



Rights for Victims

of Sexual Assault, Domestic Violence, Dating Violence, Sexual Harassment, and/or Stalking

Confidential help is available at no cost from the following victim advocacy agencies: *UHS End Violence on Campus (UHS EVOC)*, the *Rape Crisis Center*, and *Domestic Abuse Intervention Services (DAIS)*.

For more information: evoc.wisc.edu

Victims have the right to:

- Be notified, in writing, of existing resources for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within the institution and in the community.
- Be notified, in writing, about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. UW–Madison will make such accommodations or provide such protective measures if the victim requests them and they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Report to UW–Madison. The offices formally designated to receive complaints are the ***Dean of Students Office*** and the ***Title IX Coordinator***. Victims are encouraged to use these offices for formal reporting.
- Report to law enforcement authorities, including the ***University of Wisconsin–Madison Police Department***, and to be assisted by UW–Madison campus authorities in so doing.
- Decline to report to law enforcement.
- Request that the campus not investigate or pursue disciplinary action against the alleged perpetrator.
Request that the campus not disclose the victim's name to the alleged perpetrator.
(Questions and Answers on Title IX and Sexual Violence, 2014, E-1).
- File a ***complaint*** with the U.S. Department of Justice and/or U.S. Department of Education Office for Civil Rights.

It is against Federal and State law and UW–Madison policy to discriminate or ***retaliate*** against a person who, in good faith, files a complaint, participates in an investigation, or who opposes discrimination.

Rights when a victim reports to a Wisconsin law enforcement agency:

- Victims of crime in Wisconsin who report to law enforcement are entitled to ***certain rights*** as detailed in ***Chapter 950*** of the Wisconsin Statutes.
- Crime victims in the state of Wisconsin have the right to apply for ***Crime Victim Compensation***, which can help pay for unreimbursed expenses that are the result of crimes causing personal injury or death, including lost wages, counseling, medical costs, and replacement of property held as evidence.

Rights when alcohol is involved:

- Per UW–Madison's ***Responsible Action Guidelines***: "In those cases where a student has been a victim of sexual assault and/or a violent crime while under the influence of alcohol, neither the Dean of Students, University Housing nor UW–Madison Police will pursue disciplinary actions against the student victim (or against a witness) for his or her improper use of alcohol (e.g., underage drinking). A student victim who is under the influence of alcohol at the time of a sexual assault is entitled to university and community assistance and encouraged to seek help."
- ***2015 Wisconsin Act 279*** prohibits the issuing of "certain citations for alcohol violations to underage persons in connection with sexual assault crimes and prohibiting certain disciplinary sanctions if the underage person is a student."

Rights when seeking emergency medical services or medical forensic exams:

- Victims may obtain a sexual assault medical forensic examination without incurring full out of pocket costs for that exam regardless of their decision to report to law enforcement. In Madison, this exam can be obtained from the ***UnityPoint Health-Meriter Forensic Nurse Examiner*** program; if additional services are requested, other charges may be applied.
- Victims of sexual assault who seek emergency services at a hospital have the right to be provided with the option to receive emergency contraception at the hospital per ***Wisconsin Statute 50.375***. UW–Madison students may also obtain emergency contraception at ***University Health Services***.

Information about the student disciplinary process:

UW–Madison utilizes a state administrative code known as **Chapter UWS 17** and its **own policies** for campus student disciplinary proceedings of sexual assault, dating violence, domestic violence, and stalking. See students.wisc.edu for more information.

- UW–Madison uses a preponderance of the evidence (i.e. more likely than not) standard in student misconduct proceedings pertaining to sexual assault, sexual harassment, dating/domestic violence, and/or stalking.
- 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.
- Investigations and resolutions of these cases 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. Any postponements or extensions should be communicated to the complainant¹ and respondent².
- The complainant and the respondent must have an equal opportunity 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).
- Formal hearings for sexual assault, sexual harassment, dating/domestic violence, and stalking shall only be conducted via hearing committee.
- The respondent shall have the opportunity to hear and respond to the information presented against them 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 allowing requests to have the complainant and respondent pose questions to each other through their respective advisors or the hearing committee, to offer testimony via phone, and/or to put up a room partition between the parties.
- The complainant and respondent will be notified simultaneously and in writing of the outcome of any investigation, hearing, and appeal.
- The complainant and respondent will be notified simultaneously and in writing of any change to disciplinary results that occur prior to the time that such results become final; and of when such results become final.
- At no time can a complainant be required to keep the outcome confidential, or be prohibited from discussing the case.
- The complainant shall have the same appeal rights as the respondent.
- Resolution can only be offered through settlement after the investigating officer has offered to consult with the complainant.
- Retaliation against a complainant for exercising their rights in good faith under these procedures is prohibited and may be subject to disciplinary action.
- The complainant and respondent have an equal opportunity to have others present throughout disciplinary proceedings, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- In accordance with **UWS 17.10**, the disciplinary sanctions that may be imposed for nonacademic misconduct, in accordance with the procedures of UWS 17, are any of the following: a written reprimand; denial of specified university privileges; payment of restitution; educational or service sanctions, including community service; disciplinary probation; imposition of reasonable terms and conditions on continued student status; removal from a course in progress; enrollment restrictions on a course or program; suspension; and/or expulsion. One or more of the sanctions may be imposed.

¹Complainant is the person alleging the misconduct

²Respondent is the student accused of misconduct



UHS **End Violence on Campus (EVOC)** is a unit of **University Health Services** that provides integrated violence prevention and confidential victim advocacy services for UW–Madison students. evoc.wisc.edu



This document provides a summary of victim rights at the University of Wisconsin-Madison. A complete and detailed listing of each of these policies and rights can be found in the most recent UW–Madison's Annual Security and Fire Safety Report, at uwupd.wisc.edu/crime-data/clery-act.