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# UW-Madison Police Department

**Policy: 91.3**

**SUBJECT: TITLE IX INVESTIGATIONS**

**EFFECTIVE DATE: 09/30/15**

**REVISED DATE: 05/30/17; 07/18/18**

**REVIEWED DATE:**

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**INDEX:**

- 91.3.1 TITLE IX REPORTING PROCEDURES
- 91.3.2 BIENNIAL TRAINING REQUIRED
- 91.3.3 CONCURRENT INVESTIGATIONS

**POLICY:**

The University of Wisconsin–Madison Police Department shall work in conjunction with the Dean of Students Office and the Title IX Coordinator to ensure all reports of sexual harassment are properly reported to the University of Wisconsin-Madison.

**DEFINITIONS:**

“Sexual harassment,” as defined by University of Wisconsin-Madison’s Policy on Sexual Harassment and Sexual Violence:, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, educational experience, or their participation in a University program or activity, (2) submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or program-related decisions affecting such an individual, or (3) such conduct creates a hostile environment.

Conduct of a sexual nature includes, but is not limited to objectively offensive touching, kissing, sexual intercourse, sexual advances, indecent exposure, fondling, repeated requests for dates, explicit references to sex, describing another persons’s feelings for another, sexually derogatory comments, posting of sexually explicit drawings or pictures, sexually derogatory taunts, sexual innuendo, vulgar language and obscenities, other types of sexual statements and personal attention. Such conduct is unwelcome when it is not requested or invited and when the person subjected to the conduct regards it as undesirable or offensive.

**PROCEDURE:**

**91.3.1 TITLE IX REPORTING PROCEDURES**

The following shall define the procedures for reporting non-criminal sexual harassment to the Title IX Coordinator:

- A. Institutional Title IX investigations are the responsibility of the Title IX Coordinator. University of Wisconsin – Madison Police Department personnel should not dismiss or overlook behavior that may constitute unlawful sexual harassment, even if there is no evidence of a criminal violation. Department personnel are designated Responsible Employees and are required to forward reports of possible Title IX violations to the Title IX Coordinator.
  - 1. When UWPD personnel, sworn or non-sworn, receive information regarding conduct that may constitute unlawful sexual harassment under Title IX, the person receiving the report shall, at minimum, document the incident in an information report.
    - a. Any non-criminal allegations of sexual harassment against a Department employee will be documented as a personnel investigation in lieu of filing an information report.
    - b. Any relevant information regarding a complaint of sexual harassment against a Department member will be forwarded to the Title IX Coordinator.
  - 2. Supervisors or the Assistant Director of Compliance reviewing the report shall notify the Investigative Services Captain and the Department Deputy Title IX Coordinator or designee.
  - 3. The Department Deputy Title IX Coordinator or designee shall forward a report of the incident to the Campus Title IX Coordinator using the designated campus reporting form.  
The Department Deputy Title IX Coordinator shall document that the information was forwarded to the Title IX Coordinator.
- B. In the event the report of sexual harassment includes or rises to the level of criminal behavior, a criminal investigation shall take place concurrent to the Title IX investigation. The Title IX Coordinator may wait for the initial police evidence collection process to complete before beginning the concurrent Title IX investigation.

### **91.3.2 BIENNIAL TRAINING REQUIRED**

The following shall define the requirements for Title IX training for Department staff:

- A. Training shall be conducted at a minimum of biennially for all Department staff.
- B. Training shall consist of the following:
  - 1. How to identify sexual harassment.
  - 2. The University of Wisconsin – Madison Title IX reporting and grievance procedures
  - 3. Any other procedures used by the University of Wisconsin – Madison to investigate reports of sexual violence.
- C. The Department Deputy Title IX Coordinator or designee and the Training Sergeant will coordinate Title IX training for Department staff.

### **91.3.3 Title IX Investigations**

The following shall define the procedures used for situations in which a Title IX investigation and a criminal investigation occur concurrently:

- A. The University of Wisconsin – Madison Police Department will not cause a Title IX investigation to be delayed pending the outcome of a criminal investigation, except for the collection of evidence.
- B. The University of Wisconsin – Madison Title IX coordinator shall have access to agency investigation notes and findings as necessary for the Title IX investigation, as long as it does not compromise the criminal investigation.
- C. The University of Wisconsin – Madison Office of Legal Affairs along with the Department Captain of Investigative Services will coordinate with the Dane County District Attorney’s Office to determine the availability of reports and findings to prevent compromise of the criminal investigation.