



# University of Wisconsin La Crosse 2022 Annual Security Report & Annual Fire Safety Report

*(This report is also available at*  
<https://www.uwlax.edu/student-life/student-resources/annual-security-report/>*)*



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## Resources at a Glance

### Safety and Security

#### UWL Police Department

Emergency.....911 or (608) 789-9999  
Non-Emergency.....(608) 789-9000  
605 17<sup>th</sup> Street N; La Crosse, WI 54601  
Website: [www.uwlax.edu/police](http://www.uwlax.edu/police)

#### City of La Crosse Police Department

Emergency.....911  
Non-Emergency.....(608) 785-5962  
400 La Crosse St; La Crosse, WI 54601  
Website: [cityoflacrosse.org/Police](http://cityoflacrosse.org/Police)

### Campus Offices

**Dean of Students' Office**.....(608)785-8062  
149 Graff Main Hall  
Email: [deanofstudent@uwlax.edu](mailto:deanofstudent@uwlax.edu)  
Website: [www.uwlax.edu/student-life](http://www.uwlax.edu/student-life)

**Office of Human Resources**.....(608)785-8013  
144 Graff Main Hall  
Email : [hrinfo@uwlax.edu](mailto:hrinfo@uwlax.edu)  
Website: [www.uwlax.edu/human-resources](http://www.uwlax.edu/human-resources)

**Employee Assistance Program**.....(608)785-8013  
144 Graff Main Hall  
Email: [hrinfo@uwlax.edu](mailto:hrinfo@uwlax.edu)  
Website: [www.uwlax.edu/human-resources/benefits/employee-assistance-program](http://www.uwlax.edu/human-resources/benefits/employee-assistance-program)

**Residence Life**.....(608) 785-8075  
1500 La Crosse St; La Crosse, WI 54601  
Email: [housing@uwlax.edu](mailto:housing@uwlax.edu)  
Website: [www.uwlax.edu/reslife](http://www.uwlax.edu/reslife)

**ACCESS Center**.....(608)785-6900  
124 Wimberly Hall  
Email: [ACCESSCenter@uwlax.edu](mailto:ACCESSCenter@uwlax.edu)  
Website: [www.uwlax.edu/access-center](http://www.uwlax.edu/access-center)

### Title IX Contacts

#### Director of Title IX and Compliance

Dany Thompson.....(608)785-8043  
145 Graff Main Hall  
Email: [dthompson@uwlax.edu](mailto:dthompson@uwlax.edu)  
Website: <https://www.uwlax.edu/title-ix/>

#### Deputy Title IX Coordinator

John Acardo (Employees).....(608)785-8697  
144 Graff Main Hall  
  
Charissa Jakusz (Students).....(608)785-8931  
149 Graff Main Hall

### Health Resources

**UWL Student Health Center**.....(608)785-8558  
Office, Clinic, and PT Hours:  
    Mon, Wed, Thurs, Fri – 8:00 am-4:00 pm  
    Tues – 9:00am-4:00pm  
Health Science Center, Suite 1030  
1300 Badger Street; La Crosse, WI 54601  
Email: [shcnetworking@uwlax.edu](mailto:shcnetworking@uwlax.edu)  
Website: [www.uwlax.edu/student-health-center](http://www.uwlax.edu/student-health-center)

**Forensic Nurse Examiner** .....

*Forensic/SANE exams can be performed on individuals who have experienced an assault within 5 days (120 hours) after the assault.*

SANE Nurses are available at both Gundersen Health System and Mayo Clinic Health System Emergency Services.

#### Gundersen Health System

General .....(608) 782-7300  
La Crosse Clinic: 1836 South Avenue; La Crosse, WI  
Website: [www.gundersenhealth.org](http://www.gundersenhealth.org)

#### Mayo Clinic Health System

General Hospital.....(608) 785-0940  
La Crosse Hospital: 700 West Ave S; La Crosse, WI  
Website: [www.mayoclinichealthsystem.org](http://www.mayoclinichealthsystem.org)

## **Sexual Assault, Domestic Violence, Dating Violence and Stalking Resources**

**UWL Violence Prevention** .....(608) 785-5126  
149 Graff Main Hall  
Email: [advocate@uwlax.edu](mailto:advocate@uwlax.edu)  
Website: [www.uwlax.edu/violence-prevention](http://www.uwlax.edu/violence-prevention)

### **Gundersen Health System**

Domestic Violence/Sexual Assault Program.. (608)-775-5950  
Website: [www.gundersenhealth.org/patients-visitors/social-services/domestic-abuse-and-sexual-assault-program](http://www.gundersenhealth.org/patients-visitors/social-services/domestic-abuse-and-sexual-assault-program)

### **Mayo Clinic Health System Safe Path** .....(608) 392-7804

800 West Ave. S.; La Crosse, WI. 54601  
[www.mayoclinichealthsystem.org/locations/la-crosse/services-and-treatments/domestic-abuse](http://www.mayoclinichealthsystem.org/locations/la-crosse/services-and-treatments/domestic-abuse)

### **New Horizons Shelter & Outreach**.....(608) 791-2600

La Crosse, WI  
Website: [www.nhagainstabuse.org/](http://www.nhagainstabuse.org/)

### **Great Rivers 2-1-1**.....(800) 362-8255

Onalaska, WI  
Website: [www.greatrivers211.org/gr211](http://www.greatrivers211.org/gr211)

### **National Domestic Violence Hotline**....(800) 799-7233

TTY .....(800) 787-3224

### **RAINN** (Rape, Abuse & Incest National Network)

National Sexual Assault Hotline .....(800) 656-4673  
[www.rainn.org](http://www.rainn.org)

## **Mental Health Resources**

### **UWL Counseling and Testing** .....(608) 785-8073

Hours

Counseling – Monday-Friday 8:00am – 4:30pm  
Urgent Care – Monday-Friday 2:00pm – 4:00pm

