



UW-Madison Police Department

Policy: 91.3

SUBJECT: TITLE IX INVESTIGATIONS

EFFECTIVE DATE: 09/30/15

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POLICY:

The UW–Madison Police Department shall work in conjunction with the Dean of Students Office, Office of Workforce Relations, Employee Assistance Office, and the Title IX Coordinator(s) to ensure all reports of sexual harassment and sexual violence are properly reported to the University of Wisconsin-Madison.

DEFINITIONS:

“Sexual harassment” as defined in University of Wisconsin-Madison Policy UW-146, refers to conduct on the basis of sex that satisfies one or more of the following:

1. *Quid pro quo sexual harassment*
 1. An employee of the university conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct;
 2. An employee of the university either explicitly or implicitly conditions the provision of an academic, professional, or employment-related opportunity, aid, benefit, or service on the complainant's participation in unwelcome sexual conduct.
2. *Hostile environment sexual harassment.* Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal "reasonable person" standard:
 1. Is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution's [education program or activity](#);
 2. Unwelcome conduct of a sexual nature directed towards an individual that, when using the legal “reasonable person” standard, is so severe or pervasive and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or participation in an [university sponsored or supported activity](#).

“Sexual violence” as defined in University of Wisconsin-Madison Policy UW-146, refers to incidents involving sexual assault, dating violence, domestic violence, stalking, or sexual exploitation.

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 or designee. UW – Madison Police Department personnel shall 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 incident report.

- a. Any non-criminal allegations of sexual harassment against a Department employee shall be documented as a personnel investigation and any relevant information regarding a complaint of sexual harassment against a Department member shall be forwarded to the Title IX Coordinator.
2. Department personnel 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. The Department Deputy Title IX Coordinator shall document that the information was forwarded to the Title IX Coordinator.

91.3.2 ANNUAL AND BIENNIAL TRAINING REQUIRED

- A. Training shall be conducted at initial hire and at a minimum of biennially thereafter for all Department staff.
- B. University Responsible Employee training is required on an annual basis and is coordinated/overseen by the UW-Madison Office of Compliance.
- C. 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.
- D. Department employees will take the online training that is provided through the University. For those that are unable to complete that training, the Deputy Title IX Coordinator will arrange to have the training provided.

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 UW Madison Police Department shall 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 Investigative Services Captain shall determine the availability of reports and findings in order to avoid compromising a criminal investigation and may consult with UW-Madison's office of Legal Affairs and the Dane County District Attorney's Office, if needed.