Local Off-Campus Services

UW-Whitewater is located in Walworth, Jefferson, and Rock Counties; as a result, all of the below services are available to UW-Whitewater students.

Walworth & Jefferson County:

APFV the Association for Prevention of Family Violence

24 Hour Hotline: 262-723-4653 • www.apfvwalworth.com

Services Provided:

- 24-hour crisis line
- Services for current or past victims of domestic violence within an intimate partner relationship (emotional, physical, sexual)
- Services for current or past victims of sexual assault
- Information about an optional Sexual Assault Exam (SANE exam) and accompaniment
- Information about reporting an assault to police and optional accompaniment
- Supportive services for family members affected by domestic or sexual abuse
- Crisis counseling with an advocate and individual counseling with a licensed professional counselor
- Weekly ongoing support groups
- Safety planning, including information on restraining orders
- Legal paperwork help in lifting a "no contact" order after a domestic violence incident
- Information about other community agencies, including shelters
- Legal advocacy, including assistance in understanding the legal system/court process

PADA People Against Domestic Violence and Sexual Abuse

24 Hour Hotline: 920-674-6768 • https://www.padajc.org

- 24 hour crisis line
- Individual support
- Legal Advocacy
- Support groups (in English and Spanish)
- Sexual Assault victim advocacy (including sexual assault nurse exam accompaniment)
- Children's programming
- Parenting support
- Linkage to other community resources
- Community education
- Prevention programming
- Counseling
- Art Therapy

Rock County:

BDVCS Beloit Domestic Violence Survivor Center

24 Hour Helpline: 262-608-1119 https://www.statelinefamilyservices.org/bdvsc

Services Provided:

- Information and referral services are available 24-hours a day, every day.
- An 11-room emergency shelter and hotel vouchers provided when funding is available.
- Legal advocacy is available for assistance with restraining orders and a victim services representative to accompany people to court for emotional support.
- Children's Program serves children affected by domestic violence.
- Parenting curriculum focuses on parenting in families that have experienced abuse.
- Individual emotional support available 24 hours a day by client support specialists by phone or in person.
- Everyone receiving services, whether residing in the shelter or in the community, has access to a case manager for support and assistance in achieving their goals.
- Support groups for women, men and LGBTQ.
 - O Women's Support Group is every Monday from 5 6 p.m.
 - Men's Group (domestic violence and sexual assault) 2nd and 3rd Wednesdays, 5
 6 p.m.
 - o LGBTQ Group is the first Friday of the month from 5 6 p.m.
 - o General Group is every Monday from 10 11 a.m
- Services provided in Spanish.

YWCA Rock County

24 Hour Emergency Hotline: 608-752-2583 Business Hours Number: 608-752-5445 • www.apfvwalworth.com

Services Provided:

- 24 Hour Crisis Hotline
- Services for current or past victims of domestic violence within an intimate partner relationship (emotional, physical, sexual)
- Legal Advocacy
- Case Management
- Child-Youth recovery services
- Shelter



If You've Been Assaulted:

Go to a Safe Place

Call Someone Consider calling a friend or relative, or reach out to a 24-hour support line.

Preserve Evidence Avoid bathing, shower, brushing your teeth, changing clothes, or touching anything at the location of the assault.

Seek Medical Attention

Care for Yourself You have been through trauma and your body will react to this stress. Practice self-care.

Seek Counseling

Decide about Taking Legal Action If you wish to press criminal charges, notify the police 262-472-4660. If you want to pursue university conduct charges, call the Dean of Students Office at 262-472-1533.

What if I was drinking?

Responsible Action Guidelines

In cases where a student has been a victim of sexual assault and/or a violent crime while under the influence of alcohol, neither the Dean of Students Office, University Housing, nor the UW-Whitewater Police will pursue disciplinary actions against the student victim (or against a witness) for their use of alcohol (e.g. underage drinking). A student victim who is under the influence of alcohol at the time of the incident is entitle to University and community assistance and encouraged to seek help.

Options for Survivors

uww.edu/sexual-misconduct-information



Crisis Support and Counseling Whether you need support now or years after experience sexual assault, dating/domestic violence, or stalking, help is available 24 hours a day. Additionally, community agencies provide services for all forms of sexual violence, including medical and legal advocacy, support groups, and community education.

