

8. Grievance Procedures & Reporting Misconduct and Crime

8.1 Grievance Procedures

8.1.1 Rights and Responsibilities

If a member of the department feels unfairly treated or aggrieved by a faculty, staff, or student, the University offers several avenues to resolve the grievance. Concerns about unfair treatment may be best handled directly with the person responsible for the objectionable action. If the person is uncomfortable making direct contact with the individual(s) involved, they should contact the Department Chair or a trusted colleague.

Procedures for proper accounting of grievances against faculty, staff, or students in the Department of Planning and Landscape Architecture:

1. The person is encouraged to speak first with the individual toward whom the grievance is directed to see if a situation can be resolved at this level if they feel safe and comfortable doing so. Individuals are welcome to seek advice from a Grievance Advisor, Department Chair, or others with whom they have a trusting relationship.
2. Should a satisfactory resolution not be achieved, the person should contact one of the department's Grievance Advisors or the Department Chair to discuss the grievance. At this point in the process, this informal discussion would be considered confidential, unless the issue involves criminal conduct that university employees are required by law to report to University Officials (as specific below in Section 8.2.3 and 8.2.4). The Grievance Advisors or Department Chair will facilitate problem resolution through informal channels and facilitate any complaints or issues of students. The first attempt is to help individuals informally address the grievance prior to any formal complaint. University resources for sexual harassment, discrimination, disability accommodations, and other related concerns can be found on the UW Office of Equity and Diversity website: <http://www.oed.wisc.edu/index.html>.
3. Other campus resources are listed here. A resource providing "confidential" consultation can help people who want support or information, but do not wish to report. Confidential means they will not share information that identifies the person seeking support without that person's permission.
 - Dean of Students - doso.students.wisc.edu
 - The Graduate School - grad.wisc.edu
 - McBurney Disability Resource Center - mcburney.wisc.edu
 - Employee Assistance Office - eao.wisc.edu [This resource provides confidential consultation]
 - Ombuds Office - ombuds.wisc.edu [This resource provides confidential consultation]
 - University Health Services – uhs.wisc.edu [This resource provides confidential consultation]
 - UW Office of Equity and Diversity - <http://www.oed.wisc.edu/index.html>
4. If the issue is not resolved to the individual's satisfaction they can submit a formal departmental-grievance to the Grievance Advisor in writing within 60 calendar days of the alleged unfair treatment. The formal grievance should provide as much detail as possible about the incident(s) or situation(s) of concern.
5. On receipt of a written grievance complaint, the Department Chair and Department Administrator will be informed, and a 3-member faculty committee will be convened by a Grievance Advisor to manage the department-level grievance. The program faculty committee will preserve confidentiality if possible and desired and will obtain a written response from the person toward whom the complaint is directed. This response will be shared with the person filing the grievance.

6. The faculty committee will determine a decision regarding the grievance. The Grievance Advisor will report on the action taken by the committee in writing to both the individual and the party toward whom the complaint was directed within 15 working days from the date the complaint was received. Details shared with the aggrieved person may be limited by university policies regarding personnel matters or student records.
7. At this point, if either party (the individual or the person toward whom the grievance is directed) is unsatisfied with the decision of the faculty committee, the party may file a written appeal. Either party has 10 working days to file a written appeal to that committee through the Grievance Advisor.
8. Documentation of the grievance will be stored for at least 7 years. Significant grievances that set a precedent will be stored indefinitely.

For students, the Graduate School has procedures wishing to further appeal a grievance decision made at the Department level. These policies are described in the Graduate School's Academic Policies and Procedures: <https://grad.wisc.edu/acadpolicy/#grievancesandappeals>.

The Grievance Advisors for the Department of Planning and Landscape Architecture are the Chairs/co-Chairs of the Climate Committee.

8.1.2 Hostile and Intimidating Behavior

Hostile and intimidating behavior, sometimes known by the shorthand term “bullying,” is defined in university policy as “unwelcome behavior pervasive or severe enough that a reasonable person would find it hostile and/or intimidating and that does not further the University’s academic or operational interests.” Hostile and intimidating behavior can occur both within and across employment sectors – faculty on faculty, faculty on staff, etc. – and power differentials, and in any university setting (the office, the lab, in the halls, at meetings; it can happen in groups or one-on-one). Regardless of when and how it happens, it must be addressed and corrected. Hostile and intimidating behavior is prohibited by university policy.

