

# **TITLE IX COMPLIANCE REVIEW REPORT**

**University of Wisconsin-Madison**

**Graduate Physics Program**

*Fiscal Year 2008*



**U.S. DEPARTMENT OF  
ENERGY**

**TITLE IX COMPLIANCE REVIEW REPORT**  
**The Graduate Physics Program, University of Wisconsin-Madison**

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# TITLE IX COMPLIANCE REPORT

## The Graduate Physics Program, University of Wisconsin-Madison

### I. Introduction

The Office of Civil Rights and Diversity (OCRD), United States Department of Energy (DOE or the Department), conducted a Title IX compliance review of the Graduate Physics Department at the University of Wisconsin-Madison pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and the Department's implementing regulations, 10 C.F.R. Part 1042. The report is based on a review of records and other data provided by the University, information obtained from the University's website, and information obtained by an OCRD review team during an on-campus visit in April 2008. During the onsite visit, the review team held interviews with students and faculty of the Graduate Physics Program, and with the Director and staff of the University's Office of Equity and Diversity and other University administrative officials.

### A. Objective

The objective of the review was two-fold: (1) to determine whether students, regardless of their sex, had equal access to opportunities and benefits offered by the Graduate Physics Department; and (2) to identify and report on promising practices for promoting gender equity.

### B. Scope

The review involved an evaluation of the University's Title IX policies, procedures and practices, including the University's grievance process, as well as the role of the Title IX Coordinator in implementing and enforcing Title IX requirements. The Department also evaluated and analyzed the following programs and practices of the University as they relate to the Graduate Physics Program: (a) recruitment and outreach; (b) admission and retention; (c) teaching assistantships, research assistantships, and fellowships; and (d) campus safety. In addition, the Department evaluated the academic environment, and inquired into whether there were any pending sexual harassment complaints and whether sexual harassment training has been provided.

### C. Background

DOE oversees the Nation's research programs in high-energy physics, nuclear physics, and fusion energy sciences, and is the major Federal funding agency for basic research and development programs in the physical sciences at institutions of higher learning. This research supports thousands of principal investigators, and graduate and post-doctoral students.

Title IX and DOE implementing regulations (10 C.F.R. Part 1042) prohibit discrimination on the basis of sex in any educational program or activity that receives Federal financial assistance. These laws require that the Department conduct reviews of grantee institutions to ensure that they are in compliance with the prohibition against sex discrimination.

In July 2004, the Government Accountability Office (GAO) issued a report (GAO Report Number 04-639) in which it reviewed compliance activities of the four Federal science agencies (the Department of Energy, the Department of Education, the National Science Foundation and the National Aeronautics and Space Administration). The GAO found that the science agencies had taken significant steps to ensure that the institutions to which they provide financial assistance are in compliance with Title IX. However, the GAO also found that women were not fully represented in those institutions.<sup>1</sup> Therefore, the GAO recommended that science agencies conduct post-award monitoring to ensure that women are allowed full opportunity to participate in the sciences and that sex discrimination is not preventing women from pursuing science degrees.

The passage of the America Competes Act, Pub. L. No. 110-69, 121 Stat. 573 (2007), in August 2007, provided additional impetus for conducting compliance reviews. This Act directs the Secretary of Energy to report to the congressional energy committees on the actions taken by the Department to implement the recommendations in the GAO report. The Act also requires DOE to conduct annually at least two compliance reviews of institutions to which it provides funding.

## **II. The Graduate Physics Program**

### **A. Student Population**

One hundred sixty-four students were enrolled in the Graduate Physics Program at the University of Wisconsin-Madison for the 2007-2008 academic year. Twenty-seven of those students were females and one hundred thirty-seven were males. Fifty-five students (twenty-two females and thirty-three males) were interviewed during the April 2008 onsite visit.

Table 1, below, shows the number of students of each sex who were enrolled in the Graduate Physics Program for the 2004-2005 to 2007-2008 academic years. The number of students of each sex is also shown as a percentage of the total student population of the Graduate Physics Department for each of the four school years.

**Table 1: Graduate Physics Student Enrollment**

	<b>2004-2005</b>	<b>2005-2006</b>	<b>2006-2007</b>	<b>2007-2008</b>
<b>Total Enrolled</b>	162	166	158	164
<b>Male</b>	128	133	134	137
<b>Male Student %</b>	79%	80%	85%	83%
<b>Female</b>	34	33	24	27
<b>Female Student %</b>	21%	20%	15%	17%

<sup>1</sup> Similarly, a 2005 report of the American Institute of Physics Statistical Research Center, which examined physics programs at institutions of higher education, found that in 2003, women earned only 22% of the Bachelor of Science degrees in physics, and only 18% of the Doctor of Philosophy degrees in physics. The study also found that women represent approximately only 10% of the faculty in degree-granting physics departments of the nation's colleges and universities.

## B. Faculty

During the 2007-2008 academic year, there were fifty-four faculty members in the Graduate Physics Department, of whom seven were females and forty-seven were males. Fourteen faculty members (five females and nine males), including the Chair of the Physics Department, were interviewed during the onsite visit.

## C. Recruitment and Outreach

The Graduate Physics Department sponsors and participates in a variety of programs and activities that are aimed at recruiting students for its programs. In February 2008, it began sponsoring an annual Physics Fair where members of the public are invited to the University to get a first-hand view of how physics is taught and how physics research is conducted. The fairs include laboratory tours, hands-on demonstrations, activities for kids and their parents, and informal conversations with scientists. Public lectures on popular topics in physics are also given at these fairs.

In 1984, the University initiated a program called *The Wonders of Physics*. The purpose of this program is to generate interest in physics among people of all ages and backgrounds. The program utilizes a variety of educational tools and materials, including videos, computer software, a demonstration book and a lecture kit. In addition, a traveling show has been developed and presented by University staff and students to audiences throughout Wisconsin and the nation. About 60,000 persons have attended the show at the Madison Campus.

Each summer, the Astronomy Department and the Astrophysics Group of the Physics Department host a ten-week program called *Research Experience for Undergraduates* (REU). The aim of the program is to stimulate and support undergraduate research education in physics. Typically, ten students are admitted to the REU program. Between 2004 and 2007, some forty-two students were accepted into the program, of whom 62% were females and 38% were males. Women and other minority groups are especially encouraged to apply for participation in the program.

The Physics Department sponsors a *Physics Weekend* during which applicants who have been accepted for admission to the Graduate Physics Program are invited to a weekend of activities. The purpose of this activity is to give students an opportunity to meet with the faculty of the Graduate Physics Department, to learn about research groups, and to be exposed to the everyday life of a student in the Graduate Physics Program. During the weekend, women faculty members sponsor a breakfast for prospective female students. The breakfast affords these students an opportunity to network with women physicists and to gain insight into the climate for women in the Physics Department. Several of the female students who were interviewed said they found the breakfast to be beneficial as an outreach and recruitment activity.

Additional recruitment efforts by the Graduate Physics Department include attendance at the American Institute of Physics Graduate Career Fairs/Conference, the National Society of Black and Hispanic Physicists Annual Conference and other graduate program/career fairs. These

recruitment efforts have given the Graduate Physics Department the opportunity to recruit students of various backgrounds.