 $\label{lem:counseling} \textit{UWW Counseling Services} \ \ \text{An on-campus mental health resource for survivors. Services are free to individuals, couples, and groups in enrolled at UWW.}$

262/472-1305 Ambrose Health Center, 2nd Floor uww.edu/uhcs/counseling-services

People Against Domestic and Sexual Abuse of Jefferson County 24-Hour Crisis Line: 1-920-674-6768 www.padajc.org

Association for Prevention of Family Violence of Walworth County 24-Hour Hotline: 262-723-4653 www.apfvwalworth.com

Medical Services Getting a head-to-toe wellness check, pregnancy testing, and/or STI screening and treatment can be part of your healing process.

UWW Health Services UHCS offers a range of services including treatment of injuries,
 emergency contraception, pregnancy testing, HIV testing and counseling, and screening and
 treatment of other STIs. UHCS does not perform forensic ("rape kit") examinations.
 262/472-1300 Ambrose Health Center, 1st Floor uww.edu/uhcs/health-services

Sexual Assault Nurse Examiner (SANE) The SANE program provides medical and forensic examinations. The nurses can examine you for injuries, collect evidence, and can offer medications to prevent STIs and/or pregnancy. Medical care and safety of the patient is a priority and survivors can use SANE services regardless of whether they choose to involve law enforcement. In most cases, there is no charge for this service.

920/568-5330 Fort Health Care 611 Sherman Ave East, Fort Atkinson, WI

Reporting Options All reports are taken seriously. Sexual assault, intimate partner violence, and stalking are forms of gender discrimination and violations of Title IX, state law, and the UW System Administrative Code.

Dean of Students Office The Dean of Students Office is designated to receive and investigate allegations of student misconduct. Upon receiving a report, they will also ensure that survivors are provided with assistance and referrals.

262/472-1533 Hyer Hall 200 uww.edu-dean-of-students

Office of Equity and Diversity The Title IX Coordinator is charged with monitoring compliance with Title IX regulations. Questions regarding Title IX, as well as concerns and complaints can be directed to the Title IX Coordinator at 262/472-1494.

UW-Whitewater Police Department Non-Emergency: 262/472-4660 Goodhue Hall www.uww.edu/police

City of Whitewater Police Department Non-Emergency: 262/473-0555 312 W. Whitewater Street. Whitewater-wi.gov/department/police



After An Assault: Reporting to Law Enforcement

The decision to report a sexual assault belongs to the victim. Nobody should force or coerce the victim into reporting an assault to the police. This fact sheet is designed to provide information on what happens after a report to help victims make informed decisions about reporting.

If a victim reports a sexual assault to law enforcement, the following can occur: law enforcement investigation, district attorney charging decision, plea bargain or trial, sentencing by the court, and imprisonment and/or supervision of the defendant. Not all cases make it through this entire process.

PROS OF REPORTING

- The suspect may be held accountable
- Sense of closure
- Crime Victim Compensation
- Some victims believe reporting will help other victims
- Even an arrest may prevent future assaults
- · Reporting sooner means the SOL won't expire
- The victim can have support throughout the process
- Reporting can validate the victim's feelings

CONS OF REPORTING

- No guarantee of charge and conviction
- Victim may be unhappy with sentence
- Conviction may not prevent re-offense
- Privacy may not be protected
- Family and friends may find out
- A conviction may not bring closure
- Victim may not feel supported or believed by those s/he interacts with in the criminal justice system
- · Victims may feel that they have to re-live the assault over and over

THE INVESTIGATION: The following are common components of a sexual assault investigation: interview by a law enforcement officer, sexual assault nurse forensic exam (rape kit), longer interview by a detective, interview of the suspect, investigation into corroborating evidence, and sometimes, the collection of additional physical evidence from the scene. Some victims feel uncomfortable with this process. Luckily, most law enforcement agencies allow an advocate from a local sexual assault service provider to be with the victim during these interviews.

THE DISTRICT ATTORNEY: The district attorney will only charge the defendant with a crime if s/he believes there is enough evidence to show beyond a reasonable doubt that the defendant committed the crime.

