



Student Sexual Misconduct Formal Investigation Process

Accessible text-only version of flowchart available on next page.

Key Definitions:

Campus Policy: The [UW-Madison Policy on Sexual Harassment and Sexual Violence](#), which incorporates [Chapter UWS 17](#), defines prohibited conduct and related definitions. Chapter UWS in the state code that includes the student disciplinary process.

Complainant: The person reporting they experienced sexual misconduct.

Formal Investigation: A formal investigation concludes with factual findings and decision about whether a campus policy was violated, which may result in sanctions. A formal investigation is available when the alleged misconduct would violate the Campus Policy.

Notice of Investigation: A notice sent to the respondent describing the alleged misconduct and inviting the respondent to meet with the investigator to respond to the allegations.

OSCCS: The [Office of Student Conduct and Community Standards](#) works with campus members to resolve academic and non-academic disciplinary matters.

Preponderance of the evidence standard: Information that would persuade a reasonable person that a proposition is more probably true than not true.

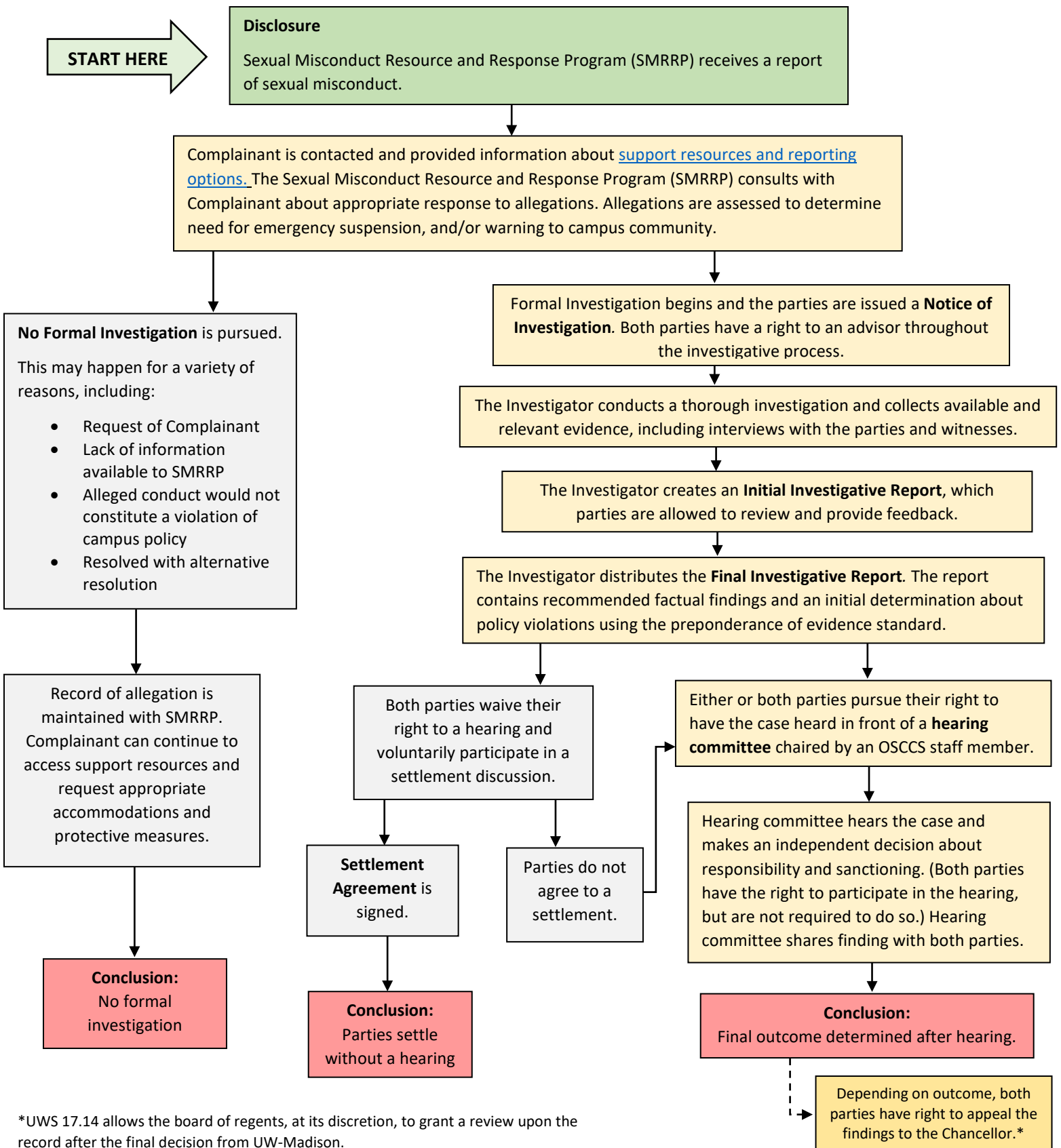
Respondent: The person accused of misconduct.