## **Finding**

The Department finds that the recruitment programs of the University are administered in a fair and unbiased manner. As such, they conform with the requirements of Title IX.

## **Promising Practice**

The Department considers the *Physics Weekend* a promising practice, which could be implemented by other universities to help increase female participation in the sciences. The weekend breakfast, in particular, exposes prospective female students to academic life in the Graduate Physics Department, thereby helping them to make their decision as to whether they should enroll in the program. Several attendees who eventually enrolled in the program said they found the weekend to be beneficial. Therefore, it can fairly be assumed that the program had a positive effect on their decision to accept the University's offer of admission.

## **D. Admissions**

### **1. The Admissions Process**

Students seeking admission to the Graduate Physics Program must submit an application packet that includes a statement of purpose, official transcripts from any undergraduate institutions attended, letters of recommendation, official Graduate Record Examination (GRE) score sheets, a resume and a student data sheet.

During the admissions review process, all applications are graded by at least two faculty members. According to the University, applications are ranked without regard to the sex of applicants.

Prior to the 2007-2008 academic year, the Physics Department ranked applications on an alphabetical (A-F) scale. However, the ranking was changed to a numerical (1-5) scale during the 2007-2008 academic year to comply with a new campus-wide electronic system.<sup>2</sup> The grades assigned by the faculty are based on objective and subjective criteria. Objective criteria include GRE scores and undergraduate transcripts. Subjective criteria include a candidate's personal statement, letters of recommendation and other evidence of scientific or personal achievement (e.g., scholarly publications). The grades are notated on a sheet of paper that is included in each applicant's admissions file.

Once applications have been graded, they are divided into three categories: "those definitely to be offered admission, those to be definitely denied admission, and those to be further considered." The University indicated that in years with a strong pool of applicants and few offers to make, the upper line might be between A+ and A, while the lower line might be

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<sup>2</sup> The University indicated that its admissions procedures and criteria remained otherwise unchanged.

between A and A-.<sup>3</sup> According to the University, at this stage in the process, the applications to be further considered are examined and verbally discussed by the full Admissions Committee before a decision is made.

## 2. Admissions Statistics

Table 2, below, shows the number of students, by sex, who applied to the Graduate Physics Program for the 2004-2005 to the 2007-2008 academic year. The table also shows the number of students who were accepted, and the number of students who enrolled in the program for the same time period.

**Table 2: PhD Applicants, Admissions and New Enrollment per Academic Year**

Academic Year	Applicants			Accepted				Enrolled			
	M	F	Total	M	%	F	%	M	%	F	%
2004-2005	282	62	344	59	21%	17	27%	24	41%	5	29%
2005-2006	311	59	370	55	18%	20	34%	23	42%	8	40%
2006-2007	312	68	380	72	23%	8	12%	31	43%	1	13%
2007-2008	322	76	398	61	19%	19	25%	17	28%	6	32%

Note: The Physics Department reported only two applicants for the master's degree in academic year 2005-2006. There were no master's degree applicants for the other three academic years.

With the exception of academic year 2006-2007, female acceptance rates were above the acceptance rates for males. Female acceptance rates ranged from a low of 12% in 2006-2007, to a high of 34% in 2005-2006. Male acceptance rates ranged from a low of 18% in 2005-2006, to a high of 23% in 2006-2007. Female enrollment rates ranged from a high of 40% in 2005-2006, to a low of 13% in 2006-2007, while male enrollment rates ranged from a high of 43% in 2006-2007, to a low of 28% in 2007-2008.

The percentage of female PhD applicants admitted from the pool of female applicants for the 2006-2007 academic year was considerably lower than the percentage of female PhD applicants admitted for the other three academic years represented in the table. Only 12% (8 out of 68) of female applicants were admitted for the 2006-2007 academic year, compared to 27% (17 out of 62), 34% (20 out of 59), and 25% (19 out of 76), respectively for the 2004-2005, 2005-2006 and 2007-2008 academic years.

The Chair of the Admissions and Fellowship Committee for the 2006-2007 academic year ascribed the low admittance rate for female applicants in the 2006-2007 academic year to natural fluctuation. When asked to comment on this phenomenon, the Chair of the Physics Department said that when she became aware of the very low percentage of female applicants who were admitted to the program in the 2006-2007 school year, she requested that all applications for that academic year be reviewed a second time. She said that the applications were reviewed by

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<sup>3</sup> Since the new ranking scale was implemented during the same year as this compliance review, data related to the upper line and lower line under the new scale was not available for review.

members of the faculty and the Graduate Student Coordinator and that no irregularities were found.

### **3. Student Evaluation of the Admissions Process**

A majority of the students who were interviewed described the process for admission to the Graduate Physics Program as a “standard process,” which involves completing an application form and submitting test scores, a letter of interest and letters of recommendation. A majority of students said also they did not believe anything in their admission experience was unfair. Although some students referred to the fact that the number of female students in the Graduate Physics Program is much lower than the number of male students, none of them said they believed the admission procedures were discriminatory on the basis of sex.

#### **Finding**

There is no evidence that male and female applicants are ranked separately based on their sex or that numerical limitations are applied to the number or proportion of persons of either sex who are admitted. The data reviewed shows that the low number of female students in the Graduate Physics Department is a reflection of the low number of female applicants. Therefore, the Department finds that the admissions process does not adversely affect applicants on the basis of their sex.

#### **E. Retention and Re-Entry**

The Department reviewed the retention rates of both male and female graduate physics students for the 2004-2005 to the 2006-2007 academic year. The Department also reviewed the number of applications and approvals for re-entry for the 2004-2005 to the 2007-2008 academic year.

Two male PhD students dropped out of the Graduate Physics Program each academic year between 2004-2005 and 2006-2007. In the 2004-2005 academic year, one female PhD student dropped out of the program, and two females dropped out during the 2005-2006 academic year. No female student dropped out of the program during the 2006-2007 academic year.

The Graduate Physics Department re-entry policy provides that graduate physics students who leave the program in good standing may request re-entry to the program by completing a Graduate School application for admission. The Graduate Physics Department Admissions Committee, in consultation with the student’s advisor, reviews the request for re-entry and makes the determination as to whether to grant or deny the request.

In the 2006–2007 academic year, two males requested re-entry. One request was granted and the other was denied. Re-entry was not requested by any other graduate physics student during the time period reviewed.



## Finding

The Department finds no evidence of gender disparity in the retention rate of students in the Graduate Physics Program for the 2004-2005 to the 2006-2007 academic year. In addition, the Department finds that the re-entry policy of the Graduate Physics Department is facially neutral, and that there is no evidence of disparate treatment or disparate impact related to the re-entry policies.

### F. Financial Assistance: Teaching Assistantships, Research Assistantships and Fellowships

The Graduate Physics Program provides some form of financial assistance to each student in the program. Financial assistance is generally provided in the form of a teaching assistantship (TA), research assistantship (RA), or fellowship.