UW-Madison policy includes the following expanded definition:

Hostile and intimidating behavior is defined as unwelcome behavior pervasive or severe to the extent that it makes the conditions for work inhospitable and impairs another person’s ability to carry out his/her responsibilities to the university, and that does not further the University’s academic or operational interests. A person or a group can perpetrate this behavior. The person need not be more senior than or a supervisor to the target. Unacceptable behavior may include, but is not limited to:

1. Abusive expression (including spoken, written, recorded, visual, digital, or nonverbal, etc.) directed at another person in the workplace, such as derogatory remarks or epithets that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic culture and professional setting that respects free expression;
2. Unwarranted physical contact or intimidating gestures; Conspicuous exclusion or isolation having the effect of harming another person’s reputation in the workplace and hindering another person’s work;
3. Sabotage of another person’s work or impeding another person’s capacity for academic expression, be it oral, written, or other;
4. Abuse of authority, such as using threats or retaliation in the exercise of authority, supervision, or guidance, or impeding another person from exercising shared governance rights, etc.

Repeated acts or a pattern of hostile and/or intimidating behaviors are of particular concern. A single act typically will not be sufficient to warrant discipline or dismissal, but an especially severe or egregious act may warrant either.

For more information: <https://hr.wisc.edu/hib/>

8.1.3 Sexual Harassment

Sexual harassment is a community concern. When sexual harassment occurs, it degrades the quality of work and education at the University of Wisconsin-Madison. It erodes the dignity and productivity of the

individuals involved and diminishes the quality, effectiveness, and stature of the institution. It can occur in any university setting (an office, a classroom, a university program). Each of us has a collective responsibility not to harass others and to act responsibly when confronted by the issue of sexual harassment, thereby promoting an environment that better supports excellence in teaching, research, and service. (Taken from: <http://www.oed.wisc.edu/sexualharassment/index.html>)

What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature (including leering and unwanted personal discussion of sexual activities) constitute sexual harassment when submission to such conduct is a condition of employment, academic progress, or participation in a university program; or submission to or rejection of such conduct influences employment, academic or university program decisions; or the conduct interferes with an employee's work or a student's academic career, or creates an intimidating, hostile or offensive work, learning, or program environment.

Key Points About Sexual Harassment:

- Differences in power or status can be a significant component in sexual harassment. A person who seems to acquiesce to sexual conduct may still experience tangible action harassment or hostile environment harassment if the conduct is unwelcome.
- Harassment can occur between men and women or between members of the same gender.
- Sexual harassment may or may not involve a tangible injury (e.g., economic loss, lowered grades). A sexually harassing environment, in and of itself, may constitute a harm.
- Individuals in positions of authority are responsible for ensuring that employees, students or others do not harass. In an academic or program setting, offenders can be faculty, instructors, lecturers, teaching assistants, coaches, tutors, or fellow students or program participants.
- The person filing a sexual harassment charge does not have to be the person harassed but could be anyone significantly harmed by the harassing conduct.
- Some behavior that is not in violation of university policy may, nonetheless, be unprofessional under the circumstances. Consequences of such unprofessional behavior may include poor performance evaluations or possible discipline.

What to do if you feel you've been sexually harassed:

- Seek advice. Consult the Grievance Advisor, department chair, program chair, another divisional resource person, the Office of Equity and Diversity (<http://www.oed.wisc.edu/>), or another campus resource to discuss options for resolution.
- You may choose to seek informal resolution through the Grievance procedures detailed in Section 8.1.1 or file a sexual harassment complaint with the UW-Madison Title IX Coordinator. You may find more information on filing a complaint at <http://www.oed.wisc.edu/dishar.html>. Complaints filed through the UW-Madison Title IX coordinator may lead to an investigation and disciplinary action against the accused. In order to ensure due process and provide for a defense, prior to any formal disciplinary action against someone accused of sexual harassment, the University must inform that person of the details regarding the formal complaint including the identity of the person initiating the complaint.
- For additional information, please visit: <http://www.oed.wisc.edu/sexualharassment/do.html>.
- As listed previously, the following additional resources offer confidential consultation and can help people who want support or information, but do not wish to report. Confidential means they will not share information that identifies the person seeking support without that person's permission.
 - Employee Assistance Office - eao.wisc.edu [This resource provides confidential consultation]
 - Ombuds Office - ombuds.wisc.edu [This resource provides confidential consultation]
 - University Health Services – uhs.wisc.edu [This resource provides confidential consultation]

For more information on discrimination against students and other resources:

Discrimination Complaints Policies & Procedures: <http://www.oed.wisc.edu./discrimination-against-students.htm>

Additional information taken directly from the UW-Madison Office of Equity and Diversity website:

What to Do About Sexual Harassment...

We encourage early contact: consultation is not escalation. Timely discussion of people's concerns may allow resolution before alternatives become limited. The university will protect confidentiality to the extent possible under the law.

