

Last Updated: July 10, 2014

Issue: UW-Madison response to McCaskill survey

Contact: John Lucas, University Communications, 608-217-9567

Key findings of the survey include:

- This issue is vital to students, families and campus communities, and needs additional attention from campus leaders;
 - Most colleges and universities lack accurate information about the number of sex assaults on their campuses;
 - Many institutions fail to encourage students to report such violence;
 - Many institutions use “biased and harmful” procedures for investigating and resolving sexual assault complaints.
 - Of 236 schools that answered questions in a national sample of 350 institutions, the report said, more than 20 percent provided no sexual assault response training for faculty and staff. More than 30 percent provided no training for students.
- **Among the chief problems, the report said, is the failure to train students, faculty and staff on how to prevent and respond to sexual violence.**
 - Since 2009, UW-Madison has provided a primary prevention program to all incoming undergraduate students on preventing sexual assault and dating violence, which also includes information about how to report and other services available to victims.
 - Effective Fall 2014, campus staff and faculty who are identified as Clery Campus Security Authorities will receive training on their obligations to disclose crime data to UWPD.
 - All investigators in the Dean of Students office as well as the Office for Equity and Diversity attend training regarding how to investigate allegations of sexual assault, dating violence, domestic violence, and stalking. This training is provided annually and ensures that victim safety and accountability are promoted.

- In addition to training on due process requirements, members of hearing panels in student misconduct cases receive training on sexual assault, dating violence, domestic violence, and stalking—including the elements of such offenses, consent, victim responses, and effective/appropriate questioning techniques—before being allowed to participate in a misconduct case of that nature.
 - UW-Madison has updated the curriculum employed in the Sexual Harassment Information Sessions offered to faculty and staff to include content, information and resources on Title IX. The curriculum for Graduate Assistant Equity Workshops offered for Teaching and Project Assistants, has also been modified to include Title IX content and resources. Finally, the curriculum of the Principles of Supervision and Management courses offered for Managers and Supervisors has also been modified to include Title IX content.
 - UW-Madison OLA, OHRD, UHS, DoSO-Division of Student Life, UWPD and OED, are collaborating with campus partners to design, develop, and implement additional professional development and training programs for Title IX responsible employees as well as new primary prevention efforts for new employees and incoming students (professional/grad).
 - The Office for Equity and Diversity website Title IX information, contacts and resources. Printed materials which include Title IX information, contacts and resources are distributed at professional development and training sessions offered by the Office for Equity and Diversity. These materials are also distributed at the Summer Orientation and Advising for Registration resource fair held each Summer and are also available at the Office of Admissions and Recruitment.
- **The use of “biased and harmful” procedures for investigating and resolving complaints.**

- The UW-Madison has adopted a Title IX compliant student discipline process to mitigate biased and harmful procedures. UW-Madison is striving to strike a balance between procedures that accord respect to individuals who report sexual violence or assault and provide a fair process for accused respondents. The End Violence on Campus Coordinating Council reviews campus policies related to sexual assault and violence to provide input about evolving best practices and victims' rights.
- As a public institution, state and federal law requires UW-Madison to ensure accused respondents are afforded due process.
- All individuals who investigate or adjudicate sexual assault complaints receive training about what constitutes sexual assault, victims' responses to assault, and campus procedures.
- UW-Madison applies the preponderance of the evidence standard when investigating and adjudicating reports of sexual assault.
- **Many large public universities allow students to help adjudicate sex assault cases.**
 - **UWS 17.07(2)** allows for students to be part of hearing panels. Students do not investigate on behalf of the university, and students would never make up a hearing panel without faculty and staff involvement. However, students who have received special training are allowed to be part of hearing panels and add perspectives which are valuable to the complainants, respondents, and other committee members.
- **Some schools give their athletic departments oversight of sexual violence cases involving student-athletes.**

- This is prohibited per the 2011 DCL. The Dean of Students Office independently investigates the misconduct of student athletes and renders the decision regarding the behavior. The Division of Intercollegiate Athletics may take additional action related to student-athlete conduct.
- **Relatively few schools — 16 percent of respondents in the national sample — conduct campus “climate surveys” that a White House task force has recommended as a key measure to determine the prevalence of sexual assault on campus.**
 - UW-Madison participates every four years in the ACHA-NCHA effort, which provides insight into sexual assault and dating violence victimization rates among student respondents in the past 12 months.
 - UW-Madison participated in a sexual assault climate and victimization study in 2002 (Chamberlin Research Consultants).
 - UHS completed a Needs Assessment with victim service providers and students in 2009, which identified key barriers for victims reporting and seeking help. This Assessment has guided policy development and resource allocation on campus.
 - UW-Madison also relies heavily upon the peer-reviewed victimization studies from the past 30 years, which indicate that sexual assault victimization rates among college women consistently stays between 20-25%. Though the measurement efforts are different, this data is consistent with the findings of the ACHA study.
- **Schools don't know the scope of the problem on their campuses because of inadequate outreach, they're not responding to reports of sexual violence, they're not training students or staff, and too many sexual assault adjudication procedures are biased or harmful.**

- We are responding to reports as they are received, the campus continues to identify outreach opportunities to provide prevention resources to our students and staff.
- **More than 10% of institutions surveyed do not have a Title IX coordinator.**
 - UW-Madison has a Title IX Coordinator and has designated six Deputy Title IX Coordinators as of July 1, 2014.
- **While experts agree that annual, confidential climate surveys of students are one of the best ways to get an accurate portrait of sexual assaults on a campus, only 16% of the schools surveyed conduct climate surveys.**
 - This is a new federal recommendation (issued in April 2014) and though we do not currently issue a regular climate survey on sexual assault, we do take active measures to understand both national and campus based victimization data. UW-Madison supports the development of (a) valid and reliable climate survey(s) which can be administered both at UW-Madison and peer institutions to assess campus needs and evaluate ongoing efforts in prevention, perpetrator accountability, and victim support.
- **Schools are too rarely investigating**
 - Every allegation of sexual assault received by the Title IX Coordinator or the Office for the Dean of Students--from an alleged victim or third party who provides the name of either the alleged victim or perpetrator—is investigated. UW-Madison does allow victims to decide whether to participate in the investigatory process. We appreciate that studies show that sexual assault is vastly underreported. UW-Madison continues to commit resources to educating the campus community about the investigatory and disciplinary process and victims' rights in an effort to increase reporting.
 - State and federal law requires collecting of reports for statistical purposes only from campus personnel who are confidential, such as a mental health provider, health care provider, or pastoral counselor. These reports are an important part of valid campus statistics but do not include identifying information that would lead to an investigation. While confidential staff members are trained and knowledgeable about counseling victims on resources for reporting and their rights, they do not or should not disclose victim or perpetrator identities to campus officials. Confidential staff

members provide an important resource for victims who must have the right to choose how and when to report. Victims have the right to receive medical care, mental health care, and pastoral support without being involved in an investigation.

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