The Chair of the Teaching Assistant Policy and Review Committee indicated that all graduate physics students are given the opportunity to be teaching assistants. This statement was corroborated by the Chair of the Physics Department, who said that all students, regardless of sex, are guaranteed funding as a teaching assistant for up to five years. Both the Chair of the Physics Department and the Chair of the Teaching Assistant Policy and Review Committee stated that the rate of pay is the same for all teaching assistants, regardless of sex.

Table 3, below, shows the total number of research assistantships and teaching assistantships awarded to graduate physics students, and breaks down those numbers by sex. The percentage of males and females in TA and RA positions is shown. For example, the table shows that of the 110 research assistantships awarded in the 2004-2005 academic year, 79% were awarded to males and 21% were awarded to females.

**Table 3: Teaching and Research Assistantships**

	2004-2005		2005-2006		2006-2007		2007-2008	
	RA	TA	RA	TA	RA	TA	RA	TA
<b>Total</b>	110	52	102	62	99	55	114	40
<b>Male</b>	87	43	84	49	81	52	100	32
<b>% Male</b>	79%	83%	82%	79%	82%	95%	88%	80%
<b>Female</b>	23	9	18	13	18	3	14	8
<b>% Female</b>	21%	17%	18%	21%	18%	5%	12%	20%

The data in Table 3 shows that teaching and research assistantships were awarded to male and female students in proportion to their numbers within the graduate physics student population for each of the four academic years. There is no evidence that one sex is being treated differently or is adversely impacted.

Table 4, below, shows the total number of fellowships and graduate student awards made to graduate physics students, and breaks down those numbers by sex.

**Table 4: Fellowships and Graduate Student Awards<sup>4</sup>**

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>Total</b>
<b>Males</b>	2	8	3	7	20
<b>Females</b>	7	3	5	5	20
<b>Total</b>	<b>9</b>	<b>11</b>	<b>8</b>	<b>12</b>	<b>40</b>

Between 2004 and 2007, females comprised an average of 19% of the student population in the Graduate Physics Program.<sup>5</sup> However, females received approximately 50% of the graduate student awards and fellowship awards. The apparent disparity in awards is explained by the fact that approximately one-half of the female awardees received the Hirshfelder Award, which is available only to females in the Graduate Physics Program.

### **Finding**

The data reviewed does not indicate any sex-based bias in the award of teaching and research assistantships and fellowships. The apparent disparity in the award of fellowships is due to the fact that some fellowships are funded by a non-University source and are available only to female students.

### **G. Assignments to Research Groups**

Faculty members described the method for assigning students to research groups as a mutual selection process. Students identify the research area in which they are interested. The advisor then determines whether a student's request can be accommodated. In this regard, one faculty member said, "we don't say no if they're interested." Another faculty member said, "if there is an opening, we take them on." However, a faculty member remarked that funding can sometimes present an issue and that some faculty look at student grades before deciding whether to bring on a particular student. Another faculty member described the placement process as a "courtship," where both the student and the faculty member determine whether the research area is a good fit for the student. None of the faculty members who were interviewed indicated that a student's sex played any role in the selection of students for research groups.

### **Finding**

The process by which students are assigned to research groups is based on a variety of factors. However, there is no evidence that sex is a factor in determining assignments to research groups.

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<sup>4</sup> The fellowships referred to in Table 4 are privately-funded and University-funded fellowships that are awarded through the Physics Department Student Awards Committee. They do not include federally-funded fellowships or other fellowships granted outside the University awards process.

<sup>5</sup> The aggregate number of students in the Graduate Physics Program for academic years 2004-2005, 2005-2006 and 2006-2007 was 486. Three hundred ninety-five (81%) of them were males. The remaining ninety-one (19%) were females.

## H. The Qualifying Examination

### 1. Qualifying Examination Pass Rates

The Qualifying Examination is a test that all students in the Graduate Physics Program must pass in order to advance in their studies. Table 5, below, shows the pass rate of first- and second-time takers of the Qualifying Examination.

**Table 5: Qualifying Examination Pass Rates per Academic Year**

		2004-2005	2005-2006	2006-2007
<b>Male PhD Students</b>	<b># of 1<sup>st</sup> - time Takers</b>	19	25	29
	<b># of 1<sup>st</sup> - time Passers</b>	9	15	12
	<b>% of 1<sup>st</sup> - time Passers</b>	47%	60%	41%
	<b># of 2<sup>nd</sup> - time Takers</b>	9	8	7
	<b># of 2<sup>nd</sup> - time Passers</b>	8	5	7
	<b>% of 2<sup>nd</sup> - time Passers</b>	89%	63%	100%
<b>Male MS/MA Students</b>	<b># of 1<sup>st</sup> - time Takers</b>	3	1	26
	<b># of 1<sup>st</sup> -time Passers</b>	0	0	0
	<b>% of 1<sup>st</sup> - time Passers</b>	0%	0%	0%
	<b># of 2<sup>nd</sup> - time Takers</b>	2	2	3
	<b># of 2<sup>nd</sup> - time Passers</b>	1	1	3
	<b>% of 2<sup>nd</sup> - time Passers</b>	50%	50%	100%
<b>Female PhD Students</b>	<b># of 1<sup>st</sup> - time Takers</b>	6	9	1
	<b># of 1<sup>st</sup> - time Passers</b>	1	4	0
	<b>% of 1<sup>st</sup> - time Passers</b>	17%	44%	0%
	<b># of 2<sup>nd</sup> - time Takers</b>	6	4	5
	<b># of 2<sup>nd</sup> - time Passers</b>	4	4	4
	<b>% of 2<sup>nd</sup> - time Passers</b>	67%	100%	80%
<b>Female MS/MA Students</b>	<b># of 1<sup>st</sup> - time Takers</b>	0	0	1
	<b># of 1<sup>st</sup> - time Passers</b>	0	0	0
	<b>% of 1<sup>st</sup> - time Passers</b>	n/a	n/a	0%
	<b># of 2<sup>nd</sup> - time Takers</b>	1	0	0
	<b># of 2<sup>nd</sup> - time Passers</b>	1	0	0
	<b>% of 2<sup>nd</sup> - time Passers</b>	100%	n/a	n/a

The table shows that the pass rate for first-time takers is considerably higher for male PhD students than for female PhD students. However, none of the students who were interviewed stated that they felt the Qualifying Examination was gender-biased.

Between fall 2004 and spring 2007, the pass rate ranged from 41% to 60% for male PhD students who took the examination for the first time. For the same period, the pass rate ranged from 0% to 44% for female PhD students who took the examination for the first time. Male and female PhD students had similar pass rates when they took the examination for the second time (pass rates ranged from 63% to 100% for male PhD students and from 67% to 100% for female PhD students).

Although female PhD students failed the Qualifying Examination at a higher rate than their male counterparts on their first attempt, female PhD students tended to graduate in less time than male PhD students. On average, female PhD students graduated in 5.5 to 6.16 years between 2004-2007, while male PhD students graduated in 6.0 to 6.3 years.<sup>6</sup>

## 2. “Qual Prep” Course

During the on-site review, the Department learned that two Professors of Physics started “Qual Prep,” a preparatory course for graduate physics students planning to take the Qualifying Examination during the fall of 1999.<sup>7</sup> Although the impetus for starting Qual Prep was the failure of a female student to pass the Qualifying Examination on her second attempt, the preparatory course has been offered to both male and female students. The two professors continued to offer the course through the spring of 2007.<sup>8</sup>

Over the course of approximately seven years, sixteen female students and six male students who participated in Qual Prep passed the Qualifying Examination.<sup>9</sup> Only three male students who participated in the program failed the examination. None of the female students who participated in the program failed the examination.<sup>10</sup>

One of the faculty members who started Qual Prep was named Vice Provost for Diversity and Climate in 2003. The position included a 25% teaching component. In support of the Qual Prep program, the University allowed the Vice Provost to use her work with Qual Prep to satisfy her 25% teaching component.