2106 Centennial Hall

Website: [www.uwlax.edu/counseling-testing](http://www.uwlax.edu/counseling-testing)

### **Gundersen Medical Center** .....(608) 782-7300

Emergency Crisis Line .....(800) 372-8255

Appointments.....(608) 775-2287

1900 South Ave; La Crosse, WI. 54601

Website:

[www.gundersenhealth.org/services/behavioral-health/](http://www.gundersenhealth.org/services/behavioral-health/)

### **National Suicide Prevention Hotline** ..(800) 273-8255

Substance Abuse and Mental Health Services

Administration

Website: [www.samhsa.gov](http://www.samhsa.gov)

### **Veteran’s Crisis Line**.....(800) 273-8255 (Press 1)

or text 838255 for immediate help

U.S. Department of Veterans Affairs

Website: [www.veteranscrisisline.net](http://www.veteranscrisisline.net)

## **Substance Abuse Resources**

### **UWL Counseling and Testing** .....(608) 785-8073

2106 Centennial Hall

### **UWL Student Health Center** .....(608)785-8558

1300 Badger Street; La Crosse, WI 54601

### **UWL Student Wellness** .....(608) 785-8977

149 Graff Main Hall

### **Coulee Council on Addictions** .....(608) 784-4177

933 Ferry St.; La Crosse, WI. 54601

Website: [www.couleecouncil.org](http://www.couleecouncil.org)

### **Substance Abuse & Mental Health Services**

**Administration**

National Helpline.....(800) 662-4357

Website: [www.samhsa.gov](http://www.samhsa.gov)

## Message from Police Chief Allen Hill

Dear Reader:

Thank you for taking the time to read the 2021 Annual Security Report and Annual Fire Safety Report (ASR). The ASR, provided to you in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, is full of useful information about safety and security at the University of Wisconsin-La Crosse (UWL) campus. Within this guide you will find crime statistics for the previous three calendar years, statistics for on-campus residential housing fires for the previous three calendar years, campus safety and disciplinary policies, alcohol and drug policies, and policies that specifically address prevention of and response to sexual assault, domestic violence, dating violence and stalking.

UWL is committed to providing the members of the campus community and visitors with the safest and most secure environment possible. With this in mind, even the most extensive initiatives cannot succeed without awareness and cooperation from the community members who work, study, and live on campus. By familiarizing yourself with UWL's safety and security policies, procedures, and programs, you are taking a significant step in protecting yourself and your community. The ASR contains a great deal of resources for students and employees who are in crisis, and we encourage you to tell us if you or someone you know needs help.



To learn more about UWL's campus safety visit our website, <https://www.uwlax.edu/police/>. We encourage you to use the information contained in this report to promote your own awareness and continue to make the UWL community a place where education flourishes in a caring learning and working environment.

Allen Hill  
Chief of Police

## Message from Dean of Students Dr. Kara L. Ostlund

Dear UWL students, faculty and staff,

The University of Wisconsin-La Crosse is committed to cultivating learning environments that are safe and free from violence, harassment, fraud, theft, disruption and intimidation, and other forms of crime.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act) requires all institutions of higher education that receive federal funds or financial assistance to report information about crimes on their campus and their efforts to inform the public and to seek improvements in campus safety.

As an institution that receives federal funds, UWL's Student Life Office works cooperatively with the UWL Police Department to make campus crime information available to its constituents and to improve the safety of the UWL campus. As part of the Clery Act requirements, an annual security report (ASR) is required. The purpose of this report is to relay pertinent Clery crime data to the campus community. Each fall semester, the ASR is provided via email and is also made available on the University's website at the following web address: <https://www.uwlax.edu/student-life/student-resources/annual-security-report/>.



Through its offices of University Police and Student Affairs, the University of Wisconsin La Crosse seeks to provide the safest environment for the pursuit of its mission of educating students. This information is intended to assist you in having a safe and healthy experience at UWL. We encourage you to take some time to review this report and the information it provides. Also, in support of our community, we ask that all members report anything they see that might be suspicious; reports can be made with the UWL Police Department for review and investigation. As a community of learners, it is vitally important that we all come to together with a shared responsibility for the health, safety, and well-being of our members.

If you have questions about the report, please feel free to contact me or Dr. Charissa Jakusz, Assistant Dean of Students, in the Student Life Office, at (608)785-8062. We will be happy to talk with you.

Sincerely,

Dr. Kara L. Ostlund  
Dean of Students



## Preparation of the Annual Security Report and Annual Fire Safety Report

The annual publication of the Annual Security Report and the Annual Fire Safety Report fulfills the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.<sup>1</sup> This act, commonly called the Clery Act, requires the annual distribution of an Annual Security Report and Annual Fire Safety Report to all current faculty, staff, and students, and notice of its availability to prospective students, faculty, and staff. The report is intended to provide the campus community with a snapshot of the efforts to address crime on campus through the inclusion of current policies, procedures, and campus crime rates from the past three years.

This report specifically shares policies related to sexual assault, domestic violence, dating violence, and/or stalking, campus disciplinary policies and relevant state laws, and campus safety and security. Its crime, arrest, and referral statistics report crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the University of Wisconsin La Crosse, and on the public property within, or immediately adjacent to and accessible from, the campus in the past three years. The Fire Report contains current University of Wisconsin La Crosse fire safety protocols and fire statistics for the previous three calendar years.

