

The most common types of identity theft are:

- using or opening a credit card account fraudulently;
- opening cell phone or utility accounts fraudulently;
- passing bad checks or opening new bank accounts; and
- getting loans in another person’s name.

What You Can Do

Look at your credit card and bank account statements. This is usually the first place unauthorized activity will show up.

Don’t give out personal information on the phone or through the mail unless you initiate the contact or know the caller. Thieves will pose as bank representatives, Internet service providers and government agents to get you to reveal personal information.

Never reveal personal or financial information in response to an email request, no matter who appears to have sent it. No organization, financial institution or government agency will ever ask you to reveal personal information, such as Social Security numbers, account numbers, credit card numbers, PIN numbers, etc. Don’t click on the link in the email. If you are concerned about your account, contact the organization mentioned in the email using a telephone number you know to be genuine or open a new Internet browser session and type in the company’s correct Web address yourself. Don’t cut and paste the link from the message into your Internet browser. Phishers can make links look like they go to one place, but they actually send you to a different site.

Tear or shred any documents that contain personal information. These include credit card receipts, insurance forms, physician and bank statements, and even credit card offers.

Deposit outgoing mail directly into post office boxes, not in your own mailbox. A large number of thieves search mailboxes for your personal information.

Don’t carry your Social Security card with you, and only carry your ID and a minimum number of credit cards.

Don’t pre-print your Social Security or driver’s license numbers on your checks.

Give out your Social Security number only when absolutely necessary. Ask to use other identifiers when possible.

Order a copy of your credit reports once a year to verify their accuracy.

For more information about identify theft, contact IT Services at 414.288.7799 or helpdesk@marquette.edu.

MARQUETTE UNIVERSITY POLICE DEPARTMENT STAFF

The Marquette University Police Department is staffed 24 hours a day, every day, by trained, skilled officers whose goal is to assure the safety and security of Marquette students, faculty, staff and property. They serve the campus and adjacent areas.

Marquette University Police Department Officers

- prevent and suppress crime
- protect life and property
- preserve peace
- conduct vehicular, foot and bicycle patrols of campus and near-campus areas
- enforce municipal, state and federal laws
- enforce university regulations
- provide crisis-intervention management
- respond to calls for help on and off campus
- write incident reports

Public Safety Officers

- protect the Marquette community
- secure Marquette property
- conduct walking patrols of campus buildings and grounds
- provide authorized after-hours access to buildings
- assist Marquette University Police Department Officers
- assist campus community members with car problems: lockouts, dead batteries, flat tires, etc.

Communication Officers

- coordinate the department’s response to calls for assistance
- monitor radio communication between officers
- answer calls for assistance received via telephone or Blue Light Phones
- monitor the department’s video surveillance and campus alarm systems

Safety Services Officers (midnight to 7 a.m.)

- provide security for residence halls
- check the identification of anyone entering halls
- conduct regular safety and security checks of buildings
- respond to emergencies within buildings

Crime Prevention Officers

- host educational presentations on safety and crime prevention
- prepare and distribute information on security topics
- foster a safer campus environment
- help students and employees develop lifelong safety habits
- offer security assessments for students in off-campus apartments and houses
- provide victim-witness services

CONTACTING MARQUETTE UNIVERSITY POLICE DEPARTMENT

Contacting Marquette University Police Department

- Emergency and non-emergency telephone numbers are provided for reporting suspicious activity and crimes.
- Outdoor direct-access phones — Blue Light Phones — are available throughout the campus area and in off-campus neighborhoods for Marquette students and employees to report crime or request assistance.
- 24-hour dispatch and emergency call response are provided.

Coordination with Local Law Enforcement Agencies

- Law enforcement administrative and district offices are located near campus.
- There are ongoing meetings between the Milwaukee Police Department and the Marquette University Police Department, including the exchange of crime-related reports and statistics.
- The Marquette University Police Department monitors Milwaukee police and fire department radio frequencies for incidents on or near campus.

Phone numbers		
Emergency		
Marquette University Police Department		414.288.1911
Non-emergency		
Marquette University Police Department		414.288.6800
Anonymous Tip Line		414.288.0467
Milwaukee Police		414.933.4444

CRIME AND FIRE SAFETY STATISTICS

CAMPUS CRIME STATISTICS – CALENDAR YEARS

2016, 2017 and 2018 Crime Statistics On and Off Campus												
On campus ¹							Noncampus ²			Public property ³		
	Residence Halls			Total								
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Homicide												
• Murder and non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
• Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex offense												
• Rape	4	2	4	4	2	5 ^a	0	0	0	0	0	0
• Fondling	0	0	7 ^b	0	2	7 ^b	0	0	0	4	1	3
• Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
• Incest	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	5	1	4	0	0	0	5	4 [*]	2
Unfounded	0	0	0	0	0	0	0	0	0	0	1	0
Aggravated assault	0	0	1	1	3	1	1	0	0	3	5	2
Domestic violence	2	0	1	2	2	2	0	0	0	2	0	1
Dating violence	0	0	4 ^c	0	1	4 ^c	0	0	0	0	0	0
Stalking	2	2	8 ^d	4	2	9 ^e	0	0	1 ^f	0	0	0
Burglary	3	3	0	5	8 [*]	4	0	2	0	0	0	0
Unfounded	1	0	0	1	2	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	2	5	0	1	2 [*]	14	9	2
Unfounded	0	0	0	0	0	0	0	0	1	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Hate crime	0	0	0	1	0	0	0	0	0	0	0	0
Drug laws — Arrests	16	26	19	23	36	27	0	0	0	12	21	13
Liquor laws — Arrests	1	9	12	3	16	17	0	0	0	5	7	9
Illegal weapons — Arrests	0	0	0	0	0	1	0	0	0	5	2	4

Campus Disciplinary Referrals												
On campus							Noncampus			Public property		
	Residence Halls			Total								
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Drugs	98	109	125	99	110	147	0	3	0	0	0	0
Alcohol	935	995	1008	942	999	1035	3	1	0	0	0	0
Weapons	1	0	1	1	0	1	0	0	0	0	0	0

FOOTNOTES

*Unfounded incident(s) is/are included in the total number of incidents reported.

Note: The following corrections were made to the statistics on 02/19/2020, to include additional incidents that had been omitted in error:

- a. Changed from 4 to 5
- d. Changed from 5 to 8
- b. Changed from 3 to 7
- e. Changed from 5 to 9
- c. Changed from 3 to 4
- f. Changed from 0 to 1

1. **On campus:** Buildings or property the university owns and controls, and uses to support its educational goals (classrooms, laboratories, libraries, etc.). Also, property the university owns but someone else controls on campus or within the geographical area, such as fast food restaurants or stores that students frequently use. The statistics in the "On-Campus Total" column is a grand total of crimes that occurred on campus, which includes statistics from the "Residence Hall" column.
2. **Noncampus:** Buildings or property owned or controlled by an officially recognized student organization and buildings or property owned, or any building not within the same reasonable contiguous geographical area of the main institution that the institution owns and operates in support of its educational goals; which are frequently used by students (fraternities, sororities, Les Aspin Center).
3. **Public property:** All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

The university, through the Marquette University Police Department, monitors and records criminal activity reported directly to the Marquette University Police Department as well as major crimes reported to the Milwaukee Police Department regarding off-campus student organizations and/or students attending the university, including those officially recognized student organizations with off-campus housing facilities.

These statistics were compiled from information maintained by the Marquette University Police Department, the Office of Student Development and the Office of Residence Life. For an incident to be included in these statistics, the incident must have been reported to a representative of one of those offices. Incidents reported confidentially to those offices are included in the reported statistics.

FIRE SAFETY REPORT LOG – CALENDAR YEARS

Residence Halls

	Total Fires in Each Bldg	Fire Number	Date	Time	Cause of Fire	Injuries†	Deaths	Property Damage	Case Number
Abbottsford Hall									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Carpenter Tower									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Cobeen Hall									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Humphrey Hall									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Mashuda Hall									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	07/02/18	15:21	00	0	0	0	18-013624
McCormick Hall									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
O'Donnell Hall									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Schroeder Hall									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Straz Tower									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
The Commons									
2018	0	0	—	—	—	—	—	—	—

† Number of injuries that required treatment at a medical facility

Fire cause
00: Stove fire, undetermined cause

Apartments

	Total Fires in Each Bldg	Fire Number	Date	Time	Cause of Fire	Injuries†	Deaths	Property Damage	Case Number
Campus Town East									
2016	1	1	6/23/16	1530	00	0	0	\$100-999	PD16-0669
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Campus Town West									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Frenn Building									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
Gilman Building									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
McCabe Hall									
2016	0	0	—	—	—	—	—	—	—
2017	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—
The Marq									
2017*	0	0	—	—	—	—	—	—	—
2018	0	0	—	—	—	—	—	—	—

Fire Cause
00: Stove fire, undetermined cause

FIRE SAFETY AMENITIES

Residence Halls – 2018

	Fire Alarm Monitoring Done Off Site (by MU DPS)	Partial 1 Sprinkler System	Full 2 Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/ Placards	Number of Evacuation (Fire) Drills Each Academic Year
Straz Tower	✓		✓	✓	✓	✓	3
Carpenter Tower	✓		✓	✓	✓	✓	3
Cobeen Hall	✓		✓	✓	✓	✓	3
Abbottsford Hall	✓		✓	✓	✓	✓	3
Schroeder Hall	✓		✓	✓	✓	✓	3
McCormick Hall	✓		✓	✓	✓	✓	1
Humphrey Hall	✓		✓	✓	✓	✓	3
O'Donnell Hall	✓	N/A	N/A	✓	✓	✓	3
Mashuda Hall	✓		✓	✓	✓	✓	3
The Commons	✓		✓	✓	✓	✓	2

Apartments – 2018

	Fire Alarm Monitoring Done Off Site (by MUPD)	Partial 1 Sprinkler System	Full 2 Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/ Placards	Number of Evacuation (Fire) Drills Each Academic Year
"Campus Town East"	✓		✓	✓	✓	✓	2
"Campus Town West"	✓		✓	✓	✓	✓	2
Frenn Building	✓	✓		✓	✓	✓	2
Gilman Building	✓	✓		✓	✓	✓	2
McCabe Hall	✓	✓		✓	✓	✓	2
The Marq			✓	✓	✓		1*

* Acquired property in 2017 but not control of the building until 2018

ALCOHOL AND OTHER DRUGS

ALCOHOL AND DRUG POLICY

Marquette complies with federal, state and local laws regulating the possession, use and sale of alcoholic beverages and controlled substances. Violation of these laws is prohibited on and off campus, and engaging in such activity may result in disciplinary sanctions, up to and including suspension or expulsion of the student or termination of employment regardless of the outcome of court proceedings. Marquette is committed to maintaining a drug-free campus and work environment.

ALCOHOL

Alcohol is the predominant drug used on college campuses, including Marquette.

Alcohol is a drug: an ingested substance other than food that changes how a person’s body and mind function.

Alcohol contains ethanol, which has immediate and long-term effects on the body and mind, including:

- impaired judgment and coordination;
- increased aggression;
- impaired higher mental functions;
- depression of the central nervous system;
- decreased motor coordination; and
- impaired vision.

In very high doses, alcohol consumption leads to respiratory depression and death.

Prolonged abuse of alcohol can lead to alcoholism, malnutrition and cirrhosis of the liver.

Missing classes or work and poor performance are associated with drinking or other drug use.

Drinking alcohol while taking prescription or illicit drugs can be extremely dangerous.

What are the Effects of Consuming Alcohol?

Any consumption of alcohol affects your body.

How much you drink, over what period of time and how regularly you drink determine how you experience the effects of drinking alcohol.

If you choose to drink, know how much you are consuming. A 12-ounce beer, a four-ounce glass of wine and a shot or mixed drink containing one ounce of 80-proof hard liquor have the same amount of alcohol, and it can take your liver up to 90 minutes to process this amount.

Beware of situations in which you may consume more than you realize:

- beer cups that hold more than 12 ounces of beer;
- “specialty” drinks or shots made with several types of alcohol; each serving contains far more alcohol than one standard drink; and/or
- friends who top off your drink (sometimes without your knowledge), making it harder for you to track how much you’ve actually consumed.

Mixed drinks and open containers also pose a higher-than-usual risk that someone can slip a drug into your beverage. When date rape drugs are used, they are often dropped into glasses or drinks while the victims are not watching. (See page 31 for information about date rape drugs and how to protect yourself from drug-facilitated sexual assault.)

Drinking Alcohol

Immediate effects:

- talking more
- losing inhibitions
- becoming more relaxed
- becoming thirsty, which makes it more likely you’ll have another drink

After several drinks . . .

- ability to evaluate situations and people is impaired, including the ability to make safe choices about where you are, who you are with and what you are doing
- people sometimes behave in ways that they feel bad or guilty about afterward

After a few more drinks . . .

- cognitive functioning is blocked, which impairs decision-making
- coordination and control of your body are impaired

The extent of your impairment is related to how much alcohol is in your bloodstream. The ratio is known as your **blood-alcohol concentration**. Your BAC and how you react to alcohol are dependent in part on your body weight, rate of consumption, presence of food in your stomach, type of drink and gender. Carbonated beverages speed up absorption. Women should be especially careful not to measure their alcohol intake against that of men. In general, the same quantity of alcohol will have a greater effect on women than on men.

At a BAC of 0.02 percent

- Reaction time is slowed; it is difficult to concentrate on two things simultaneously; inhibitions are slightly lowered.

At a BAC of 0.04 to 0.05

- Judgment begins to be impaired; emotions are intensified; you may feel warm and relaxed; behavior may become exaggerated, making you talk louder or act bolder than usual.

At a BAC of 0.06 to 0.08

- Driving ability is impaired; you may believe you are functioning better than you actually are; speech may be slowed; ability to see and hear is clearly diminished; judgment is affected so it’s difficult to decide whether to continue drinking; ability to evaluate sexual situations is impaired.

At a BAC of 0.11 to 0.20

- Motor skills are markedly impaired, as are judgment and memory; some people become aggressive or belligerent; there is an increased risk of accidentally injuring yourself; blackouts are likely, as is getting sick; nausea and vomiting may occur.

At a BAC of 0.25 to 0.35

- Thought processes, emotions and reactions slow; the system is flooded with alcohol; there is an increased risk of choking on vomit; you may pass out and be difficult to awaken (this can occur at lower BAC also); blackouts occur.