### **Finding**

Although there is some disparity in the pass rates of first-time male and female takers of the Qualifying Examination, there is no evidence to suggest that the examination is discriminatory either in its content or in the manner in which it is administered. We note also that none of the students interviewed indicated they felt the examination was gender-biased. The fact that the pass rate is approximately the same for male and female students on the second attempt suggests that the imbalance in the first-time pass rates for male and female students may be attributable to a factor or factors other than the test itself. Therefore, the Department finds no evidence of sex discrimination with respect to the Qualifying Examination.

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<sup>6</sup> Female and male MS/MA students took about the same amount of time to graduate (from 2.5 to 2.75 years).

<sup>7</sup> The two professors have since retired and are now professors emeriti. The preparatory course continues to be offered by a Physics Department administrator.

<sup>8</sup> The Qual Prep course was not offered during the 2003-2004 academic year.

<sup>9</sup> The data provided by the University does not indicate whether these students passed the qualifying examination on the first attempt or on a subsequent attempt.

<sup>10</sup> The data provided by the University does not indicate how many attempts at passing the Qualifying Examination these students made.

## **Promising Practice**

The proactive effort of faculty members in assisting students to pass the Qualifying Examination through the Qual Prep course is a promising practice that could be adopted by other universities. We note that such assistance has the potential to improve the retention rate of female graduate physics students, as their first-time pass rates on the Qualifying Examination are historically lower than the first-time pass rates of male students.

## **III. The Environment**

### **A. Climate**

Many of the students who were interviewed said they did not believe a student's sex affected the interaction between professors and students. However, a male student stated that on occasion he observed female students discussing their concerns about derogatory statements that were allegedly made by male professors.

Many of the students said they did not believe a student's sex had a negative effect on the dynamics between male and female students. A male student stated that he had seen female students take on leadership roles within his group, and a female student said she had a good experience with her study group/research team. Notwithstanding, several other students said that gender-related issues would sometimes arise in the classroom, in study groups and in research teams. As an example of this, a female student stated that during group study sessions, male students would ignore or not take seriously the input of female students or the work of female students. Another female student said that some female students told her that they were ignored by male students in their study groups. A male student remarked during his interview that male students sometimes joked around and made sexist remarks when only male students are around, and a female student said that she had to change her study groups once or twice because of gender-related issues that arose in those study groups.

### **B. Gender Bias/Sexual Harassment**

When asked if they believed that a student's sex had affected any aspect of their studies at the University, most of the students who were interviewed said "no." A female student responded "yes" to the question. However, she said she had not encountered any barriers based on sex. Another female student, in response to the same question, said "maybe," and that she had to leave a research group because of the behavior of a male in the group. She stated further that she had to ask someone to tell the male member of her group to stop his behavior.

One female student indicated that female students feel that if they speak up, it could have a negative effect on them. She said also that "women feel the difference and effects in terms of gender."

A male student observed that "physics is male-dominated," and "as a male, you're in the in-group." Another male student said he was not sure whether gender affected their studies, but

remarked that “it is kind of a boy’s club in physics.” Yet another male student stated that he had “noticed some chauvinist attitude[s] among students in subtle jokes.”

## **Finding**

As the interviews reveal, there have been alleged incidents of inappropriate conduct by both faculty and students. While these allegations may not have created a hostile study and classroom environment, it is clear that there are students (males and females) who are uncomfortable with some of the interactions between male and female students and between female students and some of their male professors.

## **Recommendation**

The Department recommends that the University provide mandatory sexual harassment training for both faculty and students in the Graduate Physics Program.<sup>11</sup> This training should include a sensitivity component, and an overview of the Title IX complaint process. Students should be assured that they will not be subjected to retaliation for filing a Title IX complaint, and that the University will take prompt and effective action against anyone who retaliates against them because they engaged in the Title IX complaint process.<sup>12</sup>

## **C. Colloquia Speakers**

Speakers are invited on a regular basis to address the student body at colloquia sessions. A female faculty member who was interviewed remarked that women are not invited to speak as frequently as they should. However, her statement was not corroborated by any of the other faculty members who were interviewed, and was contradicted by another faculty member who stated that there is a fair representation of both male and female speakers at colloquia sessions. A third faculty member said that women are often invited to speak, and that there is a *Women in Physics Month* program at which all of the invited speakers are females. The purpose of the *Women in Physics Month* is to foster a sense of community and networking among faculty members, women graduate students, and postdoctoral researchers.

Two other faculty members (both females) said there were programs established for attracting and inviting female colloquia speakers. One of them said that the Physics Department collaborates with the University to invite female colloquia speakers. The other said that the Physics Department coordinates with the Committee on Women in Physics to invite female speakers.

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<sup>11</sup> Although the University offers general sexual harassment information sessions for students, faculty and staff, attendance at the sessions is voluntary rather than mandatory.

<sup>12</sup> In Section V of the report, the Department sets out the University’s sexual harassment and sex discrimination policies and presents additional findings and recommendations.

## **Finding**

The Department finds that women are fairly represented as speakers at colloquia sessions, and that this has a positive effect on the academic climate in the Graduate Physics Program.

## **Promising Practice**

The *Women in Physics Month* is a promising practice that can easily be adopted at other universities. It exposes graduate students to female academicians and fosters a sense of community and networking among faculty members and female graduate students. The exposure of graduate physics students to female academicians could also have the effect of reducing gender stereotypes and sex discrimination.

## **D. Campus Safety**

A majority of the students who were interviewed said they believed the campus and its environs are safe. However, two female students were not of this opinion. They said that there were reported muggings in areas around the campus. One male student stated that some of his female friends were afraid to be out in the area around the campus at night. Another male student stated that a female friend had been mugged, but that he, himself, did not feel unsafe in the area.

None of the students said that their studies were affected by safety concerns. Many of them commented positively on the fact that the University offers safe-bus rides, safe-walk escorts, and free safe-taxi-rides during the evenings and at nighttime a certain number of times each month.

Faculty members also spoke positively about the safe-walk escorts and safe-taxi-ride programs, and many said they felt safe on campus. They noted also that the campus police department sends out security updates by e-mail and that a key card is required to access the physics building after-hours. However, one male faculty member observed that there are some dangers and occasional issues, and referred to a certain street as a “hot area.”

A female faculty member said she feels comfortable overall with the safety of the physical environment, although she does not stay on campus late at night. A male faculty member said he tells his female teaching assistants that they are not required to be on campus late in the evenings, and that he advises them to be safe. Yet another male faculty member stated that he takes security precautions when working in the evenings, and that he does not allow his students to remain alone in the evenings. Another male faculty member mentioned that there was a sexual harassment issue the previous year. However, like the majority of faculty members, he said he feels comfortable with the safety of the physical environment, despite the fact that he works late in the evenings.