THE COURT PROCESS: If the defendant is charged, the following will take place:

Pre-Trial Proceedings: Many proceedings take place before trial. The court will establish bail and bond, at which time it determines whether to keep the defendant incarcerated pending trial, or what amount of money, if posted, will ensure his/her presence at future court proceedings. The court will also impose bail conditions on the defendant. The defendant must enter a plea: guilty, not guilty, or nolo contendre (defendant admits there is enough evidence to prove the assault, but doesn't admit guilt). The prosecution must also show the court that there is enough evidence to go forward with the case. The court will also try to resolve evidentiary issues before trial, such as whether evidence should be excluded by rape shield law.

Trial: The trial includes opening arguments, the presentation of evidence by the prosecution and defense, and the closing argument. Each side can present factual and expert witnesses, each of whom is questioned by the prosecutor, then cross-examined by the defense. After the closing arguments, the

jury (12 people in a criminal felony case) must come to a verdict of guilty or acquittal. In Wisconsin, the jury must unanimously agree on the verdict.

<u>Sentencing</u>: In Wisconsin, a defendant convicted of a crime can receive probation or a prison sentence followed by a period of supervision. If the judge issues a prison sentence, it must fall within a range prescribed by statute and must be followed by a period of supervision within a range prescribed by statute. The court may also impose a fine. For example, a defendant convicted of second degree sexual assault, a Class C felony, can be fined up to \$100,000, be imprisoned for up to 25 years and receive up to 15 years of supervision, but the later two combined can't exceed 40 years. At sentencing, a victim has the right to submit a victim impact statement to the court describing the economic, emotional, and physical impact of the crime. If an offender was convicted of a crime under older sentencing schemes, s/he could be eligible for parole.

AFTER CONVICTION: The Wisconsin Department of Corrections oversees the sentence of the offender after conviction. Prison time can include sex offender treatment. Offenders in the community on probation or supervision are supervised by a Department of Corrections agent. This agent will impose rules of supervision and pursue any revocation against the offender for a violation of these rules.

FREQUENTLY ASKED QUESTIONS:

If I report to the police, do I have to press charges? Can I drop charges later? The prosecutor, not the victim, makes charging and dismissal decisions, although many prosecutors will respect a victim's wishes. Sometimes, when the prosecutor believes it necessary for community safety, s/he might proceed with a case even when a victim doesn't want to.

I'm scared of the perpetrator. When I make a report, will s/he be arrested immediately? Each law enforcement agency decides when to arrest the perpetrator. Many will investigate the crime before arresting a perpetrator. Victims concerned about their safety can file a restraining order and can contact local sexual assault service providers for help with safety planning.

Will I have to testify at trial? In many sexual assault cases, one of the best pieces of evidence is the victim's testimony. Victims should be prepared to testify if their case goes to trial. However, if a case is settled in a plea bargain, victims won't have to testify. Cases involving child victims are handled differently, but even children can be called to testify at trial.

Will I have to see the defendant? If a case goes to trial, it is very likely that the victim will see the defendant because s/he has a constitutional right to be present at trial. Many courthouses are structured to ensure that the victim has as little contact with the defendant as possible.

How long will it take before my case goes to trial? Investigations can vary in time from hours to weeks and sometimes more. Pre-trial proceedings can also take time. If a trial does occur, it would not be uncommon for it to take place anywhere from 9 months to a year after the report, and sometimes it can take place even two years after the assault.

My friend/family member doesn't want to report the assault. I don't understand why. Many people don't understand why many victims don't report. Try to think about it from the victim's perspective. Victims fear being put on trial. They fear testifying in open court about graphic and detailed descriptions of the assault. Many want to focus on healing. Many feel ashamed for making what they believe was a poor decision (i.e. going on a date with someone who later assaulted them). As most victims know their perpetrators, some worry that others will have sympathy for the perpetrator and won't believe the victim. Reassure the victim that what happened wasn't his/her fault and that nobody deserves to be sexually assaulted, period.

If you are a victim, you are not alone. Please see www.wcasa.org for a list of service providers and crisis line numbers in your area.