At a BAC of 0.4 to 0.5

- The person may be barely conscious, in a stupor or very disagreeable. A person can pass out, choke on his or her own vomit, slip into a coma and die. The nerve centers controlling your heartbeat and respiration are slowing down.

Alcohol Overdose

Alcohol overdose is a medical emergency and could be life-threatening. If you suspect someone has overdosed, call 911 immediately. Never let him or her sleep it off.

Symptoms include:

- unconsciousness or semiconsciousness;
- slow respiration: eight or fewer breaths per minute;
- cold, clammy, pale or bluish skin; or
- strong odor of alcohol.

These symptoms represent an emergency. Call 911 immediately.

Long-term Effects

Continued use of alcohol can lead to dependence. With physical dependence, sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including:

- severe anxiety;
- tremors;
- hallucinations; and
- convulsions.

Long-term effects of consuming large quantities of alcohol, especially when combined with poor nutrition, can lead to permanent damage to vital organs such as the brain and the liver.

Secondhand Drinking

You’ve heard about the dangers of secondhand smoke (what inhaling smoke from someone else’s cigarettes can do to your body). What about drinking? Even if you stay sober, someone else’s drinking can be your problem if you have to:

- physically support or care for a drunk friend;
- listen to intoxicated friends spill your deepest secrets — or their own;
- pay a fine for being at an underage drinking party;
- be harassed, screamed at or assaulted;
- lose sleep because drunken people are being rowdy; or
- clean up or walk around someone’s vomit.

Binge Drinking

This is defined by the Surgeon General as five or more drinks in one sitting (roughly two hours) for males and four or more drinks at one sitting for females. Binge drinking has continued largely unabated on U.S. campuses according to findings of a survey* of more than 33,000 students at 53 universities and colleges.

Heavy alcohol use among college students is a result of many factors:

- Students who binge tend to perceive that alcohol is central to the university social scene.
- More students come to college with experience drinking alcohol.
- Alcohol on college campuses is abundant and easy to access. College students are the target audience of advertising by liquor distributors.
- It is not uncommon for college students to positively reinforce peer heavy-alcohol use.

*Core Institute Drug and Alcohol Survey, 2005

Why is heavy alcohol use a concern on college campuses?

- There are known risk factors, developmentally, for college students.
- College students, as a whole, are less concerned about the risks of heavy-alcohol use.
- The consequences of heavy-alcohol use include vandalism, aggressive behavior, sexual assault, injuries, academic difficulties, relationship problems, abuse and dependence, and accidents.
- All college students are affected by the second-hand effects of high-risk drinking.

Alcohol and other drug use and binge drinking affect student health and well-being and academic achievement in the following ways:

- Unplanned sexual activity;
- Violent campus crimes;
- Rapes;
- Driving under the influence of alcohol/other drugs;
- Hangovers;
- Vandalism;
- Accidental injury; and,
- Performing poorly on a test/project.

Alcohol/Date Rape Correlations

Since 2006, Wisconsin has recognized **alcohol as the No. 1 date rape drug**. Read more about other date rape drugs on pages 31-32. Nationally, the majority of acquaintance rapes are planned, and assailants take advantage of their victims’ use of alcohol and other drugs, which slow reflexes and impair the victim’s ability to recognize a potentially dangerous situation.

OTHER DRUGS

Marijuana *cannabis*

After alcohol, cannabis is the mind-altering drug most often abused by students.

- **Physical effects:** increases heart rate, lowers blood pressure, limits control of movement
- **Mental effects:** distorts perception of reality
- **Form:** looks like dried parsley mixed with stems that may include seeds
- **Also called:** pot, grass, weed, reefer, dope, mary jane, acapulco gold
- It is eaten or smoked.
- **Additional types** of cannabis are hash, hash oil.

Cocaine

Cocaine is one of the most addictive illegal drugs.

- **Physical effects:** slows, then increases heart rate and blood pressure, constricts blood vessels, increases breathing rate, dries mouth, dilates pupils, exaggerates movements
- **Mental effects:** stimulates rapid, intense general euphoria; produces a rush, makes a person feel energetic and alert with no need for food or sleep; user becomes talkative or peaceful, self-confident, in command, quick, agitated, anxious, unhappy
- **Form:** A white crystalline powder, often diluted with other ingredients.
- **Also called:** coke, snow, flake, white, nose candy, Big C, snow bird, lady
- It is inhaled, injected or smoked.
- A concentrated form of cocaine is crack. It is extremely potent, and its effects are felt within seconds. The unregulated, higher concentration may pose an increased risk of overdose.

Ecstasy *methylenedioxy-n-methylamphetamine*

Ecstasy is considered a designer drug. It is a synthetic, psychoactive (mind-altering) drug with hallucinogenic and amphetamine-like properties.

- **Physical effects:** increased heart rate and blood pressure, dry mouth, loss of appetite, tense muscles, involuntary clenching of teeth, nausea, blurred vision, rapid eye movement, faintness and chills or sweats
- **Mental effects:** sense of empathy, openness, peace and caring; increased awareness of touch and sound; possible reduction of fear and defensiveness; possible paranoia, confusion, depression, severe anxiety or sleep disturbance
- **Forms:** tablets are most common; occasionally sold in capsules or as powder
- **Also called:** MDMA, X, XTC, E, M, Adam, Bean, Roll
- Usually taken orally, sometimes snorted

Stimulants *amphetamines, methamphetamines*

- **Physical effects:** increased alertness, pulse rate and blood pressure; insomnia, loss of appetite
- **Mental effects:** sense of well-being, high energy, release of social inhibitions, feelings of cleverness, competence and power (effects similar to cocaine but last longer, from four to six hours depending on dose and potency)
- **Forms:** capsules, pills, tablets or powder
- **Also called:** speed, uppers, ups, black beauties, pep pills; methamphetamines are also known as crank or crystal meth
- Taken orally, injected or inhaled

Depressants *barbiturates, tranquilizers*

- **Physical effects:** similar to alcohol; small doses produce calmness; larger doses cause slurred speech, staggering gait and altered perception.

- **Mental effects:** lessening of pain and anxiety, intoxication, relaxation, feeling of well-being, lowering of inhibitions, poor concentration
- **Forms:** capsules or tablets
- **Also called:** downers, barbs, blue devils, red devils, yellow jackets, yellows
- Taken orally

Hallucinogens *phencyclidine (PCP), lysergic acid diethylamide (LSD), mescaline and peyote (mesc), psilocybin (mushrooms)*

All hallucinogens produce unpredictable, negative effects.

- **Physical effects:** perception of time is slowed; body movement slowed; senses dulled; dizziness, weakness, nausea, drowsiness
- **Mental effects:** vivid distortion of senses ranging from extreme excitement to absolute terror; can cause illusions and hallucinations
- **Also called:**
PCP: angel dust, loveboat, lovely
LSD: acid, green or red dragon, white lightning, blue heaven
Mescaline: buttons, cactus; peyote
Mushrooms: magic mushrooms; shrooms
- **Forms and use:**
PCP: liquid, capsules, powder, pills; taken orally or injected
LSD: brightly colored tablets, blotter paper, gelatin squares, liquid; taken orally, licked off paper or eaten
Mescaline: hard brown discs, tablets or capsules; chewed, swallowed or smoked
Mushrooms: fresh or dried mushrooms; eaten

Narcotics *opium, heroin*

- **Physical effects:** euphoria, drowsiness, respiratory depression, sleep, nausea
- **Mental effects:** rush of pleasure, numbness, lack of pain, euphoria; anxiety, depression may occur after use
- **Heroin is also called:** smack, horse, junk, H
- **Forms and use:**
Heroin is a white to dark brown powder or tar-like substance; opium is dark brown chunks or powder.
Heroin is injected, inhaled or smoked; opium is smoked or taken orally.

Date Rape Drugs

Rohypnol, a potent and fast-acting sedative, and **GHB**, a powerful depressant, are two drugs reported to be used at bars, raves and parties to weaken a potential sexual assault victim. The odorless drugs are dissolved into drinks. Once dissolved, Rohypnol may leave a residue and GHB may give a salty taste, but both can be hard to detect in many beverages. Once the drug is consumed, the victim becomes weak, helpless or unconscious and unable to resist sexual advances. When the drug wears off, the victim may not remember what happened or who participated because the drug often causes amnesia. Recreational use of these drugs also has been reported. Physical incapacitation from using the drug(s) puts the user at risk for rape or other victimization. Recreational use also can lead to death from the physical effects of the drug.

Rohypnol

- **Physical and mental effects:** drowsiness, confusion, impaired motor skills, dizziness, loss of inhibition, impaired judgment, slurred speech, reduced consciousness, partial amnesia, hangover effect; person may appear drunk. When mixed with alcohol, Rohypnol reduces blood pressure.
- **Also called:** roofies, roaches
- **Forms:** white pill. It leaves a crumbly residue in liquid and turns the liquid bluish and murky.

GHB

- **Physical and mental effects:** dizziness, nausea, vomiting, confusion, seizures, respiratory depression, intense drowsiness, unconsciousness, coma, partial amnesia
- onset of effects within 15 to 30 minutes and lasts 30 to 40 minutes
- Also called: liquid ecstasy, liquid G, Vita-G
- Form: a clear liquid that leaves a salty taste in beverages
- GHB is a mixture of lye and gamma-butyrolactone (GBL, a chemical compound) and varies in intensity, making it potentially deadly.

COUNSELING AND TREATMENT OPTIONS

- Education, assessment and confidential counseling about drugs and alcohol are available to students through the Counseling Center, Holthusen Hall, second floor, 414.288.7172. Alcohol programming is also available from the Marquette University Medical Clinic, 707 Building; 414.288.5778.
- Confidential assistance for employees is available through Aurora, which contracts with the university to provide the Employee Assistance Program. Aurora’s EAP works confidentially with employees to assess problems, make referrals for necessary counseling and treatment, and coordinate with employees’ insurance coverage. Call Aurora’s EAP at 800.236.3231 or visit their website at aurora.org/eap.
- Employees also may contact the Office of Human Resources for assistance at 414.288.7305.
- Assistance also is available from the staff of the Marquette University Medical Clinic, Campus Ministry, the Office of Student Development, the Office of Residence Life and the Marquette University Police Department.
- For more information go to marquette.edu/counseling

Other community resources	
Alcoholics Anonymous	414.771.9119
Rogers Memorial Hospital	800.767.4411
Narcotics Anonymous	866.913.3837
IMPACT Alcohol and Drug Abuse Services Inc.	414.256.4808
Aurora Psychiatric Hospital	414.454.6600
Milwaukee Women’s Center (24-hour helpline)	414.671.6140

SANCTIONS

Marquette is committed to creating and maintaining an environment that supports the healthy choices of the majority of its members. The university will sanction those who choose to abuse alcohol or other drugs or otherwise create unsafe and disruptive situations. In addition to the information on safety, alcohol and other drugs listed in this guide, the university will provide resources for students and employees to assess their own behavior or that of a friend and to seek appropriate assistance in overcoming the problem (see resource list on previous page).

Marquette will not tolerate alcohol or drug abuse, which is a violation of law and human dignity. The use of drugs or the abuse of alcohol hinders individuals’ functioning, impairs their personal growth, leads to disruptive behavior that violates others’ rights and adversely affects the community at large.

Federal, state and local laws regarding the sale and use of alcohol and other drugs apply to all members of the Marquette community. The university will comply with those laws in full and may refer students or employees to law enforcement personnel for prosecution. University regulations also govern the behavior of students and employees and prohibit the unlawful manufacture, distribution, possession and/or use of a controlled substance, the abuse of alcohol, and false instruments of identification at the university.

University Sanctions

Opportunities and referrals for counseling are available for all students and employees who have violated university policy and applicable laws regarding the use of alcohol or other drugs or for those who are identified as being at risk.

Students: The focus of student conduct is educational, and, in uncomplicated cases, disciplinary action tends to be progressive. Disciplinary actions range from warnings up to and including expulsion, regardless of the outcome of any civil or criminal charges. Changes in federal law effective in 1998 give the university the authority to determine when and how to notify parents or guardians when students under age 21 are found to have committed serious or repeated violations of university policies related to the possession, use or distribution of alcohol or other drugs. For additional information, see the section titled “Parental Notification Policy” in *At Marquette*, the student handbook.

Employees: Generally the university employs progressive disciplinary action, beginning with a verbal warning, progressing to a written warning, final written warning, suspension, then termination of employment. The university may act regardless of the outcome of any civil or criminal charges. In certain circumstances, the university may forego lesser disciplinary action and immediately impose more serious discipline up to and including termination of employment.

As a condition of employment, employees must abide by university policy regarding the use of alcohol or other drugs in the workplace. Employees must notify the Office of Human Resources within five days of any conviction of a criminal drug statute violation occurring in the workplace. Human Resources will follow appropriate laws regarding the report of such convictions to federal contracting or granting agencies. Human Resources also may impose appropriate university sanctions on the convicted employee.

Legal Sanctions

Marquette will report all suspected violations of local, state or federal law to the appropriate civil authorities.

Illicit drugs:

Wisconsin laws, including the Uniform Controlled Substances Act (Wisconsin Statute §961 et seq.) prohibit the possession, use and/or delivery of drugs. Violations of the law carry severe penalties, up to 45 years in prison, and fines of up to \$1 million. For example, a sentence of up to six months in prison and up to \$1,000 in fines can be levied for a first-time conviction for the possession of marijuana. Penalties vary according to the amount of drugs confiscated, the type of drugs found, previous offenses, and evidence of intent to manufacture, sell or use the drug. Sentences can be doubled if aggravating circumstances are proven, such as selling a controlled substance to a minor.

Certain drug-related offenses also carry federal penalties. Mandatory sentences are specified in federal law for anyone convicted of drug possession, use and trafficking. The courts can sentence a person to federal prison for up to six years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams, which is about 8.8 ounces) of marijuana. Conviction for possession of a controlled substance in an instance involving death or bodily injury can carry a sentence of life imprisonment.

Alcohol:

It is against the law to sell, dispense or give away alcohol to anyone younger than 21, the legal drinking age in Wisconsin, who is not accompanied by his or her parent, legal guardian or spouse. Those who are at least 21 years old are responsible by law for preventing the illegal consumption of alcohol on their premises. A first-time violation of this statute can result in a \$500 fine.

It is against the law for a person younger than 21 to attempt to buy an alcoholic beverage, falsely represent his or her age, or enter a bar or tavern unless accompanied by his or her parent, legal guardian or spouse. Sanctions for first-time violations can include any or all of the following: a \$500 fine, mandatory participation in a supervised work program, suspension or revocation of the offender’s driver’s license.