## **Promising Practice**

The Department identifies the safe-bus ride, safe-walk escort and safe-taxi-ride programs as promising practices. They undoubtedly promote campus safety, especially for female students and those students who must attend classes late in the evenings.

## **Finding**

The campus and its surroundings are generally safe. However, many students are still concerned for their safety. Their concerns are not unfounded. One student reported that a friend was mugged, and during the onsite visit, a student was murdered, although not on the campus.

## **Recommendation**

The Department is aware of the difficulty of maintaining a crime-free environment on a large urban college campus. It is also aware of the efforts that have been made to make the campus and its environs safe. However, given the concerns expressed by both students and faculty, and the fact that some students have been victimized, the Department recommends that the University continue to explore ways for improving campus safety.

## **IV. Title IX Grievance and Complaint Procedures, Processes and Practices**

### **A. Statutory Requirement**

Title IX provides that educational institutions that are recipients of Federal financial assistance develop and implement nondiscrimination policies and procedures, and appoint a Title IX Coordinator to implement and coordinate their Title IX functions. DOE's implementing regulation, 10 C.F.R. Section 1042.140(b), requires that these educational institutions adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints alleging actions prohibited by Title IX. The U.S. Department of Justice (DOJ) recommends that grievance procedures include both an informal and a formal process. DOJ also recommends that grievance procedures include provisions for informing complainants of their right to file a discrimination complaint with an appropriate Federal agency at the same time that an internal grievance is filed, or following an unsatisfactory resolution of a complaint.<sup>13</sup>

### **B. The Title IX Office (the Office of Equity and Diversity)**

The Office of Equity and Diversity (OED) is within the Office of the Provost. Its function is to provide leadership and consultation in matters related to discrimination complaints; to develop and implement equity and diversity strategies throughout the University; to assist faculty, staff and students develop learning and work environments that promote excellence and respect; and to coordinate compliance with affirmative action and equal opportunity requirements. The Office has primary responsibility for receiving and processing complaints and grievances, as well as formulating the University's Title IX policies and procedures.

### **C. The Title IX Coordinator**

The OED Director serves as the Title IX Coordinator. As such, the OED Director is responsible for implementing Title IX and for ensuring that the University is in compliance with Title IX requirements.

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<sup>13</sup> See *Title IX Legal Manual*, U.S. Department of Justice, Civil Rights Division (Jan. 11, 2001).



The Title IX Coordinator stated during his interview, that the University had not yet fully achieved gender equity and diversity. He also said that the University has adopted *Plan 2008*, which identifies outreach and recruitment strategies for increasing gender and ethnic diversity. *Plan 2008* states the following:

Diversity of viewpoints, diversity of backgrounds, including gender and ethnic differences, as well as variety within academic specialties, are all vital components of the intellectual life of this great university. This not only contributes to the academic vitality of the campus, but also makes us more competitive among our peer institutions. While parts of the campus have made significant gains, our overall progress in reaching greater gender and ethnic diversity has been too modest. If we are to be successful in the future, we must tap the rich potential of all our citizens by incorporating them into our faculty, staff, and student body.

### **Promising Practice**

The Department considers *Plan 2008* a promising practice, as it calls for an improved campus climate and a deeper understanding of gender- and minority-related issues. The attention that *Plan 2008* focuses on gender equity has the potential to enhance the climate for students in the Graduate Physics Program.

### **D. The Office of the Dean of Students**

The Office of the Dean of Students (ODOS) is responsible for processing student-to-student complaints. The Office has discretion to refer a complaint to the OED, or to handle the matter within the student judicial process. During her interview, the Dean of Students said she was familiar with Title IX, but admitted that she was not well-versed in Title IX and had not received any Title IX training. Notwithstanding, she said she works closely with the Office of Equity and Diversity and with the University Police Department on sexual harassment and assault issues. She stated further that she is a member of the University's Diversity Oversight Committee, which is charged with looking at the climate across campus and with making recommendations on how the University can become more inclusive.

The OED has posted information on its website regarding the University's Title IX complaint procedures and practices. Students who allege sex discrimination or sexual harassment by other students are instructed to contact the ODOS. Students are informed of the offices and services that provide support, counseling, and instruction to those who witness, or are subjected to, harassment or discriminatory behavior. Students are also informed that they may contact the on-call dean regarding sexual harassment issues. The ODOS website references the OED website as a source for additional information on formal Title IX complaint processing. Thus, individuals who visit either the OED or ODOS website can locate information for filing a Title IX complaint.

## **E. Title IX Complaint Procedures**

### **1. Office of Equity and Diversity Title IX Complaint Procedures<sup>14</sup>**

The OED has adopted informal and formal discrimination complaint procedures. Under both procedures, students who wish to file a complaint must do so in writing. There is no standard form for filing complaints of discrimination or sexual harassment. Rather, the OED puts out a document called *Statement of Alleged Discrimination*, which provides instructions for filing a complaint. An individual who wishes to file a complaint must do so within 300 days of the alleged discrimination. The complaint must include a narrative describing the discriminatory action and the basis for the complaint. Complainants are asked to provide the date and time of the action(s) giving rise to the complaint, and the names and addresses of witnesses. Complainants are also required to suggest an appropriate resolution or remedy. Under the procedures, if the information provided by a complainant does not meet the criteria for an “acceptable” complaint, the OED is required to assist the complainant in making the complaint acceptable, such as by adding relevant information to the complaint. Complainants are also directed to the OED website for guidance.

Students are advised to contact the OED Assistant Director/Complaint Investigator with information regarding their complaints, and are informed of the campus and email addresses and telephone number of that official. Individuals wishing to file employment-related complaints are informed that they may also file their complaint with the U.S. Equal Employment Opportunity Commission at the Commission’s local field office, or with the Wisconsin Department of Workforce Development. Students, visitors and applicants for employment or admission are advised that if they wish to file a complaint, they may also contact the local field office of the U.S. Department of Education.<sup>15</sup>

When a complaint is filed, the OED Complaint Investigator conducts an investigation. As part of the investigative process, the investigator informs the alleged offender (respondent) and his/her supervisor about the allegations in the complaint. The respondent and his/her supervisor receive a copy of the complaint and the OED procedures for handling complaints of discrimination and prohibited harassment. The investigator then conducts interviews with the complainant, the respondent, and others who are believed to have relevant information regarding the allegations.

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<sup>14</sup> The Department reviewed the OED complaint procedures that were in place at the time the Department began its Title IX compliance review of the University, as well as the OED proposed complaint procedures that were under review by the University during the course of the Title IX compliance review. This section of the Report analyzes those two sets of complaint procedures.

The OED published new complaint procedures in November 2008, which was after the Department had prepared its draft report. Therefore, this Report does not include an analysis of the new complaint procedures. However, the Department will review the new OED complaint procedures to ensure that they comply with Title IX and DOE implementing regulations. The Department will also issue supplemental findings and recommendations, if any, related to the new complaint procedures.