Restraining Orders for Sexual Assault Victims

This fact sheet provides a general overview of the four different kinds of restraining orders (ROs) available to sexual assault victims in Wisconsin. While this fact sheet focuses on the availability of ROs for sexual assault victims, these ROs may be available to victims of other forms of violence, abuse, or harassment. For more detailed information on restraining orders please see the document, "Restraining Orders in Wisconsin" created by the Wisconsin Coalition Against Domestic Violence at www.wcadv.org.

A restraining order is legally referred to as an injunction and commonly referred to as a stay away order or a protective order. It is sought by one person, the petitioner, against another person, the respondent. If granted, these court orders enjoin (prohibit) the respondent from engaging in the abusive behavior and may require the respondent to stay away from the petitioner. Arrest is mandatory when a respondent violates the injunction. There is no fee for filing a domestic abuse, child abuse or individual at risk restraining order. If a harassment order is filed on the basis of sexual assault or stalking, there is no fee. In general, the process to obtain a RO is as follows:

- Fill out a petition describing the abusive behavior and asking for protection. The petition can be filed in the county where the behavior occurred, where the petitioner resides, or where the respondent resides. A domestic abuse petition can also be filed in the county where the petitioner temporarily resides. An individual at risk petition can only be filed in the county where the claim arose or where the respondent resides. The petition must contain information about abusive behavior (sometimes called the grounds) to obtain a protection order.
- Obtain a temporary restraining order. The first step to get an order is to ask for a temporary restraining order (TRO). The petitioner files for an order on her/his own. A TRO will be granted if the court finds reasonable grounds to believe the respondent engaged in abusive behavior. The court should act on the petition for a TRO when it is filed, and either grant or reject it. Even if the TRO is not granted, either party may request a hearing for an injunction. A TRO remains in effect for up to 14 days.
- Serve notice on the respondent. The court must give notice to the respondent that a TRO was issued and that he or she has the opportunity to appear at the final injunction hearing. The petitioner may request that the court order the local sheriff to provide service.
- Final injunction hearing. A final injunction hearing must occur within 14 days of the TRO issuance. At this hearing, the petitioner must establish that the abusive behavior occurred. If the court has a reasonable belief that the abusive behavior occurred, it will issue a final RO (injunction).

RO forms can be found at http://www.wicourts.gov/forms1/circuit.htm, under the heading "Civil." In addition, the clerk of court in your county can provide you with the appropriate forms and limited information as to how to complete them. A list of clerks of court by county can be found at http://www.wicourts.gov/contact/docs/clerks.pdf. For additional filing information please contact your local sexual assault or domestic violence program.

Sexual assault victims sometimes ask if ROs are necessary if there is a criminal action pending. ROs do provide protections that are unavailable through the criminal trial process, such as the authority for law enforcement to make an immediate arrest if a violation occurs. Sexual assault victims also ask if the RO process can detrimentally

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impact a criminal case or ask which RO to obtain if the victim's situation would allow him or her to obtain more than one type of RO. These can be complicated questions. The victim may want to discuss these concerns with the district attorney or with an advocate at a sexual assault program. Ultimately, these decisions lie with the victim because the victim is the person best able to determine what will keep him or her safe. For a list of sexual assault programs, please see www.wcasa.org. In addition to providing information to victims about restraining orders, advocates can help victims develop a detailed safety plan and let the victim know what other services might be available to him or her:

HARASSMENT RESTRAINING ORDERS (HROs)

A HRO may be the only remedy available to some victims sexually assaulted or stalked by someone with whom they have not had an intimate relationship. Grounds include *but are not limited to*: striking, shoving, kicking or otherwise subjecting another person to physical contact or attempting or threatening to do the same; engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and serve no legitimate purpose; engaging in child abuse (see definition below), sexual assault, or stalking. One act of sexual assault can be grounds to obtain this restraining order.

Who can file? Any person harassed, including an adult; a child; the parent, stepparent, or legal guardian of a child who was harassed; or a child's guardian ad litem. A few additional individuals can petition in a proceeding brought under Wis. Stat. §48.13 (child in need of protection or services).

Against whom can a HRO be granted? Any person, child or adult, who engages in harassment as described above.