This report is prepared by the Student Life Office. Campus Crime statistics are gathered by the Student Life Office through cooperation from the University of Wisconsin La Crosse (UWL) Police Department (UWLPD), the UWL Office of Residence Life, and the UWL Violence Prevention Specialist. The Student Life Office compiles data obtained from police reports produced by University Police, incident reports generated by Residence Life and Student Life staff, and reporting data from the Violence Prevention Office. In order to provide the most accurate statistics, it is requested that victims of and witnesses to Clery Act crimes and violations report them to personnel of the units/agencies noted. All personal information remains confidential for this report. All reports are uploaded into the conduct management software Maxient. They are then marked according to Clery Act crimes and Clery geography. Clery Act crimes include:

- Murder & Non-negligent Manslaughter
- Negligent Manslaughter
- Forcible Sex Offenses
- Non-forcible Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Weapons Law Violations
- Drug Law Violations
- Liquor Law Violations

The University of Wisconsin La Crosse distributes a notice of the availability of this report by October 1 of each year. Anyone may obtain a paper copy of this report by contacting the Student Life Office at 608-785-8062 or by visiting [www.uwlax.edu/police/annual-security-report/](http://www.uwlax.edu/police/annual-security-report/).

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<sup>1</sup> 20 U.S.C. § 1092(f); 34 C.F.R. 668.46.

## Clery Crime Statistics

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective law violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092(f).

OFFENSES	Year 2021					Year 2020					Year 2019				
	ON-CAMPUS PROPERTY			Public Property	Noncampus	ON-CAMPUS PROPERTY			Public Property	Noncampus	ON-CAMPUS PROPERTY			Public Property	Noncampus
	Residence Hall	On Campus: Other	Total On-Campus			Residence Hall	On Campus: Other	Total On-Campus			Residence Hall	On Campus: Other	Total On-Campus		
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	5	0	5	0	0	8	0	8	0	0	4	0	4	0	0
Fondling	2	1	3	0	0	1	0	1	0	0	2	1	3	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>															
Domestic Violence	3	1	4	0	0	2	0	2	0	0	1	0	1	0	0
Dating Violence	4	1	5	0	0	0	0	0	0	0	0	0	1	0	0
Stalking	3	2	5	0	0	2	0	2	0	0	2	0	2	0	0
<b>ARRESTS</b>															
Weapons	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0
Liquor	1	0	1	0	0	0	0	0	0	0	3	0	3	0	0
<b>REFERRALS</b>															
Weapons	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0
Drugs	33	4	37	6	0	54	8	62	0	0	83	2	85	0	0
Alcohol	371	72	443	20	0	318	13	331	8	0	481	28	509	10	0
<b>HATE CRIMES</b>															
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism to Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Hate Crime Key:** (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (GI) Gender Identity  
 \*Unfounded: not included in Clery offense counts. \*\* (Note any updates from previous years—also put a double asterisk next to the revised portion on the chart).

- Underage drinking is a civil offense in the state of Wisconsin, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.
- In accordance with new guidance from the Department of Education, “Unfounded Crimes” are reported in aggregate.
- Crimes committed between roommates or former roommates, without a current or former intimate relationship, are not counted in “Domestic Violence” or “Dating Violence” statistics (VAWA, 34 CFR Part 668, 2014).

## Unfounded Crimes

Zero (0) reported crimes were unfounded in the 2021 calendar year.

### University of Wisconsin La Crosse Campus Security Policies

#### University of Wisconsin La Crosse Police Role, Authority, and Training

The University of Wisconsin La Crosse Police protect and serve the University of Wisconsin La Crosse community with sworn and commissioned law enforcement personnel, on-call 24 hours a day, and 7 days a week. The University of Wisconsin La Crosse officers are armed. UWL Police patrol campus by foot, bicycle, and vehicle. Officers enforce state and local statutes in the form of University Regulations. Additionally, UWL Police have the authority to make arrests. All University of Wisconsin La Crosse officers complete on-going, rigorous training.

The University of Wisconsin La Crosse Police maintain a close working relationship with the La Crosse Police Department (LCPD). In addition, UWL Police occasionally work with other law enforcement agencies in the area to include the Wisconsin Highway Patrol, State Department of Criminal Investigation, the La Crosse County Sheriff's office, and other police departments in the immediate area. Meetings are held between the leaders of these agencies on both a formal and informal basis. The officers of LCPD and UWL communicate regularly on the scene of incidents that occur in and around the campus area. Police Investigators work closely with the investigative staff at LCPD when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information. There is a written Memorandum of Understanding (MOU) between the UWL Police and LCPD. This memorandum allows for a closer working relationship between the University of Wisconsin La Crosse Police and La Crosse Police Departments. Under this MOU, university police officers have jurisdictional authority in the city of La Crosse when a crime is observed, or an investigation is needed.

Local police monitor and document criminal activity by UWL students at all student organization affiliated non-campus locations.

#### Reporting Crimes

The University of Wisconsin La Crosse has a number of ways for campus community members to report crimes, serious incidents, and other emergencies to law enforcement and to appropriate University of Wisconsin La Crosse officials. Regardless of how and where you decide to report, prompt reporting allows university personnel to investigate and determine if additional follow-up is necessary, including a Timely Warning or Emergency Notification. Please report crimes to the following offices:

Office	Official/Person	Contact Information	Location
Office of Residence Life	Resident Assistants, Assistant Hall Directors, Assistant Hall Directors, Assistant Directors, Director	608-785-8075	1500 La Crosse St La Crosse, WI;  Eagle Hall
Student Life Office	Assistant Dean of Students, Dean of Students	608-785-8062	149 Graff Main Hall
University Police	Any law enforcement officer	608-789-9000	605 17 <sup>th</sup> St N La Crosse, WI
Violence Prevention	Violence Prevention Specialist	608-785-5126	149 Graff Main Hall

The University of Wisconsin La Crosse strongly encourages all crimes be reported to assure UWL can assess any and all security concerns and inform the community if there is a significant threat to the University of Wisconsin La Crosse community. University of Wisconsin La Crosse encourages accurate and prompt reporting of all crimes to UWL Police when the victim of the crime elects to do so and encourages the community to report when the victim is unable to do so. The University of Wisconsin La Crosse encourages accurate and prompt reporting of all crimes to UWL Police and the

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La Crosse Police Department, La Crosse County Sheriff's Office, the Wisconsin Highway Patrol, the State Department of Criminal Investigations, and any other local law enforcement agencies.