Penalties for serving or providing alcohol to minors include fines of up to \$10,000, imprisonment for up to nine months or both. A retailer’s license to sell alcohol may be suspended or revoked. (For reference, see Chapter 125 of the Wisconsin Statutes.)

**SEXUAL ASSAULT,
DOMESTIC VIOLENCE,
DATING VIOLENCE,
STALKING PREVENTION AND
AWARENESS PROGRAMS**

VIOLENCE PREVENTION PROGRAMMING AND ADVOCACY SERVICES

Marquette University is dedicated to educational and prevention programming. Primary prevention programs includes programming, initiatives, and strategies informed by research and assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Primary prevention and ongoing educational/awareness efforts at MU contain information about reporting options and resources available to victims, procedures for institutional disciplinary action, risk reduction and bystander intervention.

Prevention Programming

Marquette Family Guidebook & Marquette New Student Guidebook: An on-line and resource app designed to provide students, parents, and guests access to campus resources including advocacy services. To view the guidebook, see <http://guidebook.com>

Sexual Assault Prevention for Undergraduates: Incoming undergraduate first-year and transfer students enrolled at MU are required to complete an online sexual violence prevention program. Approximately 2,000 new students complete the program each year. Sexual Assault Prevention for Undergraduates includes a statement that the institution prohibits domestic violence, dating violence, sexual assault and stalking; definitions of sexual assault, domestic violence, dating violence, stalking as defined by the Clery Act and as those terms are defined by Wisconsin Statutes. The course also covers consent in reference to sexual activity as defined by Wisconsin Statutes.

Marquette Now Trending: Incoming undergraduate first-year and transfer students are required to attend *Marquette Now Trending*, a compelling play that informs new Marquette students about their classmates' perceptions surrounding sexual violence and harassment, high-risk drinking and drug use, mental health resources and bystander intervention. Styled after a Ted Talk and delivered by undergraduate actors, this program gives new students the tools to get friends help and speak out against harmful behaviors at Marquette.

Bringing in the Bystander: All second-year students are required to attend this peer-led program, which gives students skills to intervene before violence happens to create a safer campus community. This program is presented in small groups in the residence halls in the fall semester.

Marquette Takes Action: This program geared towards juniors and seniors encourages students to take further bystander intervention steps to keep campus safer. This program builds on skills learned in Bringing in the Bystander to better equip students to intervene.

Wellness and Prevention Peer Educators: In a continuing collaboration with the Student Wellness Center, Violence Prevention oversees a staff of 15 Wellness and Prevention peer educators. These students learn about best practices for primary prevention and host programs for their peers, guided and developed by prevention specialists.

Denim Day: This campus-wide event encourages community members to end victim blaming and supporting survivors of sexual violence.

Marquette Parent Handbook: This guide encourages parents and family members to discuss sexual violence and resources available on campus with their student before they arrive on campus.

Social Norming Posters: Social norming posters that cover a variety of topics are placed strategically around campus to encourage healthy behavior and bystander intervention.

Graduate Student and Employee Training: Incoming graduate students and new employees attend a primary prevention seminar about sexual assault, dating violence, domestic violence, stalking and sexual harassment. Incoming graduate students also complete Haven Plus an online sexual violence program tailored to graduate- and professional-level. Haven Plus includes a statement that the institution prohibits domestic violence, dating violence, sexual assault and stalking; definitions of sexual assault, domestic violence, dating violence, stalking as defined by the Clery Act and as those terms are defined by Wisconsin Statutes. Haven also covers consent in reference to sexual activity as defined by Wisconsin Statutes. Additionally, Haven includes the institution’s reporting options and resources for victims.

The State of Wisconsin Crime Statutes and Definitions are found on pages 55 – 61 of this document. Marquette university definitions central to all forms of sexual harassment, discrimination and sexual misconduct are found on pages 51 – 53 of this document and at http://www.marquette.edu/osd/policies/sexual_misconduct_policy.shtml.

All university faculty, staff and student employees are required to complete Haven for Faculty and Staff, a yearly online training relating to the university’s reporting requirements, policies and procedures. This online program provides faculty and staff with an interactive training that includes scenarios and examples they may encounter around sexual assault.

International Student Training: All incoming graduate and undergraduate international students receive in-person training on the university’s Title IX policy, resources and reporting options, as well as information on US culture regarding relationships, consent, and preventing and responding to violence.

Trainings and Collaboration by Request: Faculty, staff and students who wish to learn more about sexual assault, dating violence, domestic violence and stalking or who wish to schedule professional development in these areas should contact kristen.kreple@marquette.edu. or katharine.adler@marquette.edu. The Title IX team and Advocacy Services staff are available to provide or coordinate training upon request.

The Title IX Coordinator or any Deputy Title IX Coordinator can provide training upon request about the Policy, including institutional reporting requirements and resources/rights for victims of sexual assault, dating violence, domestic violence, stalking, and/or sexual harassment. For more information contact kristen.kreple@marquette.edu. or katharine.adler@marquette.edu.

Advocacy Services

A university sexual violence victim advocate is available to provide immediate and ongoing support and assistance for victims of sexual assault, relationship violence, stalking or sexual harassment. The advocates are available 24 hours a day, seven days a week and are just a phone call or an email away. Advocacy services is able to keep almost everything you share with them private but not completely confidential. They are mandated to report to the Title IX Coordinator when sexual violence, stalking, sexual harassment or relationship violence has occurred.

A victim advocate can be reached by calling (414) 288-5244 or by emailing advocacy@marquette.edu.

Advocacy Services can provide the following services:

- Referrals to university and community support, and counseling services.
- Accompany a victim to the hospital or other medical providers.
- Assistance with housing, academic and other concerns.
- Assist in creating a safety plan, including helping to obtain a restraining order or university Stay Away Directive.
- Provide information about the university’s Title IX policy, reporting and complaint process.

- Provide information about and assistance with filing a criminal complaint with the police or taking other legal action.
- Assistance and support throughout the criminal justice or university complaint process including escorts to all necessary appointments and court proceedings.

Advocacy Services will provide support and assistance to victims regardless of whether the victim chooses to file a formal report with law enforcement or pursue a complaint through the university’s Title IX complaint process.

Advocacy Network

To provide 24/7 advocacy support to Marquette students, five staff and faculty members from across campus serve as specially trained advocates to provide support and assistance to members of the community who have faced violence. Reach an advocate 24/7 by calling (414)288-5244.

RISK REDUCTION

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Protective Behaviors: What Everyone Can Do

- Have healthy, open and ongoing conversations with your partner or potential partner about sex and sexual contact. Talk about your boundaries and what behaviors you both feel comfortable, and uncomfortable engaging in.
- The next time you hear yourself talking about gender or sex in a derogatory way, stop. Speak up when you hear others talk this way – no matter their gender.
- Listen to or read the personal story of a survivor of violence.
- Make sure you have enthusiastic, affirmative and ongoing consent from your partner. Consent is a clear and freely given yes, not the absence of a no.
- Consent to one act does not mean consent to other acts. Communicate and be responsive. You must continually get consent for sex. If someone seems not okay with what’s happening, it is your responsibility to check in.
- When you have sex be sure you understand your partner’s limits, and clearly communicate your own limits. Do not engage in sexual activities without affirmative consent from your partner.
- Know that most commonly, sexual assault is perpetrated by someone the victim knows, typically a date or acquaintance, not a stranger.
- Be aware that people who are incapacitated by alcohol or drugs cannot give consent (e.g. to understand the “who, what, where, why or how” of their sexual interaction). Look out for signs of incapacitation, which may include — but are not limited to — throwing up, slurring words, stumbling, or not being able to remember conversations.
- Do not pressure others to drink or use drugs and be alert to people pressuring you or others to use.
- Be aware that alcohol and drugs are often used to create vulnerability to sexual assault. Studies of sexual assault incidents show a high correlation between sexual assault perpetration, victimization and drug/alcohol usage.
- Some perpetrators target people by using alcohol as a weapon. Get your own drinks; don’t let someone continually fill your cup or leave your drink unattended.
- Use and encourage others to have a companion or a safe means of getting home. You can request a Safety Patrol escort or MU LIMO ride, call (414) 288-6363.

- If an authority figure pressures you to engage in sexual activity, tell someone.
- Crime victims are never responsible for the behavior of perpetrators.
- If you’ve been sexually assaulted or victimized, tell someone. There are resources available to help. MU Advocacy Services are available 24/7 and can be reached by calling (414) 288-5244.

Bystander Intervention Tips

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

If you see something, say something:

- Be active in supporting a safe and respectful community. If you see others engaging in disrespectful or inappropriate actions, speak up and get involved, or contact someone to assist.
- Listen for rape jokes and sexist language. You don’t have to laugh or participate.
- If you see someone who looks to be in immediate danger call 911 or MUPD emergency number at (414) 288-1911.
- You can intervene even after an assault. Learn what options sexual assault victims have available to them on this campus and be supportive of their choices.
- If you’re a bystander and see someone behaving in a way that seems suspicious, be direct and step in and do something about it, such as distracting their attention away from a potential victim. If you don’t feel comfortable or safe confronting them, call 911 or MUPD emergency number at (414) 288-1911.
- If you have a sense that something is wrong, don’t ignore it, you can help by getting involved. Check-in and ask, “Hey, do you know this person?” or, “Are you OK?” or, “Can I call a friend to walk you home?”
- It can feel awkward to step in and say something if you notice harmful behavior, but often all it takes is a brief introduction. Let the potential perpetrator know that their actions are noticeable with a simple, “Hey, do I know you? Aren’t you in Monday’s Physics section?”
- When you go out, consider going out as part of a group. People tend to step in and intervene in situations when they have friends that will back them up.

REPORTING AND RESOURCES

REPORTING OPTIONS

The University’s primary concern is the safety of its students, faculty and staff, and to encourage reporting of Prohibited Conduct. All University employees¹ have a duty to report actual or suspected Prohibited Conduct to appropriate officials, though there are some limited exceptions for those with “legal privilege.” Reporting parties may want to consider carefully whether they share personally identifiable details with employees who have a duty to report, as those details **must be shared** by the employee with the Title IX Coordinator and/or Deputy Title IX Coordinator(s), and/or MUPD. To be clear, employees with a duty to report **must share** all details of the reports they receive.

Reports regarding any form of sexual harassment, discrimination or sexual misconduct may be reported to MUPD, the Title IX Coordinator, or any Deputy Title IX Coordinator.

Complainants must be aware that an investigation conducted by the University is distinct from a criminal investigation and flows from the University’s obligation under Title IX and related laws to ensure that it is providing a safe environment for all community members.

A Complainant has the option to do the following:

- File a criminal complaint with the MUPD, Milwaukee Police Department; or, other appropriate law enforcement agency (the complainant may be assisted by campus administrators or campus authorities if he/she so chooses); or
- File a complaint under this Policy (Sexual Harassment, Discrimination, and Sexual Misconduct Policy) and request a University Title IX investigation; or
- Pursue both processes simultaneously, even if a criminal proceeding is ongoing. The University will conduct its own Title IX investigation and will not wait for the conclusion of the criminal proceeding to begin its Title IX investigation; or
- Choose not to pursue any of the aforementioned processes and still receive support resources from the University.

When a student or employee reports to the university that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off-campus, the university will provide the student or employee a written explanation of:

- The procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking;
- An explanation of a student’s or employee’s rights and options when they report that they have been the victim of dating violence, domestic violence, sexual assault, or stalking, whether or offence occurred on or off campus.

¹ Examples of University employees who have a duty to report include but are not limited to: Faculty, Adjunct Faculty, Staff, Residence Hall Directors, Resident Assistants (RAs), Athletic Coaches and Staff (including graduate assistants), Club Sports coaches and assistant coaches, Academic Advisors, Student Activities Coordinator, Human Resources Staff, etc.

WHERE TO REPORT

MARQUETTE UNIVERSITY POLICE DEPARTMENT

Reports may be made to MUPD, in person or via telephone:

Marquette University Police Department (Open 24/7)
749 N. 16th Street
Milwaukee, WI 53233
Emergency Phone: (414) 288-1911
Non-Emergency Phone: (414) 288-6800

Title IX Coordinators

The individuals listed below make up Marquette’s Title IX team. The Title IX Coordinator is the designated agent of

the University responsible for overseeing University policy, procedures and compliance with Title IX legislation, regulation and case law. The Title IX Coordinator shall document all reports of incidents of sexual harassment.

The Deputy Title IX Coordinators work with the Title IX Coordinator and may act on her behalf when so designated. Additionally, the Deputy Coordinators serve as persons to whom reports or complaints may be reported, and can investigate complaints. Reports to Marquette’s Title IX Coordinator and Deputy Title IX Coordinators may be made via email, phone or in person as set forth below:

Deputy Title IX Coordinators representing the following (4) areas:

Title IX Coordinator

Kristen Kreple
Office of the Provost
AMU 437
(414) 288-3151
Kristen.Kreple@Marquette.edu

Deputy Title IX Coordinator

Cara Brook Hardin, J.D.
Office of the Provost
AMU 437
(414) 288-1742
Cara.Hardin@Marquette.edu

Intercollegiate Athletics

Sarah Bobert – Intercollegiate Athletics
Senior Associate Athletics Director
Senior Women’s Administrator
Deputy Title IX Coordinator
Al McGuire Center 223G
(414) 288-5253
Sarah.Bobert@Marquette.edu

Office of the Provost

William Welburn, Ph.D. –Faculty
Associate Provost for Diversity & Inclusion
Deputy IX Coordinator
Office of the Provost
Zilber Hall 454D
(414) 288-8028
William.Welburn@Marquette.edu

Human Resources

Lynn Mellantine – Staff
Assistant Vice President
Deputy Title IX Coordinator
Human Resources
Straz Tower, 185
(414) 288-3430
Lynn.Mellantine@Marquette.edu

A. CONFIDENTIAL RESOURCES AND REPORTING

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, meaning they are not required to report actual or suspected Prohibited Conduct to other University officials, thereby offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources must take action when you report an alleged violation to them. The following describes the confidential reporting options.

On-Campus Confidential Reporting Options:

Counseling Center
Holthusen Hall, 204
(414) 288-7172

Marquette University Medical Clinic

Schroeder Complex, Lower Level
(414) 288-7184

Ordained clergy are also considered to be a confidential reporting option, when providing pastoral counseling in their role as a priest.