Remedies: The respondent can be ordered to cease or avoid the harassment of the petitioner, to avoid the residence of the petitioner (this can be ordered temporarily even when the respondent owns the property), or any combination of these remedies. The RO can be in effect up to 4 years. A firearm surrender is not automatic, but may be requested by the petitioner of the HRO.

DOMESTIC ABUSE RESTRAINING ORDER (DARO)

In general, the DARO is a remedy for those abused in intimate relationships. Sexual assault is a common form of domestic abuse by intimate partners. Grounds for a DARO include *but are not limited to*: intentional infliction of physical pain; physical injury or illness; intentional impairment of physical condition; sexual assault (1st – 3rd degree); intentional damage of property; or threats to engage in any of the above.

Who can file? An adult family member, adult household member, adult former spouse, adult with whom the petitioner has a child in common, adult with whom the petitioner has or had a dating relationship, an adult under a caregiver's supervision, or a guardian of an individual adjudicated incompetent. The petitioner must be the victim except for the guardian of an incompetent individual.

Against whom can a DARO be granted? An adult family member, adult household member, adult former spouse, adult with whom the petitioner has a child in common, adult with whom the petitioner has or had a dating relationship, or an adult caregiver.

Remedies: The respondent can be ordered to refrain from committing acts of domestic abuse against the victim, avoid the victim's residence or any other location temporarily occupied by the victim and/or the (this can be ordered temporarily even when the respondent owns the property), avoid contacting or having others contact the victim, any combination of these remedies, or any other appropriate remedy not inconsistent with the remedies requested in the

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petition. If a DARO is granted, it must be for the duration requested by the victim, but may not exceed four years. If a DARO is granted, firearms surrender is mandatory.

Child Abuse Restraining Order (CARO)

This restraining order is used when children are abused. Grounds include *but are not limited to*: sexual assault (1st – 4th degree); sexual assault of a child (1st and 2nd degree); repeated acts of sexual assault; sexual exploitation of a child; permitting, allowing or encouraging a child to engage in child prostitution; causing a child to view or listen to sexual activity; causing child to expose or exposing genitals or pubic area to a child; emotional damage; physical injury; or threats to engage in this conduct.

Who can file? A victim of child abuse or the parent, stepparent, legal guardian, or guardian ad litem of a victim. A few additional individuals can petition in a proceeding brought under Wis. Stat. §48.13 (child in need of protection or services).

Against whom can the CARO be granted? Any person, child or adult, who engages in child abuse. A claim of emotional damage can be brought against a parent, guardian, or legal custodian who has neglected, refused, or been unable to ameliorate those symptoms for reasons other than poverty.

Remedies: A respondent can be ordered to avoid the victim's residence and avoid contacting or causing any person to contact the victim (with a few narrow exceptions). The injunction can be granted for up to two years or until the child reaches 18, whichever is first. If a CARO is granted, firearms surrender is mandatory. A CARO may also set or restrict visitation rights, if the respondent is the parent of the child victim.

Individual at Risk Restraining Order (IARRO)

Grounds for obtaining an IARRO include *but are not limited to:* sexual abuse; physical abuse; emotional abuse; treatment without consent; unreasonable confinement or restraint; financial exploitation; neglect; harassment; or stalking of an individual at risk. A petitioner can also request a *non-interference provision* when there's interference with: an investigation of an individual at risk; the delivery of protective services to an individual at risk; the delivery of protective placement; or the delivery of services to an individual at risk and the interference complained of, if continued, would make it difficult to determine whether any type of abuse or neglect has occurred.

Who can file? An individual at risk (IAR), defined as an adult at risk or an elder at risk. An adult at risk is any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. An elder at risk is any person 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. Others who can file include any person acting on behalf of an IAR, an elder-adult-at-risk agency, or an adult-at-risk agency. If the petition is filed by a person other than the IAR, the petitioner shall serve a copy of the petition on the IAR and a guardian ad litem must be appointed by the court to represent the IAR.

Against whom can the IARRO be filed? Any person who engages in abuse, financial exploitation, neglect, harassment, or stalking of an IAR. The *non-interference provision* can also be filed against any person who interferes with an IAR as listed above.