<sup>15</sup> Individuals who file a complaint with a state and/or Federal administrative agency must follow the grievance and appeals procedures of the relevant agency.

The investigation involves an inquiry into the following:

1. the date(s) or time period over which the alleged conduct occurred;
2. the location of the alleged occurrence(s);
3. the frequency of occurrence of the alleged conduct;
4. the specific relationship of the parties to each other and to interviewees and other relevant third parties; and
5. the effect of the respondent's alleged conduct on the complainant and other persons in the workplace or academic environment.

Once the investigation is completed, the investigator issues a preliminary report to the OED Director or designee. The report includes:

1. a summary of the complainant's allegations;
2. a summary of the respondent's response to the allegations;
3. a citation to relevant laws and policies;
4. a summary of the information obtained during the course of the investigation;
5. an analysis of whether it is likely that the alleged conduct occurred, and, if so, whether the conduct was a violation of anti-discrimination laws and/or policy; and
6. recommendation(s) for corrective action.

Following the investigation, the OED Director, or designee, reviews the preliminary report, makes a final determination and reports verbally or in writing to the respondent's supervisor on the results of the investigation. The complainant is then advised that the investigation has been completed and that a report has been provided to the respondent's supervisor who will determine what, if any, further action will be taken. Student complainants who are dissatisfied with the results of an investigation are informed of their right to appeal to the Chancellor.

The OED Director may recommend specific corrective action when it is believed that violations of Federal or state law or the University's policies or regulations have occurred. The OED Director may also recommend corrective action when violations have not occurred but problematic conduct or practices are uncovered during the investigation, or where the matter alleged contributed to, or may contribute to, a perception of discrimination.

The Department notes that the OED is currently reviewing and revising its complaint procedures. The proposed procedures address the issue of time limits with respect to the conduct of investigations, and state that investigations shall be completed within ninety (90) work days from the date the complainant was notified that the OED accepted the complaint. This period may be extended for good cause shown, such as the size of the investigator's workload and the unavailability of witnesses and necessary materials.

## **Finding**

The OED's current Title IX procedures do not set out definite time limits for resolution of complaints or for completing or achieving several stages in the complaint process. For instance, they do not reference any time-line for initiating or completing an investigation. They merely

state that the investigation of a complaint will be conducted as promptly as possible. We note that there is a provision in a statement on the Office of the Dean of Students' webpage entitled *Overview of students' rights and description of the complaint process* that the OED must process complaints within 90 days of the receipt of a complaint. However, there is no such provision in the *Statement of Alleged Discrimination*.

The proposed ninety (90) days is a reasonable time frame for completing an investigation. It meets the requirement for promptness suggested in guidance provided by DOJ. However, neither the present procedures nor the proposed procedures of the OED include time frames for initiating or concluding several other important steps in the complaint process.

Insofar as the OED's procedures provide for a thorough, fair, and impartial investigation, the Department finds that they meet the equitable standard prescribed by DOE's implementing regulations.

### **Recommendation**

Reasonable timetables and deadlines for completing each stage of the OED complaint process should be included in the proposed complaint procedures. For example, there should be time frames for notifying a complainant of the receipt and acceptance of a complaint and of the date the investigation will begin. There should also be timeframes for issuing a final decision and for filing an appeal.

The proposed procedures provide that an investigator's workload constitutes good cause for failure to comply with procedural time limits. Given the statutory requirement for prompt processing of complaints, the size of an investigator's workload should not be considered good cause for delaying the processing of a complaint. Therefore, the proposed procedures should be revised to exclude this provision.

All persons who seek relief under Title IX may file a formal written complaint, regardless of the status of the alleged discriminator. The instructions for filing a Title IX complaint that are listed on the ODOS webpage do not make clear that a student who alleges discrimination against a fellow student can file a complaint with the OED without first obtaining permission from the ODOS. The Title IX Coordinator (the OED Director) is the appropriate official for making decisions and determinations on jurisdiction and the appropriate venue in matters related to Title IX. Thus, the Title IX Coordinator may properly determine whether a matter is cognizable under Title IX and, if appropriate, forward the matter to the ODOS for resolution and/or decision through the student judicial process or some other avenue of redress. The University should, therefore, make clear in its procedures that students have the right to file a complaint with the OED without first seeking permission from a University official.

## **2. Office of the Dean of Students Title IX Complaint Procedures**

If a student is being harassed, threatened or harmed by a student, or if a student observes conduct which he/she believes may be a violation of University rules, the student is encouraged to contact the Office of Student Advocacy & Judicial Affairs. A staff member then reviews with the

student which disciplinary procedures might apply, as well as other avenues for solving problems or taking action.

If a report is received alleging that a student has engaged in non-academic misconduct, an investigating officer is assigned to investigate the matter. The investigating officer then invites the student to an informal meeting. The purpose of that meeting is to hear any statements the student wishes to make and to answer questions about the procedures. The student may be accompanied at the meeting by a person of his/her choosing. If it appears that misconduct has occurred, the investigating officer prepares a report describing the misconduct and the sanction he or she believes is warranted.

The accused student has the right to a formal hearing to contest a decision that he/she engaged in misconduct and/or the disciplinary action imposed for such misconduct. A hearing may be available at the student's request or may be scheduled automatically, depending on the sanction imposed. If the discipline imposed is not severe, the student may request a hearing by submitting a written notice within ten calendar days after the finding of misconduct. In cases where the discipline imposed is severe, such as suspension or expulsion, University policy provides for the hearing to be scheduled automatically, unless the student waives the right to a hearing in writing.

Hearings are conducted either by a hearing committee or by a hearing examiner, at the student's choice. Separate academic and non-academic misconduct hearing committees are appointed by the Chancellor and include faculty, academic staff, and students. The committee for a specific case is composed of at least three members and includes at least one student member. A hearing examiner is appointed from the faculty or academic staff by the Chancellor.

In any hearing the student maintains:

1. the right to have a representative present on his/her behalf, including the right to be advised by counsel at his/her own expense;
2. the right to question witnesses; and
3. the right to obtain a transcript of the proceedings at his/her own expense.

## **Finding**

Based on the above information, the Department finds that the ODOS's Title IX complaint procedures are equitable, insofar as they require that the ODOS conduct a thorough, fair, and impartial investigation. However, the complaint procedures do not set out definite time limits for resolution of complaints or for completing or achieving various stages in the complaint process.

## **Recommendation**

DOE implementing regulations require grievance procedures to be both prompt and equitable. To satisfy the requirement for promptness, reasonable and definite timetables and deadlines for completing each stage of the complaint process should be included in the ODOS's complaint procedures.

### **3. Investigation of a Complaint and the Application of Title IX Complaint Procedures**

During the on-site review, students were asked whether they had ever filed a discrimination complaint with the University. A female student stated that she had never filed a complaint. However, the student said she had heard that a female student left the Graduate Physics Program and transferred to another university because she was not satisfied with the manner in which the University had processed a sexual harassment complaint she had filed.

