



University of Wisconsin–Madison Police

Policy: 91.3

SUBJECT: TITLE IX INVESTIGATIONS

EFFECTIVE DATE: 09/30/15

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POLICY:

The University of Wisconsin–Madison Police Department shall work in conjunction with the Dean of Students office and the Office for Equity and Diversity to ensure all reports of unlawful sexual harassment are properly reported to the Department of Education.

DEFINITIONS:

“Sexual harassment,” as defined by University of Wisconsin System policy, may be described as unwelcome sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature in which (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; (2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or demeaning employment or educational environment.

“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.

PROCEDURE:

91.3.1 TITLE IX REPORTING PROCEDURES

The following shall define the procedures for reporting non-criminal sexual harassment to the Dean of Students office and the Office for Equity and Diversity:

- A. Title IX investigations are the responsibility of the Dean of Students Office and the Office for Equity and Diversity. 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 Campus 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 Campus Title IX Coordinator.
 - 2. Supervisors 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.
 - 4. A copy of the Title IX report sent to the Title IX Coordinator shall be attached to the UWPD Incident report.

- 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.

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.