Other sources of reporting include accessible blue light emergency telephones. The blue light emergency telephones are located in over 40 locations on campus. Click [here](#) to see a map of their locations.

### Non-campus Locations of Officially Recognized Student Organizations

University of Wisconsin La Crosse does have officially recognized student organizations with non-campus locations.

The La Crosse Police Department has primary jurisdiction in most off-campus areas. Other county, state, and federal agencies also provide law enforcement services in the area. The La Crosse Police Department routinely works with the Dean of Students, Assistant Dean of Students, and University Police on any serious incidents occurring off-campus when a University of Wisconsin La Crosse student is involved.

There are very few officially registered student organizations, including fraternities and sororities, with non-campus housing. Under advisement of the appropriate advisor, student members of fraternity and sorority governing boards should be in regular communication with the Coordinator of Fraternity and Sorority Life as well as the Director of University Centers regarding safety concerns and local ordinances. If needed, these student governing boards communicate with the appropriate advisor who can connect them with local law enforcement agencies.

The La Crosse Police Department monitors criminal activity and crime statistics at these non-campus locations in the same manner it would at any other location within its jurisdiction, and not at the request of University of Wisconsin La Crosse.

Student organizations do not serve as peer monitors for social fraternity and sorority events. Events involving alcohol may be hosted at both off-campus chapter house locations and third-party venues that possess the correct type of liquor license. All fraternity and sororities are required to seek approval from national headquarters for any parties.

The Fraternity and Sorority Life Coordinator is required to be listed on all emergency plans that are documented by the university for the fraternity and sorority life chapters. These documents are also stored with the national headquarters. In the event of an emergency, organizations follow a chain of command, which is documented.

If a sorority party was deemed unsafe, the sorority organization would go through the university conduct process as well as a Panhellenic judicial board process. If a fraternity party was deemed unsafe, the fraternity organization would go through the university conduct process as well as the Interfraternity Council judicial board.

### Voluntary, Confidential Reporting

The University of Wisconsin La Crosse maintains two voluntary systems of reporting; a [confidential support form](#) and an official [Title IX reporting form](#). The confidential support form is submitted to the Violence Prevention Specialist. The violence prevention specialist provides confidential resources and support. The official Title IX report is submitted to the Title IX Coordinator. The official form may include formal investigations if the complainant files a formal complaint. Both reports collect statistics for Title IX related incidents that are included in the Annual Security and Annual Fire Safety Report and may be submitted anonymously. If the crime did not occur within UWL's Clery geography,<sup>2</sup> or it cannot be determined from the report whether the act occurred within Clery geography, it will not be included in the ASR.<sup>3</sup>

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing the voluntary, [confidential report/request for](#)

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<sup>2</sup> Clery Act, Department of Education, available at <https://www2.ed.gov/admins/lead/safety/cleryappendixfinal.pdf>

<sup>3</sup> This is in compliance with Federal guidelines, *see generally* U.S. Department of Education, The Handbook for Campus Safety and Security Reporting (2016), available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

[confidential services](#). Filing a confidential report /request for confidential services may allow the institution to pursue leads and investigations, while still keeping your personally identifying information confidential. Reports filed in this manner are counted and disclosed in the Annual Security and Annual Fire Safety Report. In limited circumstances, the University may not be able to assure confidentiality and will inform you in those cases.

### Professional and Pastoral Counselors

Professional mental health counselors who are appropriately credentialed and hired by the University of Wisconsin La Crosse to serve in a counseling role are not considered Campus Security Authorities (CSAs). Reports regarding Clery crimes made to these individuals are not required to be reported for inclusion in the Annual Security Report or for a timely warning evaluation.

University of Wisconsin La Crosse encourages professional counselors, if and when they deem appropriate, to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

The University of Wisconsin La Crosse does not employ pastoral counselors.

### Timely Warning Reports

In an effort to provide timely notice to the campus community in the event of a Clery Act Crime that may pose a serious or ongoing threat to members of the community, the University of Wisconsin La Crosse Police will issue “timely warnings.” These warnings may be issued for the following: arson; aggravated assault; criminal homicide; domestic violence; dating violence; robbery; burglary; motor vehicle theft, sexual assault; hate crimes; and stalking. The University of Wisconsin La Crosse may also issue a timely warning for liquor, drug, and weapon arrests or referrals that may cause a continuing threat to the community. Timely warnings will be distributed in a number of ways, typically through the UWL Alert system, via email.

The University of Wisconsin La Crosse Chief of Police, or their designee, has the authority to develop the content of a timely warning and authorize distribution using the guidelines listed below. The University of Wisconsin La Crosse Chief of Police, or designee, will consider the type of offense, location, nature of any threat, and whether there is a continuing threat to the community or a continuing crime pattern in determining the appropriateness of a warning. Some information may be withheld if there is a risk of compromising law enforcement efforts to investigate and/or solve the crime. If the victim of the crime is a person, that person will not be identified by name in a timely warning. Timely warnings are issued as soon as the pertinent information is available to the University of Wisconsin La Crosse Chief of Police and are sent through the following mechanisms emails and text messages via UWL Alert.

The following factors will be considered when determining whether to issue a timely warning:

- Where the crime occurred
- The nature of the crime (serious/non-serious, violent/non-violent)
- The nature of the threat (general threat versus limited threat to a specific person)
- Whether or not there is a continuing danger to the community or continuing crime pattern.