Off-Campus Confidential Reporting Options:

Sexual Assault Treatment Center

Aurora Sinai Medical Center
945 N. 12th Street
Milwaukee, WI 53233
(414) 219-5555

The Healing Center

130 W. Bruce Street, #400
Milwaukee, WI 53204
(414) 671-4325

Aurora Employee Assistance Program

(800) 236-3231

All of the above resources will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor.

B. NON-CONFIDENTIAL RESOURCES AND REPORTING

Marquette University Advocacy Services

A Victim Advocate is available on campus 24 hours a day, 7 days a week to provide support and assistance in the decision-making process to those affected by sexual violence, including sexual assault, relationship violence and stalking. Services are free and private, to the extent allowed by law and university policy. Generally, the information you provide will not be shared with your instructors or deans. The advocate will assist you in making a report to the MUPD.

Victim Advocate

Phone: (414) 288-5244
Advocacy@Marquette.edu

All university employees who observe acts of sexual harassment are required to intervene to stop the harassment, unless circumstances would make such intervention dangerous, and must document and report all such incidents to the Title IX Coordinator, Deputy Title IX Coordinator(s) and/or MUPD.

PRESERVATION OF EVIDENCE

When reporting sexual assault, domestic violence, dating violence and/or stalking please note the following:

- The preservation of evidence may strengthen investigations, which may result in a better chance of holding the accused responsible or obtaining a court ordered restraining order. (Evidence may include the clothing you were wearing at the time, a record of threatening text messages, e-mails, and bodily fluids). An Aurora Sinai Sexual Assault Nurse Examiner (SANE) can provide forensic medical exams, even if a victim chooses not to report to law enforcement.
- Although it is best not to shower, even if you have showered and changed clothes, you can still file a police report and/or get a medical exam.

- Campus officials are required to provide you with information about your options and assist you in making contact with law enforcement personnel if you request it.
- Filing a report with law enforcement will generally involve an interview with a law enforcement officer or an investigating officer, or Title IX Coordinator (or both if you choose to report to both agencies).

THE RESPONSIBILITY OF FACULTY AND STAFF TO REPORT SEXUAL HARASSMENT OR MISCONDUCT

Under Title IX, all University employees² have a duty to report actual or suspected Prohibited Conduct to appropriate officials, though there are some limited exceptions for those with “legal privilege” such as employees who provide or support the Counseling Center, Medical Clinic and ordained ministers acting in their pastoral capacity.

Reporting parties may want to consider carefully whether they share personally identifiable details with employees who have a duty to report. Employees should make every effort to ensure that the student understands: (i) the employee’s obligation to report the names of the alleged perpetrator and student involved in the alleged incident, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator and/or Deputy Title IX Coordinator(s), and/or MUPD, (ii) the student’s option to request that the school maintain their confidentiality, which the school (e.g. Title IX Coordinator) will consider, and (iii) the student’s ability to share the information confidentially with the Counseling Center, Medical Clinic or ordained minister.

To be clear, employees with a duty to report **must share** all details of the reports they receive.

NO CONTACT (RESTRAINING) ORDERS ISSUED BY A COURT OF LAW

MUPD and MPD will enforce active no contact and restraining orders issued by a court of law. Students who have a court-issued restraining order and wish to inform the University should contact MUPD, the Dean of Students or the Title IX Coordinator. Students who need to be provided additional arrangements regarding a restraining order should contact the Dean of Students office or Title IX Coordinator. Employees who have a court issued restraining order should notify Human Resources or MUPD. Please be aware that notification to the University of an existing court-ordered restraining order may require the Dean of Students Office or the Title IX Coordinator to follow up as prescribed by Title IX.

If your no-contact order is being violated, regardless of whether or not you have informed Marquette University, please call MUPD at 414-288-1911 or 911 immediately.

STAY AWAY DIRECTIVES ISSUED BY THE DEAN OF STUDENTS OFFICE OR THE TITLE IX COORDINATOR

The Dean of Students Office and Title IX Coordinator may issue Stay Away Directives as a tool to provide a safe, respectful and responsible educational environment either as a proactive measure or in response to and prevention of additional incidents.

A Stay Away Directive is issued when the Dean of Students staff member or Title IX Coordinator determines that an individual should be prohibited from having contact with another student/(s). The Stay Away Directive is issued in writing via a student’s university email, and when possible, verbally. Recipients of the Stay Away Directive are informed the future contact with the individual(s) named in the directive may be considered harassment and result in a disciplinary investigation. If the individuals involved are in student organizations or classes together, the parameters of the no contact directive will be discussed and additional expectations for minimizing contact may be added to the directive.

² Examples of University employees who have a duty to report include but are not limited to: Faculty, Adjunct Faculty, Staff, Residence Hall Directors, Resident Assistants (RAs), Athletic Coaches and Staff (including graduate assistants), Club Sports coaches and assistant coaches, Academic Advisors, Student Activities Coordinator, Human Resources Staff, etc.

Students will be provided with an opportunity to ask questions about the terms of the Stay Away Directive issued to them.

A copy of the Stay Away Directive email is sent to MUPD, and when there is a connection to the Office of Residence Life, the Director or Residence Life.

Individuals who violate a Stay Away Directive risk being charged and investigated through the student conduct process for refusal to comply with a directive of a university administrator. Information regarding the Stay Away Directive is maintained in a student database and does not appear on an internal or external transcript.

MARQUETTE UNIVERSITY AND CONFIDENTIALITY

When a student or employee victim reports to an office or official who is not explicitly designated as confidential, MU 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 institutional response.

In an effort to protect victim safety and privacy, MU maintains information about harassment, discrimination and sexual misconduct reports in a secure manner. If the University has notice of an incident, MU 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 MU will endeavor to keep victim information private. However, once a report is made to the University or the University has notice of an incident of sexual assault, domestic violence, dating violence, or stalking, confidentiality cannot be guaranteed unless that information is reported directly to one of the confidential resources listed. Marquette University will strive to maintain as confidential any accommodations or protective measures provided to the victim, but keeping the victim information confidential may limit MU’s ability to provide interim or proactive measures.

For individuals age 18 and older who report to non-confidential sources, relevant information will be shared only with those who need to know, such as the Title IX Coordinator and Deputy Title IX Coordinators and others who are directly responsible for handling the school’s response to incidents of sexual violence. In the case of minors, Marquette University employees must report child abuse to Child Protective Services or local law enforcement.

For purposes of 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 ASR. Marquette University will redact a victim’s identifying information when responding to requests for information pursuant to the Wisconsin Public Records law, which governs the disclosure of student education records. The University must respond to court ordered subpoenas that are not prohibited by other applicable law, and may not be able to redact information when responding to a subpoena.

MARQUETTE UNIVERSITY’S SEXUAL HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT COMPLAINT

Resolution Process

Marquette University strives to provide an educational environment which reflects its Catholic, Jesuit mission and preserves the safety and dignity of its community members. All members of the campus community are expected to conduct themselves in a manner that enhances the well-being of the community. Members of the university community, guests and visitors have the right to be free from all forms of sexual harassment, discrimination and sexual misconduct (“Prohibited Conduct”). Marquette University’s Harassment,

Discrimination and Sexual Misconduct Policy (“Policy”) covers student, faculty and staff-related matters of Prohibited Conduct, whether the alleged conduct occurred on- or off-campus and regardless of whether the alleged Respondent is a student, faculty member, staff or third party. Examples include acts of sexual violence (including sexual assault), any harassment based on sex or gender (including sexual orientation, gender identity or gender expression), domestic violence, dating violence and stalking.

Reports of gender-based harassment by faculty, staff and students are filed and processed through the university’s Title IX office. If the Title IX Coordinator determines a full investigation should proceed, the University will conduct a prompt, fair, and impartial investigation. The investigation will normally be resolved within 60 days of Marquette University receiving a complaint or notice of the allegation of a policy violation. Marquette University will make every effort to adhere to this time line. The Title IX Coordinator may extend this time frame for good cause with written notice to the Complainant and Respondent. Good cause for extensions includes, but is not limited to, the following: 1) the complexity of the case requires additional time; 2) there are multiple parties involved; 3) the witnesses or parties are unavailable or uncooperative; 4) University closure or academic breaks; 5) if a University investigation would compromise a law enforcement investigation.

- The University may briefly delay its investigation to allow evidence collection by law enforcement.
- The process set forth in this policy is separate and distinct from any criminal investigation or proceeding and is a result of the University’s obligation under Title IX to ensure it is providing a safe environment. The University reserves the right to conduct its own Title IX investigation when it has reason to believe that the Respondent may be an imminent threat to the safety of the Complainant and/or the University community.

TITLE IX INVESTIGATORS

The Title IX Coordinator and Deputy Title IX Coordinators may serve as an investigator and are trained in Title IX, all aspects of the complaint process, and can serve in any of the following roles:

1. To provide sensitive intake of complaints.
2. To investigate complaints, write reports with findings, conclusions and determination for discipline.

All persons serving as investigators receive annual training approved by the Title IX Coordinator, including a review of University policies and procedures, and issues relating to dating violence, domestic violence, sexual assault and stalking so that they are able to perform thorough, impartial investigations that protects the safety of the victims, provides accountability, and provides accurate information to members of the University community.

Complaint Resolution

When it is determined that a formal investigation is necessary, the Title IX Coordinator will open a case file and the investigation will proceed as follows:

1. Determine the identity of the Complainant (if not already known), contact information, any witnesses, and the Respondent, if he/she can be identified
 - a. Specify policies allegedly violated
 - b. Send notice of potential violation to both Complainant and Respondent
The written notification may be sent to the Complainant and Respondent’s respective residences or may be sent to them via email to their Marquette email account. Complainants and Respondents are expected to check their email on a frequent and consistent basis and act in a timely manner as outlined in the official use of email to communicate with students’ policy, or Employee Handbook (See Policy on Official Use of E-mail to Communicate with Students., Employee Handbook)

2. The investigator will review statements obtained from all parties, conduct interviews with both Complainant and Respondent, conduct witness interviews, identify, locate and review other relevant information
3. The Complainant and Respondent will have the same opportunity to identify witnesses for the investigator to interview. The investigator has the right to forgo interviewing a witness if the investigator determines that the person does not have information that is relevant to the investigation. The investigator will not meet with character witnesses as part of the investigation process if they have no relevant factual information about the incident
4. Throughout the investigation, both the Complainant and Respondent must provide information to the investigator if they remember, or learn of, additional information
5. The Complainant and Respondent have the right to an advisor of their choosing present for an investigation interview with the designated investigator.
The Complainant and Respondent must provide the investigator with the name of their advisor **no less than** two business days before the meeting with the investigator.
6. Preponderance of Evidence Standard. The standard of proof for determining a violation of this Policy is that of a **preponderance of the evidence** –meaning that it is more likely than not that a violation of the Policy occurred.
7. At the conclusion of the investigation, the investigator will forward their full Investigative Report and Determination of Sanction to the Title IX Coordinator for review and approval. The Report will contain the information obtained in the investigation, an analysis of the information, findings and determination of sanction.
 - a. If the investigator determines there was not a violation of this Policy, the Title IX Coordinator will simultaneously inform the Complainant and Respondent, in writing, that the matter will be closed and no further action will be taken.
 - b) If the investigator determines there is sufficient evidence to support a violation of this Policy, the Title IX Coordinator will simultaneously inform the Complainant and Respondent by issuing a written Decision Notification Letter to both Complainant and Respondent, which will include findings of fact and a determination of sanction(s), if applicable.
 - c) If a Respondent is found responsible for violating this Policy, and whether or not the Respondent accepts the findings, the report will be sent to the appropriate University official(s) for action on the sanctions. Once the appropriate University official implements the sanction/action, the same shall be communicated to the Title IX Coordinator. Note: sanctions will not generally be implemented until after the appeal deadline has passed or, if an appeal is filed, until after the appeal has concluded. However, Marquette reserves the right to keep in place interim measures, or to implement additional measures, on a case-by-case basis, at any time.
 - d) The University will, where appropriate, take reasonable steps to remedy the harm to the affected individual(s) of the sexual harassment, including counseling to those who have been subjected to or who have engaged in sexual harassment.

Sanctions

Marquette reserves the right to impose differing sanctions, depending on the severity and/or pervasiveness of the violation. In determining sanctions, the University will consider the concerns and rights of both the Complainant and the Respondent.

The following sanctions may be imposed upon any member of the community found to have violated this Policy. In determining the appropriate sanction(s), the University must examine and consider a number of factors, including, but not limited to: 1) level of risk or harm to the community; 2) the nature and seriousness of the offense; 3) use of drugs or alcohol; 4)

motivation underlying the Respondent’s behavior; 5) the Respondent’s disciplinary history, including prior violations of the same or similar type; 6) cooperation with the investigation.

Note: sanctions will not generally be implemented until after the appeal deadline has passed or, if an appeal is filed, until after the appeal has concluded. However, Marquette reserves the right to keep in place interim measures, or to implement additional measures, on a case-by-case basis, at any time.

STUDENT SANCTIONS (See also, Student Conduct Code)

- 1. Warning
- 2. Probation
- 3. Suspension
- 4. Expulsion
- 5. Withholding Diploma
- 6. Withholding Degree
- 7. Transcript Notation
- 8. Organizational Sanctions
- 9. Other Actions

EMPLOYEE SANCTIONS (See Employee Handbook and Faculty Handbook)

- 1. Corrective counseling including but not limited to warning through termination
- 2. Performance Improvement Plan
- 3. Referral to the Employee Assistance Program
- 4. Required training or education
- 5. Suspension without pay
- 6. Suspension with pay
- 7. Termination

SANCTIONING FOR SEXUAL MISCONDUCT

- 1. Any person found responsible for violating this Policy as it relates to Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.
- 2. Any person found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).
- 3. Any person found responsible for violating the policy on Sexual Exploitation or Sexual Harassment will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.

Appeals

The original finding and sanction(s) will stand if the decision is not appealed or if an appeal is not timely.

GENERAL INFORMATION

Once a Decision Notification Letter is issued under this Policy, the Complainant and the Respondent shall each have the right to submit an appeal to the Title IX coordinator within five (5) business days of receiving the written Decision Notification Letter from the Title IX Coordinator. The Decision Notification Letter will be provided in person and/or emailed simultaneously to the parties’ university-issued email account. Once the Decision Notification Letter is provided in person and/or sent via email, it will be deemed presumptively delivered.

Any party who files an appeal must do so in writing and submit it to the Title IX Coordinator who will determine if the appeal is timely. If the appeal is timely, the Title IX Coordinator will assign the appeal to an appropriate Appeal Officer (e.g., a Vice President or designee). A copy of the appeal will be promptly provided to the non-appealing party.