The Department later identified the student who had transferred from the University of Wisconsin-Madison (the complainant). The complainant stated that she had filed a Title IX complaint with the University. The complainant alleged that while she was enrolled at the University of Wisconsin-Madison, a male student entered her office. The male student “talked down” to her, “grabbed [her] and pushed [her] into” someone’s desk, and rubbed her back—despite her telling him not to touch her. She stated further that she had to “push him off” to get him to let go of her. The complainant said she spoke with several University officials, including her faculty advisor, the Physics Department Chair, a police officer, a Vice Provost Emerita, the Title IX Coordinator and a staff member in the Office of the Dean of Students, about the incident. After speaking with these University officials, the complainant elected to file a written complaint with the Office of the Dean of Students. She stated she was not satisfied with how University officials addressed her complaint, and that she was never informed of the outcome of the complaint she had filed with the Office of the Dean of Students.<sup>16</sup>

The Department confirmed that the complainant had spoken with the University officials mentioned above about her complaint, with the exception of the representative of the Office of the Dean of Students. Although the complainant stated she had met with a representative of the Office of the Dean of Students to describe the incident and to learn of her options for filing a complaint, including the written complaint she filed, the Office of the Dean of Students could not confirm that the complainant met with a staff member from the Office. However, the Office of the Dean of Students did confirm that the complainant had filed a written complaint with the Office. In the written complaint, the complainant indicated she “did not feel comfortable allowing the process to remain informal.” She stated further that she “would like for this matter to be investigated and handled according to the guidelines of the Student Code of Conduct.”

An Assistant Dean in the Office of the Dean of Students stated that once a student files a written complaint, it is internal standard operating procedure for a staff member to inform the student of the receipt of the written complaint and to attempt to schedule a meeting with the student complainant to discuss the complaint. The Assistant Dean said that the Office of the Dean of Students generally does not move forward with a complaint until a staff member has had an opportunity to discuss a written complaint with the complainant. A document provided by the University indicates that a staff member in the Office of the Dean of Students had scheduled a

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<sup>16</sup> An officer with the University Police Department spoke with the complainant, the accused, and a witness to the incident. Based on those discussions, the officer concluded that the accused did not do anything “that would require any sort of punitive damage [from] the perspective of the Police.” The report was approved by the Assistant Chief of the University Police Department. The complainant said she was aware that the University Police Department had concluded that there was “nothing there” on which to take action against the accused.

meeting with the complainant, presumably to discuss her written complaint. However, documents also show that it became necessary for the staff member to re-schedule that meeting. Notations on the documents indicate that the staff member left two voicemail messages and sent one e-mail informing the complainant of the need to re-schedule the meeting. There is no indication that the meeting was ever re-scheduled. The complainant recalled receiving a voicemail message from the Office of the Dean of Students regarding a meeting. However, she stated that she might not have returned the phone call because she was “really busy” preparing to transfer to another university.

The Assistant Dean could not confirm whether any further attempts to contact the complainant were made, or whether any official correspondence was sent to the complainant informing her that no action would be taken on her written complaint unless she met with a staff member in the Office of the Dean of Students. However, the Assistant Dean acknowledged that no action was taken on the written complaint by the Office of the Dean of Students.

### **Finding**

The Department finds that the complainant, in fact, filed a written complaint with the Office of the Dean of Students requesting that the incident be investigated and processed pursuant to the Student Code of Conduct. The Department finds also that the Office of the Dean of Students took no action on the complaint and that the Office did not investigate the complaint. However, the Department finds that the Office of the Dean of Students attempted to contact the complainant to re-schedule a previously scheduled meeting to discuss the complaint, but that the complainant might not have returned a phone call from the Office of the Dean of Students.

The Student Code of Conduct does not set out the procedures a student complainant must follow to file a written complaint or the procedures a complainant must follow once a written complaint has been filed with the Office of the Dean of Students. For example, the Student Code of Conduct does not state whether a complainant must meet with a staff member of the Office of the Dean of Students after filing a written complaint before any action will be taken on the complaint or before the complaint will be investigated.<sup>17</sup> In addition, the Student Code of Conduct does not require the Office of the Dean of Students to notify a complainant as to whether a written complaint has been accepted or dismissed. Similarly, the Student Code of Conduct does not set out time limits for filing a written complaint, notifying a complainant that a written complaint has been accepted or dismissed, and initiating and concluding an investigation of a written complaint.

### **Recommendation**

As previously noted, DOE implementing regulations require that recipients of financial assistance adopt and publish grievance procedures providing for the prompt and equitable

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<sup>17</sup> The Department notes that guidance on the website of the Office of the Dean of Students provides that “[i]f a report is received alleging that a student has engaged in conduct which is in violation of UWS 17 [student non-academic misconduct policy], an Investigating Officer will investigate the matter.” However, the guidance does not specify whether a complainant must first meet with an investigating officer or other staff member in the Office of the Dean of Students before the matter is investigated.

resolution of student complaints. To satisfy the “equitable” requirement of these regulations, the Department recommends that the University adopt and publish procedures in the Student Code of Conduct that set out the following: (1) the procedures a complainant must follow to file a written complaint; (2) the procedures that are to be followed once a written complaint has been filed with the Office of the Dean of Students, including whether a complainant must meet with a staff member of the Office of the Dean of Students after filing a written complaint before any action will be taken on the complaint or before the complaint will be investigated; and (3) the procedures for notifying a complainant as to whether his/her written complaint has been accepted or dismissed.

To satisfy the requirement for promptness, the Department recommends that the Office of the Dean of Students adopt and publish procedures in the Student Code of Conduct that set out the following: (1) the time limit by which a student must file a written complaint; (2) the time limit by which the Office of the Dean of Students must notify a complainant that a written complaint has been accepted or dismissed; and (3) the time limit by which an investigator must begin or conclude an investigation of a written complaint.

#### **F. Notice Requirement**

Title IX requires each recipient of Federal financial assistance to notify students and employees of the name, office address and telephone number of the employee or employees appointed to coordinate and administer its Title IX grievance process. Further, Title IX provides that this information should be disseminated through newspapers and magazines operated by the recipient and by memoranda or other written communication distributed to every student and employee. The recipient is required to prominently include a statement of its policy of nondiscrimination on the basis of sex in each announcement, catalog or application form that it makes available to students and employees or which is otherwise used in connection with the recruitment of students and employees. 10 C.F.R. Section 1042.135 to 140.

The Title IX Coordinator stated that he was familiar with the notice requirement of Title IX, and that the OED had published pamphlets and displayed posters throughout the campus advertising the University’s Title IX policies, practices and programs. He said that the OED had also posted information on its webpage regarding the University’s Title IX program. Additionally, he said that the University disseminates Title IX-related information through “professional development opportunities” and through articles in University newspapers.

Most of the students who were interviewed were unaware of the University’s Title IX complaint procedures, or where they should go to file a complaint, although some of them had seen posters displaying information on how to file a Title IX complaint. Some students said they would consult their faculty advisor, the staff of the Physics Department, or on-line resources for guidance on how and where to file a Title IX complaint if they had a need to do so.

A majority of the students who were interviewed also stated that they did not know whether the University had a Title IX Coordinator. Only one student was able to identify the Title IX Coordinator by name. Similarly, most faculty members who were interviewed said they were unaware of the existence of the Title IX Coordinator and that they were not familiar with the



procedures for filing a Title IX complaint. Some faculty members said that if the need arose, they would consult with the Chair of the Physics Department, the Dean of Students or a member of the Committee on Climate and Diversity for guidance on Title IX issues.