Remedies: The respondent can be ordered to cease engaging in or threatening to engage in the abuse, harassment, or stalking of an IAR; cease the mistreatment of an animal; avoid the residence of the IAR; avoid contacting or causing any

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person to contact the IAR; or engage in any other appropriate remedy not inconsistent with the remedies requested in the petition. *Non-interference provision*: the respondent can be ordered to cease the interfering conduct. The IARRO may be granted for up to four years.

This fact sheet reflects the state of the law as of May 1, 2014. Some of these crimes have changed over time. If you are a victim of a crime that occurred before June 11, 2012 and want to find out what version of the law applied when the crime was committed, please contact your DA or a local sexual assault service provider, a list of which can be found at www.wcasa.org. The information in this sheet is maintained by the Wisconsin Coalition Against Sexual Assault, Inc. (WCASA). WCASA is a membership organization of sexual assault centers, other organizations, and individuals throughout Wisconsin working to end sexual violence. For information sheets on other topics or to become a member, contact WCASA.

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Please note that this is an abridged information sheet; the statutes have not been printed in their entirety due to space restrictions.

University of Wisconsin-Whitewater **Investigation Process** Related to Sexual Assault, Dating/Domestic Violence, and Stalking Allegations Report of Sexual Assault, Dating/Domestic Violence, Terms: and/or Stalking is made. Complainant = Victim Respondent = Accused Last Updated August 31st, 2018 Respondent is a UWW Respondent is not UWW Student Affiliated Complainant wants a formal Complainant does not want a formal investigation investigation Report investigated by Dean of Students, *UW-Whitewater* Police, or appropriate Law **Enforcement Entity** Investigation begins, including a If there is no threat to letter to Respondent, & interim campus safety, no safety measures may occur formal investigation is required Investigation occurs, which includes interviews and statements being taken Respondent is found not Respondent is found responsible responsible Recommended sanction Settlement is offered Sanction is does not include Complainant can appeal to and accepted. suspension/expulsion or suspension/expulsion Chancellor. Decision final **Decision Final** Respondent requests a and accused agrees with formal hearing finding/sanction. **Decision Final** Formal Hearing Held. Hearing Bord decides case based upon information provided during hearing. Hearing Board makes a determination of either Responsible or Not Responsible. Both Complainant and Respondent informed of decision in writing Hearing Board decision is not appealed. Decision final Complainant or Respondent can appeal hearing board's decision

Sexual Misconduct Investigation

Frequently Asked Questions

Q: What is a "Complainant" and "Respondent?"

A: "Complainant" is the person who brings forth the accusation.

A: "Respondent" is the person who the accusation is against.

Q: Why are the terms "Complainant" and "Respondent" used instead of "victim" and "accused?"

A: In order to be in line with the UWS Chapter 17 (the laws which UWW uses to investigate) we use the same terms that are written into the code. "Complainant" and "Respondent" are the terms used.

Q: What happens if I want a formal investigation?

A: First, an Investigating Officer is assigned. This is someone who remains as neutral as possible and collects all the information needed. Second, information is gathered by the investigating officer. Third, a determination is made of responsible or not responsible is made.

Q: What kind of information will the Investigating Officer collect and who will they collect it from?

A: Each case is different, but generally they will interview the Complainant and Respondent, collect police reports, pertinent social media, witness information, medical records, and any other documentation related to the incident.

Q: Can I bring an advocate with me while being interviewed?

A: Both the Complainant and Respondent are allowed to bring support or an advocate with them. However, it is a good idea not to bring someone who is a witness as they will need to be interviewed separately.

Q: Who will know a formal investigation was started? Can I stay anonymous?

A: Unfortunately, you will not be able to remain anonymous. The Respondent has a right to know who is bringing accusations against them. However, the only people on campus who will know about the investigation are those either directly involved or need to know for reporting purposes (such as the Title IX Coordinator on campus.)

Q: How long do formal investigations take?

A: We try to make the process as expedient as possible, however there are many factors to consider. Depending on how quickly information can be gathered- including witness availability, the gathering of evidence, etc. will factor in how quickly we can move. We want to make sure that we do a thorough investigation that covers everything in order to make sure everyone's due process is followed.