Settlement Agreement: Parties can settle at any point in the formal investigation process. In the case that all parties voluntarily agree to settle before going to a hearing, a settlement agreement is signed.

Sexual Misconduct: Sexual harassment, sexual assault, dating/domestic violence, stalking and sexual exploitation as prohibited by the Campus Policy.

Sexual Misconduct Resource and Response Program (SMRRP): SMRRP is part of the [Office of Compliance](#) and responds to allegations of sexual harassment and sexual violence at the university.

Investigator: A trained SMRRP investigator that collects factual information and conduct interviews to determine if a campus policy has



*UWS 17.14 allows the board of regents, at its discretion, to grant a review upon the record after the final decision from UW-Madison.

Accessible Text-Only Version of Sexual Misconduct Formal Investigation Process

1. Process starts with a disclosure. Sexual Misconduct Resource and Response Program (SMRRP) receives a report of sexual misconduct.
2. Complainant is contacted and provided information about [support resources and reporting options](#). The Sexual Misconduct Resource and Response Program (SMRRP) consults with Complainant about appropriate response to allegations. Allegations are assessed to determine need for emergency suspension, and/or warning to campus community.
3. No Formal Investigation is pursued. This may happen for a variety of reasons, including request of complainant, lack of information available to SMRRP, alleged conduct would not constitute a violation of campus policy, or resolved with alternative resolution.
 - a. Record of allegation is maintained with SMRRP. Complainant can continue to access support resources and request appropriate accommodations and protective measures.
 - b. Conclusion: No Formal Investigation.
4. Formal Investigation begins and the parties are issued a Notice of Investigation. Both parties have a right to an advisor throughout the investigative process.
 - a. The investigator conducts a thorough investigation and collects available and relevant evidence, including interviews with the parties and witnesses.
 - b. The Investigator creates an Initial Investigative Report, which parties are allowed to review and provide feedback.
 - c. The Investigator distributes the Final Investigative Report. The report contains recommended factual findings and an initial determination about policy violations using the preponderance of evidence standard.
 - i. Both parties waive their right to a hearing and voluntarily participate in a settlement discussion.
 1. Settlement agreement is signed.
 - a. Conclusion: Parties settle without hearing.
 2. Parties do not agree to a settlement
 - a. Parties may pursue right to have case heard. Follow process in next bullet.
 - ii. Either or both parties pursue their right to have the case heard in front of a hearing committee chaired by an OSCCS staff member.
 1. Hearing committee hears the case and makes an independent decision about responsibility and sanctioning. (Both parties have the right to participate in the hearing, but are not required to do so.) Hearing committee shares finding with both parties.
 - a. Conclusion: outcome determined after hearing.
 - i. Depending on outcome, both parties have right to appeal the findings to the Chancellor.¹

¹ UWS 17.14 allows the board of regents, at its discretion, to grant a review upon the record after the final decision from UW-Madison.