### **Finding**

Although the University is technically in compliance with the notice requirement of Title IX, most of the students and faculty members who were interviewed were not aware of Title IX complaint procedures, or the identity of the Title IX Coordinator.

### **Recommendation**

The Department recommends that the Office of Equity and Diversity, in collaboration with other stakeholder offices, explore ways to better publicize the University's Title IX program. For example, the University could prepare a pamphlet of information on the Title IX complaint and grievance process which would then be mailed to each student and University personnel. The pamphlet would provide information about the OED staff, including their names, office address and telephone numbers, and their roles and responsibilities in the complaint process. This information could also be posted and highlighted on the University's home page.<sup>18</sup>

## **V. Sexual Harassment and Sex Discrimination Policies**

DOE implementing regulations, 10 C.F.R. Part 1042, require that institutions to which DOE provides financial assistance adopt policies against sex discrimination in their programs and activities. Additionally, the regulations require that grantees develop procedures that provide a mechanism for discovering sexual harassment and sex discrimination as early as possible, and for effectively correcting problems of sexual harassment and sex discrimination.

When asked whether the University provides sexual harassment training, the OED Director said that the University mandates that all limited-appointment employees<sup>19</sup> attend sexual harassment training and that sexual harassment training is available to the faculty throughout the year. He said also that the University offers workshops for graduate assistants that address sexual harassment and discrimination issues.

The University's sex discrimination and harassment policy is published on the OED webpage. It states that the University prohibits sex discrimination, including sexual harassment in employment and in all university programs and activities. The University has also made available a wide variety of resources with information about its policy on sex discrimination and sexual harassment. For example, the OED has published an index of information on sexual

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<sup>18</sup> The Office of Equity and Diversity has indicated that it is collaborating with the Office of University Communications to explore ways to better inform the University community about Title IX.

<sup>19</sup> Limited appointments are special appointments to designated administrative positions at the University for persons involved directly in formulating, interpreting, and monitoring policies and/or major programs.

harassment and has distributed to students and University personnel a pamphlet, entitled *Sexual Harassment: Defining and Addressing a Community Concern*.

The University has developed a list of sexual harassment contact persons. They include faculty and staff designated by the various colleges, divisions, employing units and department heads. The University has also provided contacts for persons seeking information about sexual harassment and to persons who raise sexual harassment concerns or who wish to file a sexual harassment complaint. Contact information for Federal and state offices is also provided for employees and visitors.

The OED website has a link to useful and comprehensive information about sexual harassment and provides referral information to campus resources. Employees and students are encouraged to come forward with their concerns. Contact personnel are advised to refer students and employees to campus resources, to distribute the University's sexual harassment policy statement to new faculty, to schedule sexual harassment informational sessions and to promote attendance at such sessions.

Persons who feel that they have been victims of sexual harassment are encouraged to engage in early discussion in order to resolve their concerns, and are promised confidentiality of identity to the extent possible under law. Victims are also encouraged to seek advice and to consult the Department Chair or other divisional resource persons; to seek informal resolution or file a sexual harassment complaint; to seek support from a trusted colleague; to keep detailed notes of the incident; and to consider informing the harasser that the conduct is unwelcomed.

The University's Board of Regents has developed and published a policy statement on nondiscrimination, including nondiscrimination on the basis of sex. The statement directs the University to issue policies with clear statements of the Institution's commitment to the elimination of discrimination. It suggests that the University take the following actions: (1) provide specific examples of discriminatory conduct in order to further enhance an understanding of the problem; (2) develop a process for informal resolution of complaints; (3) include language in its nondiscriminatory policy statement prohibiting retaliation; and (4) create a mechanism for designing educational programs for informing students, student organizations, faculty, academic staff, and classified staff of the nature of discriminatory conduct in order to increase their sensitivity to such conduct.

The University has published a directive which defines sexual harassment and directs recipient institutions to develop and implement policies, procedures and programs to eliminate sexual harassment. The University has also issued separate sexual harassment policy statements for various types of employees. These policy statements emphasize that in keeping with efforts to establish an environment in which the dignity and worth of all members of the University community are respected, sexual harassment of students and employees is unacceptable conduct and will not be tolerated. The directive informs persons in positions of authority, such as department heads and deans, that they will be held responsible for (a) taking reasonable steps to prevent sexual harassment in their unit; (b) taking immediate and appropriate corrective action to stop harassment when they know or have reason to know sexual harassment may exist; and (c) preventing its recurrence, and remedying effects that could reasonably have been prevented.

University officials are specifically instructed to encourage employees and students to “come forward” with complaints but, at the same time, not to discourage people from going outside the department. They are also advised to take every complaint seriously, to ensure the confidentiality of the parties, and to protect the parties from retaliation.

The majority of faculty who were interviewed stated that they had not attended diversity or sexual harassment prevention training. However, the Chair of the Teaching Assistant Policy and Review Committee stated that all teaching assistants in the Graduate Physics Department are required to attend anti-harassment, sex discrimination and diversity training during orientation.

### **Finding**

We find that the University has established mechanisms for identifying sexual harassment and sex discrimination, and for resolving and deciding sexual harassment and sex discrimination complaints. However, procedures for filing and processing complaints are not fully developed. For example, they do not contain time limits for completing each stage of the complaint process. We find also that neither students nor faculty members in the Graduate Physics Program are adequately informed of the University’s sexual harassment policies and programs.

### **Recommendation**

The Department recommends that the University develop, adopt and implement procedures to ensure that students and faculty members are fully informed of its sexual harassment policies and programs.<sup>20</sup> The Department recommends also that the University’s complaint procedures contain specific time limits for completing each stage of the complaint process.

## **VI. CONCLUSION**

The Department finds that the Graduate Physics Program at the University of Wisconsin-Madison is in compliance with Title IX and the Department’s implementing regulations. The Department notes that the Graduate Physics program has undertaken some promising practices to promote gender equity. In particular, the Department commends the Graduate Physics Program for its outreach programs and activities. The Department notes also that the University has well-developed policies for discouraging sexual harassment. In addition, the University has posted extensive information on its website outlining its policies and procedures for dealing with sexual harassment and sex discrimination. However, the Department has concerns regarding the complaint and grievance procedures, and the ignorance of both students and faculty with respect to Title IX and sexual harassment policies, procedures and practices. The Department also has concerns with the academic environment as it relates to interactions between female students and some male students and male professors. The Department has, therefore, made

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<sup>20</sup> The OED Director has informed the Department that the OED, in cooperation with the Office of Human Resource Development, has modified the curriculum for students, faculty and staff to include information on “Nondiscrimination on the Basis of Sex in Federally Assisted Programs.” In addition, the OED has indicated that it will work in collaboration with the Department of Physics to provide professional development and training opportunities that focus on sexual harassment and discrimination issues, as well as on Title IX, for all students, faculty and staff.

recommendations designed to strengthen Title IX compliance and the University's sexual harassment program. The University is not limited to the actions recommended, and may take other appropriate actions for strengthening its Title IX program.