UW-Madison non-academic misconduct process for alleged sexual assault, sexual harassment, dating/domestic violence, and stalking cases.

Pursuant to UWS 17.03, UW-Madison has adopted the following procedures for investigations and hearings involving alleged violations of sexual assault, sexual harassment, dating/domestic violence, and stalking consistent with Title IX, the parameters set by the U.S. Department of Education in the “Dear Colleague Letter” of April 2011, and the Federal Violence Against Women Reauthorization Act of 2013. These federal mandates require an “adequate, reliable, and impartial investigation” when responding to allegations of sexual assault, sexual harassment, dating/domestic violence, or stalking.

1. Sexual assault, sexual harassment, dating/domestic violence, and stalking cases require a “prompt, fair, and impartial” investigation and resolution once notice of an incident is received. Investigating officers and hearing committee members must receive annual training on sexual assault, sexual harassment, dating/domestic violence, and stalking cases.

2. Investigations and resolutions of these cases under UWS 17.11-17.15 shall proceed regardless of any criminal investigation or proceeding. An investigation may be temporarily postponed while law enforcement gathers evidence, then should be promptly resumed and completed within timelines set by the Department of Education, generally 60 calendar days. Any postponements or extensions should be communicated to the complainant and respondent.

3. The complainant* and the respondent** must have an equal opportunity under UWS 17.11-17.12 to participate in the investigation and any subsequent hearing.

Information about the respondent’s or complainant’s past disciplinary history, if any, will not be shared with the opposite party unless permitted by the Family Educational Rights and Privacy Act (FERPA).

4. Formal hearings for sexual assault, sexual harassment, dating/domestic violence, and stalking shall only be conducted via hearing committee.

5. As per 17.12(4)(b), at all times, the respondent shall have the opportunity to hear and respond to the information presented against her or him and be afforded the opportunity to present questions to adverse witnesses, including the complainant. Hearing procedures may be modified to allow the complainant to provide information in a manner that prevents a hostile environment. Such modifications may include, but are not limited to, having the complainant and respondent pose questions to each other through their respective advisors or the hearing committee.

6. Only material witnesses may address a hearing committee. Character statements may be included in written materials considered by the committee.

7. The complainant and respondent will be notified simultaneously and in writing of the outcome of any investigation, hearing, and appeal.

8. The complainant shall have the same appeal rights under UWS 17.13 and 17.14 as the respondent.

9. Cases under these procedures may only be resolved through a settlement under UWS 17.15 after the investigating officer has offered to consult with the complainant. Cases resolved through a settlement must have an acknowledgement by the respondent of a finding of responsibility for violating Chapter UWS 17 and/or 18.

10. Retaliation against a complainant or respondent for exercising his or her rights under these procedures is prohibited and may be conduct subject to disciplinary action pursuant to UWS 17.09. A complainant or respondent who has experienced retaliation should notify the investigating officer, a Title IX official or the Dean of Students Office.

*Complainant is the person alleging the misconduct **Respondent is the student accused of misconduct

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