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- The date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips)
- Suspect description(s)/photo(s) when deemed appropriate and if there is sufficient detail
- Police agency contact information

- Safety tips
- Other information as deemed appropriate

University of Wisconsin La Crosse will generally not issue crime warnings for crimes occurring beyond the immediate Clery-designated geographical area, if the Chief of Police, or their designee, determines there is no serious or continuing threat to the safety of University of Wisconsin La Crosse students and employees, if the subject of the threat has been apprehended, or if a report was not filed in a manner that would allow for a timely warning, as determined on a case-by-case basis.

### Emergency Notification

The University of Wisconsin La Crosse is committed to immediately notifying the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The University of Wisconsin La Crosse uses UWL Alert (RAVE) describe the emergency messaging system used to notify campus in case of an emergency, such as a text alerts, etc.

RAVE is used to enable local government officials to record, send and track personalized messages to thousands of users in minutes. By registering, any message generated by the university for any reason will be sent via the method chosen by the registered user. Available choices of notification are email, text, or call notification. More than one number and email address can be added to the system per registered user. Students are automatically signed up and have the option of opting out of notifications.

Emergency notifications and alerts are posted and maintained on a timely basis on UWL's website: <http://uwlax.edu/alert>.

#### *Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System*

University of Wisconsin La Crosse Police, in collaboration with emergency management from the surrounding area, including, but not limited to: La Crosse Police, La Crosse Fire, La Crosse County Sheriff's Office, and La Crosse County Emergency Management, is responsible for confirming there is a significant emergency or dangerous situation involving an immediate threat to the health and safety of students and employees occurring on campus. University of Wisconsin La Crosse Police confirms the significant emergency or dangerous situation by facts, severity, and incident.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students and employees occurring on campus, the University Chief of Police (or his/her designee), Chancellor, Vice Chancellor(s), Director of Residence Life, Dean of Students, in collaboration with University Communications Department and may include: La Crosse Police Chief (or his/her designee), La Crosse Fire Chief (or is/her designee), La Crosse County Sheriff (or his/her designee) and the La Crosse County Emergency Management Director will determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of police, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

#### *Determining the Appropriate Segment(s) of the Campus Community to Receive an Emergency Notification*

University of Wisconsin La Crosse faculty, staff, and students receive the emergency notifications. The notification system can be used to differentiate for emergency situations. If an emergency notification warrants for a situation, the message may contain different suggestions for different populations. For example; ordering those on campus to shelter in place while advising others to stay away from campus.

### *Determining the Contents of the Emergency Notification*

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information, the mass notification system may contain pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. University of Wisconsin La Crosse Police may select the most appropriate template or may tailor a specific message for the emergency.

University Police typically messages the emergency using text messages, email, text to university owned phones (VOIP), social media outlets, 'alertus' to university own desktop computers, and university digital signage.

### *Procedures to Notify the Campus Community*

In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods may be activated in the event of an emergency. These methods of communications include text messages, email, alerts to university own computers, Twitter, Facebook, and university digital signage.

### *Procedures for Disseminating Emergency Information to the Larger Community*

If the campus activates its Emergency Notification in response to a situation that poses an immediate threat to members of the campus community, University Police will notify the larger community about the situation and steps the campus has taken to address the emergency.

University Police typically message the emergency using text messages, email, alerts to university own computers, Twitter, Facebook, and university digital signage.

### *Enrolling in the UWL Alert (RAVE) Mass Notification System*

All faculty, staff, and students are automatically enrolled in the UWL Alert mass notification system RAVE. Individuals can edit their information and add additional numbers and email addresses. Individuals can also test their number or email address to ensure it is working properly.

### *On-Campus Safety Services*

The University of Wisconsin La Crosse utilizes the following on-campus safety services:

- Blue Lights
- Walking Patrols
- Bike Patrols
- Plain Clothes Patrol
- Building Checks
- Campus Lighting Checks
- University Police Campus Escorts

### *Missing Student Notification for Students in On-Campus Housing*

The University of Wisconsin La Crosse has on-campus student housing facilities. As a part of the housing assignment process, each prospective residence hall student, regardless of age, is required to provide an emergency contact name and telephone number, for missing person purposes, which Residence Life staff will provide to University or local law enforcement. Students' contact person information is registered confidentially, the information is accessible only to authorized campus officials, and it may not be disclosed, except to law enforcement personnel in furtherance of a missing persons investigation.

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If a student is reported to have been missing for more than 24 hours, University Police should be notified. If a Resident Assistant is notified initially, they will immediately notify their Hall Director. Once a student is reported to be missing, Residence Life will immediately notify the University of Wisconsin La Crosse Police, who will begin an investigation. University of Wisconsin La Crosse Police will be informed if the missing person is under 18 and not emancipated. If the missing student is under 18 and not emancipated, University of Wisconsin La Crosse Police will notify La Crosse Police Department, custodial parent(s) or guardian, and any additional contact person designated by the student, within 24 hours of the determination that the student is missing. If a student is over 18 or emancipated, University of Wisconsin La Crosse Police will notify the emergency contact, if any, and the La Crosse Police Department within 24 hours of the determination that the student is missing.

If under 18 and not emancipated:	If 18+ or emancipated:
Within 24 hours of determining the student is missing, [University police] will notify: <ul style="list-style-type: none"><li>• [local Police Department]</li><li>• custodial parent(s) or guardian</li><li>• any additional contact person designated by the student</li></ul>	Within 24 hours of determining the student is missing, [University police] will notify: <ul style="list-style-type: none"><li>• the emergency contact(s)</li><li>• [local/municipal police]</li></ul>

If the La Crosse Police Department was the entity that originally made the determination that the student was missing, there is no need for University of Wisconsin La Crosse Police to notify the La Crosse Police Department.