The appeal process is not a hearing or a review of the entire matter; rather, it is a review of the record and process only. Appeal decisions are to be deferential to the original investigative findings and determination, remanding only when there is clear reason to do so. Further, modification of the sanction(s) shall only occur if there is a compelling justification to do so.

The Appeal Officer may take one of three possible actions on appeal:

- 1. Dismiss the appeal as having no merit, upholding the initial findings and sanction(s).
- 2. Remand to the original investigator for further investigation or fact-finding.
- 3. Modify the outcome and/or sanction(s).

CRITERIA FOR AN APPEAL

- 1. Procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures.)
- 2. 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.
- 3. The sanction(s) imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

The Appeals Officer will typically render a written decision on the appeal to the Title IX Coordinator within five (5) business days from receipt of the appeal. The Title IX Coordinator will simultaneously forward the written decision of the Appeals Officer to the parties.

The Appeals Officer’s decision is final and there are no further appellate options.

Interim/Protective Measures

The Title IX Coordinator, the Dean of Students, the Vice President for Human Resources, the Vice President of Student Affairs (or appropriate designee) may enact interim measures intended to address the short or long-term effects of Prohibited Conduct and to prevent further harassment or violations. To the extent reasonable and feasible, the University will consult with the Complainant in determining appropriate interim measures.

Interim measures will be available regardless of whether the victim chooses to report the allegations to MUPD or local law enforcement. Interim measures may include, but are not limited to the following:

- 1. Housing reassignments
- 2. Rescheduling exams or other academic work
- 3. Arranging for an incomplete in a class
- 4. Modifying class schedules and/or course sections

- 5. Providing counseling, medical and/or mental health services
- 6. Offering assistance with alternative course completion options
- 7. Providing safety escorts to and from campus and nearby locations
- 8. Issuing a “Stay Away” directive
- 9. Instituting a work suspension
- 10. Referring an employee to the Employee Assistance Program

This information will be provided to the victim in written form.

Written Notification:

Marquette University will provide written notification to student and employees about:

- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community.

Written notification will be provided to victims about options for, available assistance in, and how to request changes to:

- Academic situations
- Living situations
- Transportation situations
- Working situations
- Interim/protective measures

DEFINITIONS AND CONDUCT SUBJECT TO DISCIPLINARY ACTION UNDER MARQUETTE UNIVERSITY’S TITLE IX SEXUAL HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT POLICY

COERCION

Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sexual contact, 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.

COMPLAINANT

Complainant refers to the individual who reported the incident of alleged Prohibited Conduct.

CONSENT

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is the voluntary, clear, actively given, positive agreement between the participants to engage in a specific sexual act or activity. Previous relationships or consent does not imply consent to future sexual activity. Consent can be withdrawn at any time once given, so long as that withdrawal is clearly communicated.³

Under Wisconsin law, the age of consent is 18. Consensual sexual intercourse with a person under 18 years of age is a criminal offense.

FORCE

Force is the use of physical violence, and/or imposing on someone physically, to gain sexual access. Force includes hitting, kicking, restraining or otherwise exerting their physical control

³ See Wis. Stat. Chapter 948

over another person through violence. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance to produce consent.

INCAPACITATION

Incapacitation is defined as a state in which a person cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, where, why or how” of their sexual interaction). Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the ingestion of “date rape” drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy.

The use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

RESPONDENT

Respondent refers to a student, employee, or faculty member who allegedly violated this policy.

SEXUAL HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT DEFINED

Sexual misconduct is a broad term encompassing behaviors focused on sex and or gender discrimination that may or may not be sexual in nature. Sexual misconduct offenses prohibited by this policy include, but are not limited to: 1) Sexual harassment, 2) Non-consensual sexual contact, or attempts to commit same, 3) Non-consensual sexual intercourse, or attempts to commit same, 4) Sexual exploitation, 5) Relationship violence, or 6) Stalking.

1. SEXUAL HARASSMENT

- a. Unwelcome conduct that is of an implicitly or overtly sexual nature, or is based on a person’s actual or perceived sex, gender, sexual orientation, gender identity, or gender expression.
- b. Gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying, or limiting someone’s ability to participate in or benefit from the University’s education programs, employment and/or activities.
- c. Quid Pro Quo Harassment is unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when:
 - i. Submission to such sexual conduct is made either explicitly or implicitly a term or condition of education or employment, (including rating or evaluating an individual’s academic [or employment] progress, development or performance; or
 - ii. When submission to such conduct is made a condition for access to or receiving the benefits of any educational [or employment] program.
- d. The determination of whether an environment is “hostile” must be based on the totality of the circumstances. These circumstances include, but are not limited to, the following:
 - i. The frequency of the conduct
 - ii. The nature and severity of the conduct

- iii. Whether the conduct was physically threatening
 - iv. Whether the conduct was humiliating
 - v. The effect of the conduct on the alleged victim’s mental or emotional state
 - vi. Whether the conduct was directed at more than one person
 - vii. Whether the conduct arose in the context of other discriminatory conduct
 - viii. Whether the conduct unreasonably interfered with the alleged victim’s educational or work performance
- e. Examples of prohibited harassment take a variety of forms and may include, but are not limited to, the following:
- i. Sexual advances, propositions, requests or pressure of any kind for sexual favors under any of the circumstances described above
 - ii. Sexually explicit, graphic, abusive, degrading, intimidating, or offensive jokes, comments, remarks, or gestures, under any of the circumstances described above
 - iii. Physical contact or intimidation under any of the circumstances described above
 - iv. Display, circulation, or communication of any sexually suggestive, explicit, graphic, or offensive objects, pictures, or materials of any kind, under any of the circumstances described above
 - v. Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to an individual’s race, color, national origin, religion, age, disability, sex, gender identity/expression, sexual orientation, marital status, pregnancy, predisposing genetic characteristic, or military status, or any other characteristics protected by this policy and/or law, under any of the circumstances described above.
 - vi. Placing on walls, bulletin boards, email, social networking websites, or elsewhere on the University’s premises graphic material that shows hostility or aversion to an individual or group (as listed above) because of an individual’s race, color, national origin, religion, age, disability, sex, gender identity/expression, sexual orientation, marital status, pregnancy, predisposing genetic characteristic, or military status or any other characteristics protected by this Policy and/or law, under any of the circumstances described in this section.

2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is defined as any intentional sexual touching, however slight, with any object, of a person upon another person that is without consent and/or by force.

Sexual contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, of a person upon another person that is without consent and/or by force.

Sexual intercourse includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

4. SEXUAL EXPLOITATION

Occurs when a student, faculty or staff, takes non-consensual or abusive sexual advantage of another 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 other sexual misconduct offenses. Examples include, but are not limited to:

- a. Invasion of sexual privacy (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- b. Prostitution
- c. Non-consensual recording, displaying or distributing in any way, video, audio of a person engaged in sexually explicit conduct without the consent of that individual. Knowingly transmitting an STI or HIV to another student, and without informing the other person of the infection
- d. Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals
- e. Sexually-based stalking and/or bullying may also be forms of sexual exploitation

5. RELATIONSHIP/INTIMATE PARTNER VIOLENCE

Engaging in physical, sexual, psychological, or emotional harm between partners or former partners involving one or more of the following:

- a. Battery that causes bodily injury
- b. Purposely or knowingly causing reasonable apprehension of bodily injury
- c. Emotional abuse creating apprehension of bodily injury or property damage
- d. Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass or threaten

6. STALKING

- a. Stalking 1
 - i. A course of conduct (two or more acts), including any action, method, device or means to follow, monitor, observe, surveil, threaten or communicate about a person
 - ii. Directed at a specific person, or indirectly through a third party
 - iii. On the basis of actual or perceived membership in a protected class
 - iv. That is unwelcome, AND
 - v. Would cause a reasonable person to feel fear
- b. Stalking 2
 - i. Repetitive and menacing (purposely or knowingly causes emotional distress)
 - ii. Pursuit, following, harassing and/or interfering with the peace and/or safety of another

I. OTHER MISCONDUCT OFFENSES UNDER TITLE IX WHEN SEX OR GENDER-BASED

- A. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person
- B. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender
- C. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another
- D. Hazing includes any action taken or situation created, either on campus or off campus, that is intended to produce or which may foreseeably produce unusual or necessary mental or physical harm, or which may cause or foreseeably cause embarrassment, harassment, ridicule or risk of physical, mental or emotional harm. (as defined further in the Student Conduct Code)

E. Bullying, defined as:

- 1. Repeated and/or severe
- 2. Aggressive behavior
- 3. Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally

Any other University policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party’s sex or gender.

RETALIATION

It is a violation of University policy to retaliate against any person reporting or filing a complaint of harassment, discrimination, or sexual misconduct. Such conduct is inconsistent with University policy and may also be prohibited by law.

“Retaliation” is defined as any adverse action taken against a person making a complaint of prohibited conduct or against any person involved or participating in the investigation of any such allegation. Retaliation is prohibited with or without a University Stay Away Directive. Report alleged acts of retaliation to the Title IX Coordinator, Deputy Title IX Coordinator(s), and/or MUPD.

RIGHTS OF THE PARTIES

In addition to the rights set forth in this policy, Complainants and Respondents have the following rights:

Complainant’s Rights

- 1. The right to a thorough, impartial and prompt investigation, by an impartial decision maker, and appropriate resolution of all credible complaints of Prohibited Conduct made in good faith to the University
- 2. The right to be fully informed of the University’s relevant policies and procedures
- 3. The right to be treated with respect by University officials
- 4. The right to be informed of the option to file criminal charges in addition to pursuing a complaint through the University’s process, or to do neither
- 5. The right to experience a safe living, educational and work environment
- 6. The right to have access to campus support resources (e.g., counseling and health services (for students), Employee Assistance Program (for employees), clergy and Campus Ministry)
- 7. The right to have one advisor or support person during this process
- 8. The right to request to have his/her identity or personally identifiable information withheld during the investigation
- 9. The right not to be charged for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident
- 10. The right to request interim measures from the University intended to restore a sense of safety and/or ability to participate in University programs and activities
- 11. The right to be free from retaliation
- 12. The right to be given equal opportunity to access, and present evidence to the investigator
- 13. The right to be kept informed of the status of the complaint and anticipated resolution timeline
- 14. The right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible

- 15. The right to information about the appeals process and how to appeal an outcome

Respondent’s Rights

- 1. The right to a thorough, impartial and prompt investigation, by an impartial decision maker, and appropriate resolution of all credible complaints of Prohibited Conduct made in good faith to the University
- 2. The right to be fully informed of the University’s relevant policies and procedures;
- 3. The right to be treated with respect by University officials
- 4. The right to have access to campus support resources (e.g., counseling and health services (for students), Employee Assistance Program (for employees), clergy and Campus Ministry)
- 5. The right to one advisor or support person during this process
- 6. The right to be given equal opportunity to access, and present evidence to the investigator.
- 7. The right to be kept informed of the status of the complaint and anticipated resolution timeline
- 8. The right to be informed, in writing of the outcome/resolution of the complaint and the rationale for the outcome
- 9. The right to information about the appeals process and how to appeal an outcome
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

STATE OF WISCONSIN CRIME STATUTES AND DEFINITIONS

The Clery Act and the Violence Against Women Act mandate that Marquette University provide domestic violence, dating violence, sexual assault and stalking definitions applicable in its jurisdiction. Wisconsin statutes recognize that sexual assault, domestic violence, dating violence and stalking are serious criminal offenses. It is important for all members of the Marquette community to understand how these offenses are defined in law and penalties attached to the offenses. The definitions and penalties of sexual assault, domestic/dating violence and stalking are set forth below. Also, the definitions of consent, sexual contact, and sexual intercourse are provided.

940.225 Sexual assault.

- (1) FIRST DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class B felony:
 - (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

- (b) Has 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) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- (2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class C felony:
- (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
 - (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
 - (c) Has 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.
 - (cm) Has 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.
 - (d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
 - (f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.
 - (g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.
 - (h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
 - (i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
 - (j) Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.
- (3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

(3m) FOURTH DEGREE SEXUAL ASSAULT. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

NOTES ON SEXUAL ASSAULT

Marriage is not a defense to sexual assault. A person may be prosecuted for assaulting his or her spouse. (Wis. Stat. 940.225(6)).

(4) CONSENT. "Consent," as used in this section, means 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. Consent is not an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h), and (i). The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

- (b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.
- (c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

NOTES ON CONSENT

A person under 16 years of age is incapable of consent as a matter of law. Teens 16 and 17 years old can legally consent to sexual contact; however, they are deemed incapable of consenting sexual intercourse as a matter of law. People who have a mental illness or deficiency, and people who are unconscious or physically unable to communicate, are assumed to be incapable of consent, but that assumption can be challenged in court.

SEXUAL CONTACT – Wis. Stat. s. 940.225(5)(b)

"Sexual contact" means any of the following:

1. Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1):
 - a. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.
 - b. Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.
2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.
3. For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

SEXUAL INTERCOURSE – Wis. Stat. s. 940.225(5)(c)

"Sexual intercourse" includes the meaning assigned under s. 939.22 (36) 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. The emission of semen is not required.

DOMESTIC ABUSE – Wis. Stat. s. 813.12(1)(am)

“Domestic abuse” means 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:

- 1. Intentional infliction of physical pain, physical injury or illness.
- 2. Intentional impairment of physical condition.
- 3. A violation of s. 940.225 (1), (2) or (3). (Sexual Assault)
- 4. A violation of s. 940.32. (Stalking)
- 5. A violation of s. 943.01, involving property that belongs to the individual.
- 6. A threat to engage in the conduct under sub. 1., 2., 3., 4., or 5. (See 1-5 above)
 - “Family member” means a spouse, a parent, a child or a person related by blood or adoption to another person.
 - (c) “Household member” means a person currently or formerly residing in a place of abode with another person.
 - (ce) “Household pet” means a domestic animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.
 - (cg) “Reasonable grounds” means more likely than not that a specific event has occurred or will occur.
 - (cj) “Regular and direct contact” means face-to-face physical proximity to an individual that is planned, scheduled, expected, or periodic.
 - (d) “Tribal court” means a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin.
 - (e) “Tribal order or injunction” means a temporary restraining order or injunction issued by a tribal court under a tribal domestic abuse ordinance adopted in conformity with this section.
 - (ag) “Dating relationship” means a romantic or intimate social relationship between 2 adult individuals but “dating relationship” does not include a casual relationship or an ordinary fraternization between 2 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.