...if you feel you've been sexually harassed:

- Seek advice. Consult your supervisor, manager, HR representative, department chair, director, dean, or any campus resource to discuss options for resolution.
- You may choose to seek informal resolution or file a sexual harassment complaint.
- You may find it helpful to seek support from a trusted colleague. Be aware of your interest in keeping the matter as confidential as possible.
- Keep notes of what happened, when, where, and who was present. Retain copies of any correspondence.
- Consider informing the individual(s) involved that the conduct is unwelcome and that you expect it to stop.

8.2 Reporting Misconduct and Crime

The campus has established policies governing student conduct, academic dishonesty, discrimination, and harassment/abuse as well as specific reporting requirements in certain cases. If you have a grievance regarding unfair treatment towards yourself, please reference the procedures and resources identified above. If you learn about, observe, or witness misconduct or other wrongdoing you may be required to report that misconduct or abuse. Depending on the situation, it may be appropriate to consult with your advisor, Graduate Program Coordinator, departmental Grievance Advisors, or other campus resources (such as the [UW Office of Equity and Diversity](#), [Graduate School](#), [Mc Burney Disability Resource Center](#), [Employee Assistance Office](#), [Ombuds Office](#), and [University Health Services](#)).

8.2.1 Research Misconduct

The University of Wisconsin–Madison strives to foster the highest scholarly and ethical standards among its students, faculty, and staff. Graduate students and research associates are among the most vulnerable groups when reporting misconduct because their source of financial support and the progress in their careers may be at risk by raising questions of wrongdoing. They are also often the closest witnesses to wrongdoing when it occurs and therefore must be appropriately protected from the consequences of reporting wrongdoing and be informed of their rights. Please find full details at <https://research.wisc.edu/respolcomp/resethics/>

8.2.2 Academic Misconduct

As a matter of information, students are encouraged to notify their professor, teaching assistant or proctor of the exam if they know a classmate is cheating on an exam or other academic exercise.

8.2.3 Sexual Assault

Faculty, staff, teaching assistants, and others who work directly with students at UW–Madison are required by law to report first-hand knowledge or disclosures of sexual assault to university officials, specifically the Office for Equity & Diversity or the Division of Student Life. This effort is not the same as filing a criminal report. Disclosing the victim's name is not required as part of this report. Please find full details at <http://www.oed.wisc.edu/sexualharassment/assault.html> and <https://www.uhs.wisc.edu/prevention/violence-prevention/resources/>

8.2.4 Child Abuse

UW–Madison employees (under [Wisconsin Executive Order #54](#)), are required to immediately report child abuse or neglect to Child Protective Services (CPS) or law enforcement if, in the course of employment, the employee observes an incident or threat of child abuse or neglect, or learns of an incident or threat of child abuse or neglect, and the employee has reasonable cause to believe that child abuse or neglect has occurred or will occur. Volunteers working for UW–Madison sponsored programs or activities are also expected to report suspected abuse or neglect. Please find full details at <http://www.oed.wisc.edu/childabuse/>

8.2.5 Incidents of Bias/Hate

The University of Wisconsin–Madison values a diverse community where all members are able to participate fully in the Wisconsin Experience. Incidents of Bias/Hate affecting a person or group create a hostile climate and negatively impact the quality of the Wisconsin Experience for community members. UW–Madison takes such incidents seriously and will investigate and respond to reported or observed incidents of bias/hate. Please find full details at <http://www.students.wisc.edu/rights/what-if-i-witness-or-experience-a-bias-related-incident/>

8.3 Reporting Consensual Relationships

A consensual relationship describes when people agree to a romantic, physically intimate, or sexual relationship now or in the past. This includes marriage. UW-Madison consensual relationships policy applies to employee/student relationships and employee/employee relationships.

A consensual relationship between an instructor and a student currently under their instruction or whom the instructor reasonably believes in the future may be under their instruction is prohibited.

If a consensual relationship develops between people who also have another type of reporting or evaluative relationship, the person who is in a position of power must immediately report their consensual relationship to a supervisory authority.

The university presumes that the ability to make objective decisions is compromised if there is a romantic and/or sexual relationship between two individuals who have a reporting or evaluative relationship. There is almost always a power differential between such individuals that not only obscures objectivity but also influences perceptions of consensuality. The individual with the power or status advantage is required by university policy to report the relationship to his or her supervisor and will be accountable for failing to make this report. The supervisor who learns of the consensual relationship has the responsibility to make appropriate arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the university or to either party in the relationship, particularly the person in the subordinate role. Supervisors can consult with any [campus resource](#) for assistance in meeting this responsibility.

More information available at: <https://oed.wisc.edu/consensual-relationships.htm>