While University of Wisconsin La Crosse Police proceeds, the Office of Residence Life will take the following steps:

- The Residence Life staff member will ensure University police has the information they require
- The Residence Life staff member will direct hall staff to gather information on the student
- Dining staff will determine the last time and location the student accessed dining services
- The Residence Life staff will confirm the last time and location of building access

All the above is provided immediately to University of Wisconsin La Crosse Police.

Important phone numbers to know:

- University Police: 608-789-9000 or 911

## Emergency Response and Evacuation

University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University conducts emergency response exercises, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. Using UWL Alert (RAVE), a test message is sent out to ensure its functionality. Fire Alarm Drills are conducted each year in non-residence halls at the beginning of the fall semester. Residence Hall Fire Alarm Test/Drills are conducted once a semester. These tests/drill are accompanied by a University Police Officer to ensure compliance of the activation of each test/drill. These include coordinating tests with the surrounding communities, county, and state organizations. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. UWL Police Officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. The Incident Command System (ICS) is utilized when responding to incidents with other UWL departments, as well as local public safety agencies to manage, mitigate, and recover from critical incidents. The incident command system allows for a more efficient flow of information. ICS also establishes emergency leaders in the affected area to direct resources where they are most needed. General information about the emergency response and evacuation procedures for UWL are publicized each year as part of the University's Clery Act compliance efforts, and is available on the UWL Police websites. The Emergency Response plan is listed below and on [www.uwlax.edu/police](http://www.uwlax.edu/police)



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### *Drills, Exercises, and Training*

To ensure the Emergency Response and Preparedness Plan remains current and actionable, the campus conducts scheduled drills and exercises each year. Campus outreach and notification of these drills are sent in conjunction with announced drills. The exercises and drills are assessed based on how well they conform to the Emergency Response and Preparedness Plan's goals. These goals include:

- Everyone involved in the emergency response and notification procedures understands their role and responsibility.
- Conduct multi-agency training.
- Build relations.
- Determine communication best practice between agencies.
- Identify appropriate use of resources (manning and equipment).

The assessment is then discussed with participants and their supervisor for follow-up discussions, and practices to determine if response team's goals were met. Further follow-through activities gathering feedback from participants is also discussed with supervisors.

A table including the description of the test, the exercise, the date, time, and whether it was announced is recorded with the University Police Department. These reports are kept for seven years. This information is also regularly distributed in the Annual Security Report. A listing of additional training provided by the police department to campus on emergency preparedness is also included below.

DATE	DESCRIPTION	OBJECTIVES
February 2021	Residence Hall Fire Drills	Practice residential living facility evacuation procedures. More information can be found in the Annual Fire Report.
April 28, 2021	National Oceanic and Atmospheric (NOAA) Training	Event ready planner workshop with a tabletop exercise for weather emergencies.
June 14-15, 2021	ALICE Trainings	Provide techniques to safer and more strategic evacuations. Role play training to allow participants to be better prepared for an active shooter.
July 20, 2021	Wisconsin Collegiate Conference on Emergency Management (Virtual)	Four-part series focusing on long-term recovery and resiliency.
August 16, 2021	Emergency Response Team Scenarios coordinated by the La Crosse Police Department and La Crosse County Sheriff's Office	Engage in practice scenarios to improve response in emergency situations.
September 1, 2021	CPR Training	Train on recognition and response to medical emergencies.
September 29, 2021	ALICE Training	Provide techniques to safer and more strategic evacuations. Role play training to allow participants to be better prepared for an active shooter.
October 11, 18, 25, 2021	Self-Defense Training at the REC	Offer training to campus on self-defense tactics. This program provides the student with an easy-to-learn yet effective system that emphasizes instinctive movements,

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		practical techniques and realistic training scenarios. Utilizing the principle that it is best to move from defense to attack as quickly as possible with fast-escape maneuvers combined with powerful counterattacks.
November 1, 8, 15, 2021	Self-Defense Training at the REC	Offer training to campus on self-defense tactics. This program provides the student with an easy-to-learn yet effective system that emphasizes instinctive movements, practical techniques and realistic training scenarios. Utilizing the principle that it is best to move from defense to attack as quickly as possible with fast-escape maneuvers combined with powerful counterattacks.
November 9, 2021	ALICE Training	Provide techniques to safer and more strategic evacuations. Role play training to allow participants to be better prepared for an active shooter.
November 16, 2021	Emergency Management Training with UW-Madison (onsite at UW-La Crosse)	Discussed and conducted a tabletop exercise on a reputational incident.

## Emergency Response and Preparedness Plan

### I. Purpose

The purpose of the emergency procedures outlined in this plan is to provide protection to the lives, property, and operations through the effective use of university, community, county, and state resources. This document has been developed to provide an organizational and procedural framework for the management of emergency situations through the coordination between the University and other government and emergency units. Additionally, it has been designed to provide a basic contingency manual for the administration of the University in order to plan for campus emergencies. The plan does not cover every conceivable situation; it does, however, supply the basic administrative guidelines necessary to cope with most campus emergencies.

It is understood that the University of Wisconsin-La Crosse will make every effort to respond to individuals who are affected by a crisis or emergency with compassion and concern.

### II. Authority & Reference

Occupational Health and Safety Administration (OSHA) 29 CFR 1910.38  
 Industry, Labor, and Human Relations (ILHR) 32.15  
 Wisconsin Statutes 101.01(06), 101.11, and 101.055

### III. Application

This plan applies to all faculty, staff, employees, students and visitors. It encompasses all buildings and grounds owned and operated by the University.

IV. Responsibility for Compliance

The development and administration of this Emergency Response and Preparedness Plan is the responsibility of the Chief of University Police.