STALKING – Wis. Stat. s. 940.32

(1) In this section:

- (a) “Course of conduct” means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:
 - 1. Maintaining a visual or physical proximity to the victim.
 - 2. Approaching or confronting the victim.
 - 3. Appearing at the victim’s workplace or contacting the victim’s employer or coworkers.
 - 4. Appearing at the victim’s home or contacting the victim’s neighbors.
 - 5. Entering property owned, leased, or occupied by the victim.

- 6. Contacting the victim by telephone or causing the victim’s telephone or any other person’s telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
- 6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
- 7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim’s family or household or an employer, coworker, or friend of the victim.
- 8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
- 9. Delivering an object to a member of the victim’s family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
- 10. Causing a person to engage in any of the acts described in subds. 1. to 9.

(am) “Domestic abuse” has the meaning given in s. 813.12 (1) (am).

(ap) “Domestic abuse offense” means an act of domestic abuse that constitutes a crime.

(c) “Labor dispute” includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(cb) “Member of a family” means a spouse, parent, child, sibling, or any other person who is related by blood or adoption to another.

(cd) “Member of a household” means a person who regularly resides in the household of another or who within the previous 6 months regularly resided in the household of another.

(cg) “Personally identifiable information” has the meaning given in s. 19.62 (5).

(cr) “Record” has the meaning given in s. 19.32 (2).

(d) “Suffer serious emotional distress” means to feel terrified, intimidated, threatened, harassed, or tormented.

(2) Whoever meets all of the following criteria is guilty of a Class I felony:

- (a) The actor intentionally engages in a course of conduct directed at a specific person 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.
- (b) The actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.
- (c) The actor’s acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

(2e) Whoever meets all of the following criteria is guilty of a Class I felony:

- (a) After having been convicted of sexual assault under s. 940.225, 948.02, 948.025, or 948.085 or a domestic abuse offense, the actor engages in any of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic abuse offense.
- (b) The actor knows or should know that the act will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.
- (c) The actor’s act causes the specific person to suffer serious emotional distress or induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.
- (2m) Whoever violates sub. (2) is guilty of a Class H felony if any of the following applies:
 - (a) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v), or (1x).
 - (b) The actor has a previous conviction for a crime, the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.
 - (c) The actor intentionally gains access or causes another person to gain access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation.
 - (d) The person violates s. 968.31 (1) or 968.34 (1) in order to facilitate the violation.
 - (e) The victim is under the age of 18 years at the time of the violation.
- (3) Whoever violates sub. (2) is guilty of a Class F felony if any of the following applies:
 - (a) The act results in bodily harm to the victim or a member of the victim’s family or household.
 - (b) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v) or (1x), the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.
 - (c) The actor uses a dangerous weapon in carrying out any of the acts listed in sub. (1) (a) 1. to 9.
- (3m) A prosecutor need not show that a victim received or will receive treatment from a mental health professional in order to prove that the victim suffered serious emotional distress under sub. (2) (c) or (2e) (c).
- (4)
 - (a) This section does not apply to conduct that is or acts that are protected by the person’s right to freedom of speech or to peaceably assemble with others under the state and U.S. constitutions, including, but not limited to, any of the following:
 1. Giving publicity to and obtaining or communicating information regarding any subject, whether by advertising, speaking or patrolling any public street or any place where any person or persons may lawfully be.
 2. Assembling peaceably.
 3. Peaceful picketing or patrolling.

SEXUAL HARASSMENT

Sexual Harassment

Wis. Stat. s. 113.32(13)

“Sexual harassment” means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature.

“Sexual harassment” includes conduct directed by a person at another person of the same or opposite gender.

“Unwelcome verbal or physical conduct of a sexual nature” includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee’s work performance or to create an intimidating, hostile or offensive work environment.

MARQUETTE UNIVERSITY TITLE IX SEXUAL HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT POLICY⁴

INTRODUCTION

Marquette University strives to provide an educational environment which reflects its Catholic, Jesuit mission and preserves the safety and dignity of its community members. All members of the campus community are expected to conduct themselves in a manner that enhances the well-being of the community. Members of the university community, guests and visitors have the right to be free from all forms of sexual harassment, discrimination and sexual misconduct (“Prohibited Conduct”). This Policy covers student, faculty and staff-related matters of Prohibited Conduct, whether the alleged conduct occurred on- or off-campus and regardless of whether the alleged Respondent is a student, faculty member, staff or third party. Examples include acts of sexual violence (including sexual assault), any harassment based on sex or gender (including sexual orientation, gender identity or gender expression), domestic violence, dating violence and stalking.

Marquette will not tolerate incidents of harassment, discrimination, and sexual misconduct occurring on or off campus. When such an allegation is reported to an appropriate Marquette official, protective and remedial measures will be used to reasonably ensure such conduct ends, is not repeated, and the effects on the Complainant and community are remedied, including serious sanctions (up to and including termination, suspension or expulsion, if circumstances warrant) when a Respondent is found to have violated this Policy. Students and employees who retaliate against individuals who report Prohibited Conduct will be subject to disciplinary action.

Students and employees are strongly encouraged to report any/all incidents of sexual discrimination, harassment or sexual misconduct to the Marquette University Police Department (“MUPD”), the Title IX Coordinator, or any Deputy Title IX Coordinator. When an allegation of misconduct is brought to an appropriate University official, the University will respond promptly, equitably, and thoroughly. For additional reporting options, see Section III.

⁴ Much of Marquette University’s Policy on Sexual Harassment, Discrimination and Sexual Misconduct was adapted from the ATIXA SEX GENDER-BASED HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT MODEL POLICY, Brett A. Sokolow, J.D., et al. and the National Center for Higher Education Risk Management.

I. SCOPE

Consistent with Marquette’s commitment to addressing Prohibited Conduct, Marquette complies with Title IX of the Higher Education Act of 1972, and the Violence Against Women Reauthorization Act of 2013 (VAWA).⁵ Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities.

Marquette University does not discriminate in any manner contrary to law or justice on the basis of race, color, gender, age, sexual orientation, religion, disability, veteran’s status or national origin in its educational programs or activities, including employment and admissions. At the same time, Marquette values its right and duty to seek and retain personnel who will make a positive contribution to its religious character, goals, and mission in order to enhance the Jesuit, Catholic tradition. Federal laws (Title VI, VII, and IX; the Age Discrimination Act in Employment of 1967 as amended, the Rehabilitation Act of 1973 as amended, the Veteran’s Readjustment Assistance Act of 1974, and the Americans With Disabilities Act of 1990) prohibit such discrimination.

Employee inquiries concerning Section 503 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990 may be referred to:

Department of Human Resources
Straz Tower
P.O. Box 1881
Milwaukee, WI 53201-1881
(414) 288-7305

Students and employee inquiries concerning Titles VI, VII, the Age Discrimination in Employment Act of 1967, as amended, and Executive Order 11246, as amended, may be referred to:

Lynn Mellantine
Affirmative Action Officer
Straz Tower
P.O. Box 1881
Milwaukee, WI 53201-1881
(414) 288-3430

Student and employee inquiries concerning Title IX may be referred to:

Kristen Kreple	OR	Office for Civil Rights
Title IX Coordinator		500 W. Madison Street
Alumni Memorial Union, Room 437		500 W. Madison Street
P.O. Box 1881		Suite 1475
Milwaukee, WI 53201-1881		Chicago, IL 60661-4544
(414) 288-3151		(312) 730-1560

The Marquette University Board of Trustees has approved the Affirmative Action Program, formalizing the University’s position toward human rights. This program reaffirms and specifies action programs to continue the pledge of promotion and equal opportunity for all qualified persons.

All Marquette University community members (faculty, staff, students, trustees, contract personnel, agents, visitors, guests, volunteers, and other individuals associated with the University) are prohibited from engaging in acts of discrimination based on the above-referenced bases. This Policy applies to all associations, clubs, organizations and their members affiliated with and utilizing the benefits and services provided by or connected with the University. All University policies, practices and procedures are administered in a manner consistent with Marquette University’s Jesuit Mission and Guiding Values.

⁵ Violence Against Women Reauthorization Act of 2013 section 304 requires that universities have procedures in place to respond to matters of sexual assault, relationship (dating) violence and stalking. <http://www.gpo.gov/fdsys/pkg/PLAW-113pub14/pdf/P-AW-113pub14.pdf>

II. KEY CONCEPTS AND DEFINITIONS CENTRAL TO ALL FORMS OF SEXUAL HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT

A. COERCION

Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sexual contact, 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.

B. COMPLAINANT

Complainant refers to the individual who reported the incident of alleged Prohibited Conduct.

C. CONSENT

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is the voluntary, clear, actively given, positive agreement between the participants to engage in a specific sexual act or activity. Previous relationships or consent does not imply consent to future sexual activity. Consent can be withdrawn at any time once given, so long as that withdrawal is clearly communicated.

Under Wisconsin law, the age of consent is 18. Consensual sexual intercourse with a person under 18 years of age is a criminal offense.⁶

D. FORCE

Force is the use of physical violence, and/or imposing on someone physically, to gain sexual access. Force includes hitting, kicking, restraining or otherwise exerting their physical control over another person through violence. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance to produce consent.

E. INCAPACITATION

Incapacitation is defined as a state in which a person cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, where, why or how” of their sexual interaction). Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the ingestion of “date rape” drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy.

The use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

F. RESPONDENT

Respondent refers to a student, employee, or faculty member who allegedly violated this policy.

⁶ See Wis. Stat. Chapter 948

**SEXUAL HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT
DEFINED**

Sexual misconduct is a broad term encompassing behaviors focused on sex and or gender discrimination that may or may not be sexual in nature. Sexual misconduct offenses prohibited by this policy include, but are not limited to: 1) Sexual harassment, 2) Non-consensual sexual contact, or attempts to commit same, 3) Non-consensual sexual intercourse, or attempts to commit same, 4) Sexual exploitation, 5) Relationship violence, or 6) Stalking.

1. SEXUAL HARASSMENT

- a. Unwelcome conduct that is of an implicitly or overtly sexual nature, or is based on a person’s actual or perceived sex, gender, sexual orientation, gender identity, or gender expression.
- b. Gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying, or limiting someone’s ability to participate in or benefit from the University’s education programs, employment and/or activities.
- c. Quid Pro Quo Harassment is unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when:
 - i. Submission to such sexual conduct is made either explicitly or implicitly a term or condition of education or employment, (including rating or evaluating an individual’s academic [or employment] progress, development or performance; or
 - ii. When submission to such conduct is made a condition for access to or receiving the benefits of any educational [or employment] program.
- d. The determination of whether an environment is “hostile” must be based on the totality of the circumstances. These circumstances include, but are not limited to, the following:
 - i. The frequency of the conduct
 - ii. The nature and severity of the conduct
 - iii. Whether the conduct was physically threatening
 - iv. Whether the conduct was humiliating
 - v. The effect of the conduct on the alleged victim’s mental or emotional state
 - vi. Whether the conduct was directed at more than one person
 - vii. Whether the conduct arose in the context of other discriminatory conduct
 - viii. Whether the conduct unreasonably interfered with the alleged victim’s educational or work performance
- e. Examples of prohibited harassment take a variety of forms and may include, but are not limited to, the following:
 - i. Sexual advances, propositions, requests or pressure of any kind for sexual favors under any of the circumstances described above
 - ii. Sexually explicit, graphic, abusive, degrading, intimidating, or offensive jokes, comments, remarks, or gestures, under any of the circumstances described above
 - iii. Physical contact or intimidation under any of the circumstances described above
 - iv. Display, circulation, or communication of any sexually suggestive, explicit, graphic, or offensive objects, pictures, or materials of any kind, under any of the circumstances described above

- v. Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to an individual’s race, color, national origin, religion, age, disability, sex, gender identity/expression, sexual orientation, marital status, pregnancy, predisposing genetic characteristic, or military status, or any other characteristics protected by this policy and/or law, under any of the circumstances described above.
- vi. Placing on walls, bulletin boards, email, social networking websites, or elsewhere on the University’s premises graphic material that shows hostility or aversion to an individual or group (as listed above) because of an individual’s race, color, national origin, religion, age, disability, sex, gender identity/expression, sexual orientation, marital status, pregnancy, predisposing genetic characteristic, or military status or any other characteristics protected by this Policy and/or law, under any of the circumstances described in this section.

2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is defined as any intentional sexual touching, however slight, with any object, of a person upon another person that is without consent and/or by force.

Sexual contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, of a person upon another person that is without consent and/or by force.

Sexual intercourse includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

4. SEXUAL EXPLOITATION

Occurs when a student, faculty or staff, takes non-consensual or abusive sexual advantage of another 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 other sexual misconduct offenses. Examples include, but are not limited to:

- a. Invasion of sexual privacy (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- b. Prostitution
- c. Non-consensual recording, displaying or distributing in any way, video, audio of a person engaged in sexually explicit conduct without the consent of that individual. Knowingly transmitting an STI or HIV to another student, and without informing the other person of the infection
- d. Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals
- e. Sexually-based stalking and/or bullying may also be forms of sexual exploitation

5. RELATIONSHIP/INTIMATE PARTNER VIOLENCE

Engaging in physical, sexual, psychological, or emotional harm between partners or former partners involving one or more of the following:

- a. Battery that causes bodily injury
- b. Purposely or knowingly causing reasonable apprehension of bodily injury

- c. Emotional abuse creating apprehension of bodily injury or property damage
- d. Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass or threaten

6. STALKING

- a. Stalking 1
 - i. A course of conduct (two or more acts), including any action, method, device or means to follow, monitor, observe, surveil, threaten or communicate about a person
 - ii. Directed at a specific person, or indirectly through a third party
 - iii. On the basis of actual or perceived membership in a protected class
 - iv. That is unwelcome, AND
 - v. Would cause a reasonable person to feel fear
- b. Stalking 2
 - i. Repetitive and menacing (purposely or knowingly causes emotional distress)
 - ii. Pursuit, following, harassing and/or interfering with the peace and/or safety of another

III. OTHER MISCONDUCT OFFENSES UNDER TITLE IX WHEN SEX OR GENDER-BASED

- a. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person
- b. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender
- c. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another
- d. Hazing includes any action taken or situation created, either on campus or off campus, that is intended to produce or which may foreseeably produce unusual or necessary mental or physical harm, or which may cause or foreseeably cause embarrassment, harassment, ridicule or risk of physical, mental or emotional harm. (as defined further in the Student Conduct Code)
- e. Bullying, defined as:
 - 1. Repeated and/or severe
 - 2. Aggressive behavior
 - 3. Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally

Any other University policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party’s sex or gender.

RETALIATION

It is a violation of University policy to retaliate against any person reporting or filing a complaint of harassment, discrimination, or sexual misconduct. Such conduct is inconsistent with University policy and may also be prohibited by law.

“Retaliation” is defined as any adverse action taken against a person making a complaint of prohibited conduct or against any person involved or participating in the investigation of any such allegation. Retaliation is prohibited with or without a University Stay Away Directive. Report alleged acts of retaliation to the Title IX Coordinator, Deputy Title IX Coordinator(s), and/or MUPD.

IV. REPORTING AND RESOURCES

A. REPORTING OPTIONS

The University’s primary concern is the safety of its students, faculty and staff, and to encourage reporting of Prohibited Conduct. All University employees⁷ have a duty to report actual or suspected Prohibited Conduct to appropriate officials, though there are some limited exceptions for those with “legal privilege.” Reporting parties may want to consider carefully whether they share personally identifiable details with employees who have a duty to report, as those details **must be shared** by the employee with the Title IX Coordinator and/or Deputy Title IX Coordinator(s), and/or MUPD. To be clear, employees with a duty to report **must share** all details of the reports they receive.

1. Complainant may request confidentiality

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such request to the Title IX Coordinator and/or Deputy Title IX Coordinator(s), who will evaluate that request in order to ensure the safety of the campus, in compliance with federal law. **In cases indicating pattern, predation, threat, weapons and/or violence, the University may be unable to honor a request for confidentiality.** In cases where a Complainant requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim support and measures to a Complainant and the community, but will not otherwise pursue formal action.

2. Complainant has the right to be taken seriously

A Complainant has the right and can expect to have complaints taken seriously by the University when reported, and to have those incidents investigated thoroughly and properly resolved through the procedures set forth below. The University will promptly act on any complaint or notice of violation of this Policy when received by MUPD, Title IX Coordinator or any Deputy Title IX Coordinator, subject to Complainant’s request for confidentiality. The University will not discipline a student who makes a good faith report of Prohibited Conduct.

3. Expectations of privacy for Complainant

Reporting still affords some privacy to the reporter. Information will be shared only as necessary with people who need to be told (e.g., investigators, witnesses, and the responding party(ies)). The number of people with this knowledge will be kept as small as possible to preserve a reporting party’s rights and privacy.

Reports regarding any form of sexual harassment, discrimination or sexual misconduct may be reported to MUPD, the Title IX Coordinator, or any Deputy Title IX Coordinator.

Complainants must be aware that an investigation conducted by the University is distinct from a criminal investigation and flows from the University’s obligation under Title IX and related laws to ensure that it is providing a safe environment for all community members.

A Complainant has the option to do the following:

- File a criminal complaint with the MUPD, Milwaukee Police Department; or, other appropriate law enforcement agency; or
- File a complaint under this Policy (Sexual Harassment, Discrimination, and Sexual Misconduct Policy) and request a University Title IX investigation; or
- Pursue both processes simultaneously, even if a criminal proceeding is ongoing. The University will conduct its own Title IX investigation and will not wait for the conclusion of the criminal proceeding to begin its Title IX investigation; or
- Choose not to pursue any of the aforementioned processes.

⁷ Examples of University employees who have a duty to report include but are not limited to: Faculty, Adjunct Faculty, Staff, Residence Hall Directors, Resident Assistants (RAs), Athletic Coaches and Staff (including graduate assistants), Club Sports coaches and assistant coaches, Academic Advisors, Student Activities Coordinator, Human Resources Staff, etc.

MARQUETTE UNIVERSITY POLICE DEPARTMENT

Reports may be made to MUPD, in person or via telephone:

Marquette University Police Department (Open 24/7)

749 N. 16th Street
Milwaukee, WI 53233

Emergency Phone: (414) 288-1911

Non-Emergency Phone: (414) 288-6800

The Deputy Title IX Coordinators work with the Title IX Coordinator and may act on her behalf when so designated. Additionally, the Deputy Coordinators serve as persons to whom reports or complaints may be reported, and can investigate complaints. Reports to Marquette’s Title IX Coordinator and Deputy Title IX Coordinators may be made via email, phone or in person as set forth below:

Deputy Title IX Coordinators representing the following (4) areas:

Title IX Coordinator

Kristen Kreple

Office of the Provost
AMU 437
(414) 288-3151
Kristen.Kreple@Marquette.edu

Deputy Title IX Coordinator

Cara Brook Hardin, J.D.

Office of the Provost
AMU 437
(414) 288-1742
Cara.Hardin@Marquette.edu

Intercollegiate Athletics

Sarah Bobert – Intercollegiate Athletics

Senior Associate Athletics Director
Senior Women’s Administrator
Deputy Title IX Coordinator
Al McGuire Center 223G
(414) 288-5253
Sarah.Bobert@Marquette.edu

B. CONFIDENTIAL RESOURCES AND REPORTING

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, meaning they are not required to report actual or suspected Prohibited Conduct to other University officials, thereby offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources must take action when you report an alleged violation to them. The following describes the confidential reporting options (additional confidential and non-confidential resources found in Appendix B):

On-Campus Confidential Reporting Options:

Counseling Center

Holthusen Hall, 204
(414) 288-7172

Title IX Coordinators

The individuals listed below make up Marquette’s Title IX team. The Title IX Coordinator is the designated agent of the University responsible for overseeing University policy, procedures and compliance with Title IX legislation, regulation and case law. The Title IX Coordinator shall document all reports of incidents of sexual harassment.

Office of the Provost

William Welburn, Ph.D. –Faculty

Associate Provost for Diversity & Inclusion
Deputy IX Coordinator
Office of the Provost
Zilber Hall 454D
(414) 288-8028
William.Welburn@Marquette.edu

Human Resources

Lynn Mellantine – Staff

Assistant Vice President
Deputy Title IX Coordinator
Human Resources
Straz Tower, 185
(414) 288-3430
Lynn.Mellantine@Marquette.edu

Marquette University Medical Clinic

Schroeder Complex, Lower Level
(414) 288-7184

Ordained clergy are also considered to be a confidential reporting option, when providing pastoral counseling in their role as a priest.

Off-Campus Confidential Reporting Options:

Sexual Assault Treatment Center

Aurora Sinai Medical Center
945 N. 12th Street
Milwaukee, WI 53233
(414) 219-5555

The Healing Center

130 W. Bruce Street, #400
Milwaukee, WI 53204
(414) 671-4325

Aurora Employee Assistance Program

(800) 236-3231

All of the above resources will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor.

C. NON-CONFIDENTIAL RESOURCES AND REPORTING

Marquette University Victim Advocate

A Victim Advocate is available on campus to provide support and assistance in the decision-making process to those affected by sexual violence, including sexual assault, relationship violence and stalking. Services are free and confidential, to the extent allowed by law and university policy. Generally, the information you provide will not be shared with your instructors or deans. The advocate will assist you in making a report to the MUPD. The Victim Advocate is available during regular Marquette office hours:

Victim Advocate

Phone: (414) 288-5244

Advocacy@Marquette.edu

All university employees who observe acts of sexual harassment are required to intervene to stop the harassment, unless circumstances would make such intervention dangerous, and must document and report all such incidents to the Title IX Coordinator, Deputy Title IX Coordinator(s) and/or MUPD.

V. INTAKE AND INVESTIGATION OF COMPLAINTS OF SEXUAL HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT

A. TITLE IX INVESTIGATORS

The Title IX Coordinator and Deputy Title IX Coordinators may serve as an investigator and are trained in Title IX, all aspects of the complaint process, and can serve in any of the following roles:

1. To provide sensitive intake of complaints.
2. To investigate complaints, write reports with findings, conclusions and determination for discipline.

All persons serving as investigators have received annual training approved by the Title IX Coordinator, including a review of University policies and procedures, so that they are able to perform thorough, impartial investigations and provide accurate information to members of the University community.

B. INTAKE/PRELIMINARY INVESTIGATION

Following receipt of a complaint, the Title IX Coordinator will promptly assign one Deputy Title IX Coordinator to work with and interview the Complainant and coordinate the University's response. The University reserves the right to designate a different Deputy Title IX Coordinator or investigator if there is a conflict or when deemed appropriate by the Title IX Coordinator. If the complaint does not allege a Policy violation, or if other resolution options are appropriate, or if a Complainant does not wish to pursue further action, then the complaint will not proceed to a University Title IX investigation, barring extenuating circumstances.

C. INVESTIGATION

If the Title IX Coordinator determines a full investigation should proceed, the University will conduct a prompt, fair, and impartial investigation. A University Title IX investigation will normally be completed within 60 calendar days after the University has notice of the allegation of a policy violation. The Title IX Coordinator may extend this time frame for good cause with written notice to the Complainant and Respondent. Good cause for extensions includes, but is not limited to, the following: 1) the complexity of the case requires additional time; 2) there are multiple parties involved; 3) the witnesses or parties are unavailable or uncooperative; 4) University closure or academic breaks; 5) if a University investigation would compromise a law enforcement investigation.

- a. The University may briefly delay its investigation to allow evidence collection by law enforcement.
- b. The process set forth in this policy is separate and distinct from any criminal investigation or proceeding and is a result of the University's obligation under Title IX to ensure it is providing a safe environment. The University reserves the right to conduct its own Title IX investigation when it has reason to believe that the Respondent may be an imminent threat to the safety of the Complainant and/or the University community.

D. ADVISOR/SUPPORT PERSON

Both the Complainant and Respondent in the University Title IX investigation process may have the assistance of an advisor or support person of their choosing throughout the process. This individual may be a friend, faculty/staff member, family member, or an attorney. The University has designated staff members who may serve in this capacity. The contact information will be provided to the Complainant and Respondent. The role of the advisor/support person is limited. Complainants and Respondents are expected to ask and respond to questions on their own behalf. The advisor/support person may consult with the advisee quietly or in writing, or outside the meeting during breaks, but may not speak on behalf of the advisee to the investigator. If the advisor or support person is an attorney, a law student or a Law School faculty member, the investigator may reschedule the time and or date of the interview(s) so that Marquette legal counsel may be present.

E. INTERIM MEASURES

The Title IX Coordinator, the Dean of Students, the Vice President for Human Resources, the Vice President of Student Affairs (or appropriate designee) may enact interim measures intended to address the short or long-term effects of Prohibited Conduct and to prevent further harassment or violations. To the extent reasonable and feasible, the University will consult with the Complainant in determining appropriate interim measures. Interim measures may include, but are not limited to, the following:

- 1. Housing reassignments
- 2. Rescheduling exams or other academic work
- 3. Arranging for an incomplete in a class
- 4. Modifying class schedules and/or course sections

- 5. Providing counseling, medical and/or mental health services
- 6. Offering assistance with alternative course completion options
- 7. Providing safety escorts to and from campus and nearby locations
- 8. Issuing a "Stay Away" directive
- 9. Instituting a work suspension
- 10. Referring an employee to the Employee Assistance Program

F. POTENTIAL ACTIONS IN THE EVENT THE COMPLAINANT CHOOSES NOT TO PURSUE AN INVESTIGATION:

If the Complainant requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and/or respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that their name or other identifiable information not be disclosed to the alleged perpetrator, the University's ability to respond may be limited and the University shall inform Complainant of this fact. Regardless of a Complainant's request for confidentiality or that an investigation not take place, the University will still provide interim measures and resources to the Complainant.

Title IX prohibits retaliation, and the University will not only take steps to prevent retaliation but also take strong responsive action if it occurs, even if a formal investigation is not pursued.

The University will not require a student, faculty or staff, who complains of harassment to work out the problem directly with the Respondent.

G. COMPLAINT RESOLUTION

When it is determined that a formal investigation is necessary, the Title IX Coordinator will open a case file and the investigation will proceed as follows:

- 1. Determine the identity of the Complainant (if not already known), contact information, any witnesses, and the Respondent, if he/she can be identified
- 2. Specify policies allegedly violated
- 3. Send a Notice of Investigation and Potential Violation to the Respondent (Complainant will receive a copy)
 - a. The written notification may be sent to the Complainant and Respondent's respective residences or may be sent to them via email to their Marquette email account. Complainants and Respondents are expected to check their email on a frequent and consistent basis and act in a timely manner as outlined in the official use of email to communicate with students' policy, or Employee Handbook (See Policy on Official Use of E-mail to Communicate with Students., Employee Handbook)
- 4. The investigator will review statements obtained from all parties, conduct interviews with both Complainant and Respondent, conduct witness interviews, identify, locate and review other relevant information
- 5. The Complainant and Respondent will have the same opportunity to identify witnesses for the investigator to interview. The investigator has the right to forgo interviewing a witness if the investigator determines that the person does not have information that is relevant to the investigation. The investigator will not meet with character witnesses as part of the investigation process if they have no relevant factual information about the incident.
- 6. Throughout the investigation, both the Complainant and Respondent must provide information to the investigator if they remember, or learn of, additional information

- 7. The Complainant and Respondent have the right to an advisor of their choosing present for an investigation interview with the designated investigator. See Section D Advisor/Support Person.
- 8. Preponderance of Evidence Standard. The standard of proof for determining a violation of this Policy is that of a preponderance of the evidence –meaning that it is more likely than not that a violation of the Policy occurred.
- 9. At the conclusion of the investigation, the investigator will forward their full Investigative Report and Determination of Sanction to the Title IX Coordinator for review and approval. The Report will contain the information obtained in the investigation, an analysis of the information, findings and determination of sanction.
- 10. The Title IX Coordinator will inform the Complainant and the Respondent of the investigator’s finding by issuing a Decision Notification Letter. The Decision Notification Letter will include findings of fact and a determination of sanction(s), if applicable.
 - a. If a Respondent is found responsible for violating this Policy, and whether or not the Respondent accepts the findings, the report will be sent to the appropriate University official(s) for action on the sanctions. Once the appropriate University official implements the sanction/action, the same shall be communicated to the Title IX Coordinator. See Section V for more information on sanctions.
 - b. The University will, where appropriate, take reasonable steps to remedy the harm to the affected individual(s) of the sexual harassment, including counseling to those who have been subjected to or who have engaged in sexual harassment.

H. WITHDRAWAL OR DECISION NOT TO PARTICIPATE IN INVESTIGATION

If an alleged Respondent withdraws from the University before the investigation and/or complaint resolution process have been concluded or the Respondent chooses not to participate in the process, the Respondent will still be informed that he or she is alleged to have violated University policy, that an investigation will be conducted, and that the resolution process will continue.