V. Definitions of Emergencies

The University Police Chief, or their assigned designee, will serve as the Campus Emergency Director during any major emergency or disaster. The following definitions of an emergency are provided as guidelines to assist the campus emergency staff in determining the appropriate response:

1. **Minor Emergency:** Any incident which does not seriously affect the overall functional capacity of the University, such as minor plumbing problems or an inoperative elevator.
2. **Major Emergency:** Any incident which affects an entire building or buildings and which will disrupt the overall operations of the University. Examples are a building fire or chemical spill during which outside emergency services will probably be required, as well as major efforts from campus support services. Major policy considerations and decisions will usually be required from the University Administration during times of crises. The Central Emergency Command Post in the Police Services Office will be activated by the Chief of University Police or their designee.
3. **Disaster:** Any event or occurrence which has taken place and has seriously impaired or halted the operations of the University. In some cases, mass personnel casualties and severe property damage may be sustained. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency services will be essential. In all cases of disaster, the Central Emergency Command Post (Police Services Office) will be activated and the appropriate support and operational plans will be executed.

**The types of emergencies covered in the manual are:**

Airborne Release	Severe Weather
Bitter Cold Weather	Infectious Disease Epidemic
Bomb Threat	Life Threatening Emergencies
Chemical or Radiation Spill	Medical / Emergency / Ambulance
Civil Disturbances / Demonstrations	Psychological Crisis
Earthquake	Radiation Emergency
Utility Failure	Rape or Sexual Assault
Explosion	Tornado / Severe Weather
Fire	Unsafe Water Supply
Gas Leak	Threatening / Violent Behavior

- VI. Regardless of the time of day, immediate contact should be made with those persons who are best able to provide the needed services in response to an emergency. In all life-threatening emergencies dial 911. If you have additional information, follow up with a call to University Police at 608-789-9999. All other emergencies should be directed to University Police at 608-789-9999. University Police and Telephone Services staff will be responsible for contacting designated responders and administrative officials and initiating the specific guidelines in this plan.

It is not the intent of this document to address off-campus emergencies. If a life-threatening emergency occurs while on University business, dial 911. If 911 is not available in the area, dial 0 for the local operator. Follow up with a call to University Police at 608-789-9999.

Your personal safety is of utmost concern. Take appropriate precautions to assure your personal safety.

VII. Declaration of Campus State of Emergency

The authority to declare a Campus State of Emergency rests with the Chancellor (or designee) upon recommendation of the Vice Chancellor for Administration and Finance with input from the Chief of University Police. When this declaration is made, access to the campus may be limited to registered students, faculty, staff, and employees at the discretion of the Chief of University Police. Those who cannot present proper identification showing their legitimate business on campus may be asked to leave the campus. Unauthorized persons remaining on campus may be subjected to arrest in accordance with Wisconsin State Statutes and UWS 18.06 of the Wisconsin Administrative Code.

VIII. General Responsibilities

All Employees

- In case of emergency, all employees must follow the specific emergency procedure found in section XII of this plan. Emergencies that may be life threatening should be reported immediately to 911. Other emergencies should be reported to University Police, 789-9999. Your personal safety is of utmost concern. All employees are responsible for taking precautions to assure their safety by familiarizing themselves with this plan. Instructors are responsible for initiating emergency procedures during class.

Administrators, Deans, Department Chairs, Directors, and Supervisors

- Every administrator, department chair, director, and supervisor has the following general responsibilities prior to and during any emergency:

Emergency Preparedness

- Understand and disseminate emergency procedures and information as outlined in this plan to building occupants and employees with the assistance of the building directors.

Emergency Situations

- Inform all building occupants under their direction of the emergency condition.
- Evaluate the impact of the emergency on their activity and take appropriate action. This may include ceasing operations and initiating emergency response.

IX. Campus Emergency Staff – Organization and Responsibility

CAMPUS EMERGENCY DIRECTOR: CHIEF OF UNIVERSITY POLICE OR DESIGNEE

- Assume responsibility for the overall direction of the Emergency Operations Plan.
- Work with the campus emergency staff and other resources in assessing the campus emergency and prepare the University's specific response.
- Activate the campus emergency command post in the University Police Department if necessary.
- Declare and terminate a campus state of emergency as outlined in this plan.
- Assure that notification and liaison activities are established with the University administration, local, county and state governmental agencies, campus emergency staff, and other resources as necessary.
- Assure the review and revision of the emergency operations program and emergency procedures as needed.
- Maintain a roster of campus emergency staff and emergency personnel including outside agencies.
- Assure that corrections of deficiencies reported by regular inspections of the emergency operations program are completed.
- Perform other related duties as may be directed by virtue of the campus emergency.
- In conjunction with the Environmental Health, Safety, and Risk Manager, prepare and submit a report to the Vice Chancellor for Administration and Finance appraising the final outcome of an emergency.

- The Vice Chancellor for Administration and Finance shall act as the Campus Emergency Director in the absence or incapacitation of the Chief of University Police.

EMERGENCY ADMINISTRATIVE ASSISTANT: UNIVERSITY POLICE STAFF

- Act for the University Police as delegated during a campus emergency.
- Maintain a record of events and files of all reports and correspondence pertaining to the emergency operations program.
- Maintain the emergency operations program and emergency procedures.
- Assist the Chief of University Police in preparation of the final report to the Vice Chancellor for Administration and Finance after an emergency.
- Maintain an up-to-date roster of all campus emergency staff and emergency personnel including outside agencies.

MEDICAL DIRECTOR: STUDENT HEALTH CENTER

- Oversee triage of emergency scene in collaboration with community resources.
- Support the first-aid and emergency care operations on campus.
- Assist with other emergency activities as needed.
- Any medical doctor from the Health Center shall act for the Medical Supervisor in that person's absence or incapacitation. If a medical doctor is not available a nurse practitioner or registered nurse shall act as the medical supervisor.