The Respondent may respond in one of three ways: 1) participate in the investigation, 2) waive the right to be interviewed by the investigator, thereby acknowledging that the complaint resolution process may go forward in his or her absence (this also waive his or her right to appeal an outcome), or 3) waive the right to appear and send a written, signed statement to be considered on his or her behalf as part of the investigation and complaint resolution process.

For withdrawals, a letter will be sent to the University Registrar and to the associate dean of the school in which the student was enrolled indicating that such proceedings are pending. If the student attempts to re-enroll before the matter is resolved, the registrar will notify the Office of the Dean of Students. The matter must be fully resolved before the student may re-enroll at Marquette.

VI. SANCTIONS

Marquette reserves the right to impose differing sanctions, depending on the severity and/or pervasiveness of the violation. In determining sanctions, the University will consider the concerns and rights of both the Complainant and the Respondent.

The following sanctions may be imposed upon any member of the community found to have violated this Policy. In determining the appropriate sanction(s), the University must examine and consider a number of factors, including, but not limited to: 1) level of risk or harm to the community; 2) the nature and seriousness of the offense; 3) use of drugs or alcohol; 4)

motivation underlying the Respondent’s behavior; 5) the Respondent’s disciplinary history, including prior violations of the same or similar type; 6) cooperation with the investigation.

Note: sanctions will not generally be implemented until after the appeal deadline has passed or, if an appeal is filed, until after the appeal has concluded. However, Marquette reserves the right to keep in place interim measures, or to implement additional measures, on a case-by-case basis, at any time.

A. STUDENT SANCTIONS (See Student Conduct Code)

- 1. Warning
- 2. Probation
- 3. Suspension
- 4. Expulsion
- 5. Withholding Diploma
- 6. Withholding Degree
- 7. Transcript Notation
- 8. Organizational Sanctions
- 9. Other Actions

B. EMPLOYEE SANCTIONS (See Employee Handbook and Faculty Handbook)

- 1. Corrective counseling including but not limited to warning through termination
- 2. Performance Improvement Plan
- 3. Referral to the Employee Assistance Program
- 4. Required training or education
- 5. Suspension without pay
- 6. Suspension with pay
- 7. Termination

C. SANCTIONING FOR SEXUAL MISCONDUCT

- 1. Any person found responsible for violating this Policy as it relates to Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.
- 2. Any person found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a sanction of suspension or expulsion (student) or suspension or termination (employee).
- 3. Any person found responsible for violating the policy on Sexual Exploitation or Sexual Harassment will likely receive a sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.

In the event a Respondent is suspended or expelled as a result of a finding of responsibility under the Policy, a notation will appear on his or her transcript. See the Undergraduate Bulletin at <http://bulletin.marquette.edu/undergrad/academicregulations/#transcripts-official>

Note: Violations not falling within this policy may be referred for review/possible action under other University policies/procedures (e.g., the Student Conduct Code, Employee Handbook, or Faculty Handbook⁸).

⁸ See Student Conduct Code at <http://www.marquette.edu/osd/policies/conduct>
See Faculty Handbook at <http://www.marquette.edu/provost/facultyhandbook>
See Employee Handbook at <http://www.marquette.edu/hr/documents/employee-handbook.pdf>

VII. APPEALS

The original finding and sanction(s) will stand if the decision is not appealed or if an appeal is not timely.

A. GENERAL INFORMATION

Once a Decision Notification Letter is issued under this Policy, the Complainant and the Respondent shall each have the right to submit an appeal to the Title IX Coordinator within five (5) business days of receiving the written Decision Notification Letter from the Title IX Coordinator. The Decision Notification Letter will be provided in person and/or emailed to the parties’ university-issued email account. Once the Decision Notification Letter is provided in person and/or sent via email, it will be deemed presumptively delivered.

Any party who files an appeal must do so in writing and submit it to the Title IX Coordinator who will determine if the appeal is timely. If the appeal is timely, the Title IX Coordinator will assign the appeal to an appropriate Appeal Officer (e.g., a Vice President or designee). A copy of the appeal will be promptly provided to the non-appealing party.

The appeal process is not a hearing or a review of the entire matter; rather, it is a review of the record and process only. Appeal decisions are to be deferential to the original investigative findings and determination, remanding only when there is clear reason to do so. Further, modification of the sanction(s) shall only occur if there is a compelling justification to do so.

The Appeal Officer may take one of three possible actions on appeal:

- 1. Dismiss the appeal as having no merit, upholding the initial findings and sanction(s).
- 2. Remand to the original investigator for further investigation or fact-finding.
- 3. Modify the outcome and/or sanction(s).

B. CRITERIA FOR AN APPEAL

- 1. Procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures.)
- 2. 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.
- 3. The sanction(s) imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

The Appeals Officer will typically render a written decision on the appeal to the Title IX Coordinator within five (5) business days from receipt of the appeal. The Title IX Coordinator will forward the written decision of the Appeals Officer to the parties.

The Appeals Officer’s decision is final and there are no further appellate options.

VIII. FEDERAL STATISTICAL REPORTING OBLIGATIONS

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). The information to be shared includes the date, the general location of the incident (e.g., on or off-campus, but no addresses are given or reported) and the Clery crime category.⁹ All personally identifiable information is kept confidential, but statistical information must be

⁹ Reports of crimes required under the Clery Act include murder/non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson and hate crimes.

reported to MUPD for publication in the University’s Annual Security and Fire Safety Report. This report helps to provide the community with a clear picture of the extent and nature of campus crimes, to ensure greater community safety.

Victims, witnesses, or confidential sources (with legal privilege) with information about incidents of sexual assault, domestic violence, dating violence or stalking may report crimes to MUPD on a voluntary, confidential basis for inclusion in the Clery Act annual disclosure of crime statistics.¹⁰

All Marquette employees are required to report crimes to MUPD, including Student Affairs employees, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should be aware that University officials must issue timely warnings for incidents reported to them that pose a serious or ongoing threat to students and employees. The University will 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 threat/danger.

Additional Policy Provisions

- Attempted violations: In most circumstances, the University will treat attempts to commit any of the violations listed in this Policy as if those attempts had been completed.
- False Reports: The University will not tolerate intentional false reporting of incidents. It is a violation of the Student Conduct Code and Employee Handbook to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.
- It may be necessary for the Title IX Coordinator to name a Designee in certain situations. Throughout this policy, the use of the term “Title IX Coordinator” also means “Title IX Coordinator or Designee.”
- University students and employees are responsible for knowing the information, policies and procedures outlined in this document.

Parental Notification

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health or safety risk. The University reserves the right to designate which University officials have the need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act (FERPA).

¹⁰ The university encourages accurate and prompt reporting of all crimes to MUPD, when the victim of a crime elects to, or is unable to, make such a report. “Unable” includes physical and mental incapacitation.

IX. MAINTENANCE OF DATA

Marquette University shall maintain documents and other data relating to specific complaints or other reports of sexual harassment of students, faculty and staff, regardless of sanction, including the following:

- A copy of all written reports, and a narrative of all verbal reports of incidents involving allegations of sexual harassment of any kind;
- Copies of all Stay-Away Directives and documentation of receipts of the same;
- Documentation establishing that the University provided notice that the Complainant could elect to pursue criminal charges, Title IX complaint and investigation through the University, or both processes simultaneously;
- A narrative of all actions taken in response to the reports by University personnel, including any written documentation;
- A copy of any and all disciplinary sanctions issued to students, faculty or staff for violations of this policy;
- Documentation demonstrating any interim measures offered and provided to the Complainant, the Respondent and/or witnesses of the incident(s) such as counseling or other appropriate services;
- A narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

X. AMENDMENTS OR TERMINATION OF THIS POLICY

Marquette University reserves the right to modify, amend, or terminate this Policy at any time. Students, faculty and staff are encouraged to check online for the most current version of all policies and procedures. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form. This policy is effective as of August 1, 2015. This policy supersedes all previous Marquette policies with respect to Title IX and related discrimination matters.

Revised: 07-01-2016 (Previous versions of the policy are available upon request.)

APPENDIX A

RIGHTS OF THE PARTIES

In addition to the rights set forth in this policy, Complainants and Respondents have the following rights:

Complainant’s Rights

1. The right to a thorough, impartial and prompt investigation, by an impartial decision maker, and appropriate resolution of all credible complaints of Prohibited Conduct made in good faith to the University
2. The right to be fully informed of the University’s relevant policies and procedures
3. The right to be treated with respect by University officials
4. The right to be informed of the option to file criminal charges in addition to pursuing a complaint through the University’s process, or to do neither
5. The right to experience a safe living, educational and work environment
6. The right to have access to campus support resources (e.g., counseling and health services (for students), Employee Assistance Program (for employees), clergy and Campus Ministry)
7. The right to have one advisor or support person during this process

8. The right to request to have his/her identity or personally identifiable information withheld during the investigation
9. The right not to be charged for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident
10. The right to request interim measures from the University intended to restore a sense of safety and/or ability to participate in University programs and activities
11. The right to be free from retaliation
12. The right to be given equal opportunity to access, and present evidence to the investigator
13. The right to be kept informed of the status of the complaint and anticipated resolution timeline
14. The right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible
15. The right to information about the appeals process and how to appeal an outcome

Respondent’s Rights

1. The right to a thorough, impartial and prompt investigation, by an impartial decision maker, and appropriate resolution of all credible complaints of Prohibited Conduct made in good faith to the University
2. The right to be fully informed of the University’s relevant policies and procedures;
3. The right to be treated with respect by University officials
4. The right to have access to campus support resources (e.g., counseling and health services (for students), Employee Assistance Program (for employees), clergy and Campus Ministry)
5. The right to one advisor or support person during this process
6. The right to be given equal opportunity to access, and present evidence to the investigator.
7. The right to be kept informed of the status of the complaint and anticipated resolution timeline
8. The right to be informed, in writing of the outcome/resolution of the complaint and the rationale for the outcome
9. The right to information about the appeals process and how to appeal an outcome

Witness Rights

1. The right to be treated with respect by University officials
2. The right to be free from retaliation
3. The right to not to be charged for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident

APPENDIX B

RESOURCES

Confidential Resources On and Off Campus:

- The Counseling Center provides individual counseling on-campus and can be reached at 414-288-7172. Experienced mental health professionals staff the center from 8:00 a.m. to 4:30 p.m. and are also available on-call. Therapists provide both one-on-one and group counseling. All services are confidential.

- The Sexual Assault Treatment Center (SATC) at Aurora Sinai Medical Center is open 24 hours a day. Staff there can address all issues including crisis counseling, injuries, STI testing and treatment, pregnancy and the gathering of physical evidence, as well as referrals for further care. All services at SATC are confidential. SATC can be reached at 414-219-5555.
- Medical professionals at Marquette University Medical Clinic can assist you with medical options, including evaluation and treatment for injuries and STIs, as well as pregnancy testing. All medical services are confidential. Marquette University Medical Clinic can be reached at 414-288-7184.
- The Healing Center offers sexual abuse survivors and their loved ones opportunities for healing by providing support, counseling, advocacy and community education. All services are confidential. The Healing Center can be reached at 414-671-HEAL (414-671-4325).
- Sojourner Family Peace Center provides a 24-hour domestic violence hotline and legal emergency assistance. All services are confidential. They can be reached at 414-276-1911.
- The Milwaukee LGBT Community Center is a home to the LGBT population of metro Milwaukee, providing culturally sensitive and competent educational, social, and health and wellness services that meet the needs of LGBT youth, adults and their allies. A Mental Health Clinic offers certified outpatient mental health care in a confidential setting. They can be reached at 414-271-2656.

Other Campus Resources (non-confidential)

Staff at the following offices will assist you in filing a report to MUPD(and are required by law to do so).

- A Victim Advocate can be reached at 414-288-5244. The advocate can provided information about campus and community resources and support you through each step of the process.
- Campus Ministry provides spiritual support and counseling and can be reached at 414-288-6873. Campus ministers are available to meet with students and provide support.
- Marquette University Police Department officers are available 24/7 and can provide assistance if you are fearful for your safety. They are located at 16th Street Parking Structure and can be reached at 414-288-6800.
- Staff at the Gender and Sexuality Resource Center can provide you with additional information regarding support. The Center is located in the Alum

APPENDIX C — TITLE IX INCIDENT REPORTING FORM

Marquette University Title IX Incident Reporting Form

Instructions: Please complete this form to the best of your ability. Report only one incident per form. Please submit this form to the Title IX Coordinator within 24 hours of becoming aware of any incident.

Marquette University requires that all faculty and staff report issues of sexual violence, discrimination and sexual misconduct to the Title IX Coordinator or to the Marquette University Police Department.

If you are reporting an incident on behalf of someone else, whenever possible, please be sure the person disclosing information to you understands that this form is **NOT CONFIDENTIAL**, and if you are faculty or staff that you are obligated to report this information to Marquette University officials. If the individual does not know that you are reporting this incident, please indicate this in the area below.

Please submit this form to:

Christine Harris Taylor, J.D., L.L.M.	or	Marquette University Police Department
Title IX Coordinator		749 N. 16th Street
AMU 437		Milwaukee, WI 53233
414.288.3151		Emergency Phone: 414.288.1911
christine.taylor@marquette.edu		Non-emergency Phone: 414.288.6800

BACKGROUND INFORMATION

Your full name: _____

Your position/title: _____

Your phone number: _____

Your email address: _____

Your physical address: _____

Date of the incident: _____ Time of the incident: _____

Location of the incident

On Campus — indicate location: _____

Residence Hall — identify RH: _____

Campus Town East: _____

Campus Town West: _____

Off Campus — indicate location: _____

INVOLVED PARTIES

You are encouraged to include names of all involved parties (complainant, respondent, witnesses, reporting party).

Name or organization	Email address and phone number	Physical address	Role (complainant, respondent, etc.)	Student ID Number

How did you become aware of this incident/situation?

When did you become aware of the incident (the day you received the report)? _____

Please describe the incident in as much detail as possible.

[illegible]

Are there any other individuals to whom the complainant/victim has reported the incident? If so, please list the names, emails and phone numbers if known.

Does the complainant/victim know you are submitting this report? Yes _____ No _____

Is there supporting documentation? For example, photos, email, medical reports, video surveillance, text messages?

What type of documentation? _____

Who has possession of the documentation? _____



MARQUETTE
UNIVERSITY

**BE THE
DIFFERENCE.**

Marquette University
Police Department
P.O. Box 1881
Milwaukee, WI 53201-1881