FACILITIES ENGINEERING OFFICER: DIRECTOR, FACILITIES MANAGEMENT

- Building and Utility Services:
  - Assure that the Central Heating Plant is protected, maintained, staffed, and that damaged utility services are secured or shut off.
  - Maintain the campus fire alarm systems and emergency generators.
  - Conduct damage assessment and emergency repairs as needed.
- Transportation and Supplies:
  - a. Provide vehicles, supplies, and delivery support for the campus emergency staff and emergency personnel in cooperation with Chief of University Police.
- Manpower and Equipment:
  - a. Provide support for the emergency operations of the Central Heating Plant.
  - b. Provide equipment and operators to remove trees and other obstacles.
  - c. Provide staff support to aid in the securing of damaged buildings.
  - d. Provide equipment and supplies to emergency personnel.
  - e. Assist with other emergency activities as needed.
- The Associate Director, Facilities Management shall act for the Director, Facilities Management in that person's absence or incapacitation.

SAFETY OFFICER: ENVIRONMENTAL HEALTH, SAFETY & RISK MANAGER

- Serve as a reference point for changes, suggestions, and recommendations in the emergency operations program. Recommend changes in the program to the Chief of University Police.
- Revise the emergency operations plan as significant changes occur and review contents and make suggestions for changes to the Chief of University Police.
- Assist the Chief of University Police with developing the post-emergency report.
- Provide technical and safety assistance to reduce hazards prior to and during emergency or disaster conditions.
- Investigate and evaluate campus hazards in environmental health and safety. Initiate corrective action.
- Coordinate safety inspections for buildings and grounds using discrepancy reports to initiate corrective action.

- Coordinate and schedule training programs for campus personnel:
  - Fire extinguisher training
  - Fire prevention training
  - Others as assigned
- Coordinate submittal of liability claims, claims investigation and subrogation against culpable parties.
- The Vice Chancellor for Administration and Finance shall act for the Safety Officer in that person's absence or incapacitation.

#### CHIEF STUDENT AFFAIRS OFFICER/DEAN OF STUDENTS

- Activate the "PROCEDURES TO BE FOLLOWED IN THE EVENT OF LIFE THREATENING EMERGENCIES OR A DEATH OF A UNIVERSITY OF WISCONSIN-LA CROSSE STUDENT" policy. A copy of the policy may be acquired in the Student Life Office.
- Call upon the University Critical Incident Stress Management team when appropriate.
- Ensure that "Next Day Procedures and Responsibilities," of the procedures are completed.
- Ensure that "Follow-Up Procedures and Responsibilities," of the procedures are completed.
- Determine if a separate, institutional memorial service is warranted in the event of a student death(s).
- Once the crisis has subsided, convene a meeting of all personnel involved in the response to debrief and critically review institution's response.

#### BUILDING DIRECTORS

- Assist with emergency activities as requested by the Chief of University Police or designee.

#### UNIVERSITY RELATIONS DIRECTOR

- A Coordinate and direct all dissemination of information relating to the incident to all media. Act as the link between the University and the public to ensure that all information is factual and provided in a timely manner.

#### COUNSELING AND TESTING DIRECTOR

- Make an assessment of the traumatic event and determine the appropriate intervention.
- If necessary, the Director, or in the Director's absence, the Assistant Director of Clinical Services and/or the on call person for the day will contact the Coordinator of the Gundersen/Lutheran Critical Incident Stress Debriefing team.
- The Director of Counseling and Testing will mobilize a Critical Incident Stress team and conduct stress debriefings and defusings as required.
- The UWL Human Resources department will be available to help make Employee Assistance Program (EAP) referrals after the emergency is managed.

#### X. Central Emergency Command Post & Communication Center

The central emergency command post will be established at Police Services (On the corner East Avenue North and Farwell Street) by the Chief of University Police, or designee, during a major emergency or disaster. The command post will serve as a focal point for key personnel and a central location for emergency equipment and operations. The Maintenance and Stores Building will be used as an alternative site in case the Police Services office is not available.

In the event of an emergency that includes the loss of power to Police Services, command post operations will be via two-way radio on the University Police frequency.

The operational duration per radio is 10 hours. Should the outage extend past this time frame, efforts will be made to secure a mobile generator to provide power for base station operation and other essential

communication hardware. Batteries can be charged through the generator's power should the outage be extended.

University Police and Telephone Services will work together to maintain an up-to-date listing of staff having university cell phones. Dependent on need, these staff may be asked to provide their phone for emergency telecommunications during a time of crisis where the telephone system is inoperable.

XI. Communications Plan – Media Communication Plan

- The Chief of University Police, or designee, will direct the dispatcher to contact the Director of University Relations and request he/she come to the campus to set up a Communications Center within Police Services to deal with the media. The Director of University Relations will request that all calls concerning the crisis be forwarded to the University Communications Center.
- The Director of University Relations, through discussions with the Chancellor, Vice Chancellor for Administration and Finance, Dean of Student Development, and Chief of University Police or their designee, will begin developing strategy for releasing information, proactively, to the media.
- If the crisis occurs after hours, the University Relations Director will contact appropriate staff members at home to secure special assistance. The number of persons contacted will depend upon the nature of the crisis.
- The Director of University Relations will assign responsibilities to staff members. The Director and his/her staff will assist University Police in keeping the media a safe distance from the event site.
- The Director of University Relations will determine whether a major press conference area needs to be made available. If major media are expected, parking will need to be arranged for uplink vehicles. The Director will coordinate this with the Chief of University Police or his/her designee.

XII. Emergency Procedures

This section contains the recommended procedures to be followed during specific types of emergencies. The procedures should always be followed in sequence unless conditions dictate otherwise.

**Emergency Procedures Included in Plan:**

Airborne Releases	Section A
Bitter Cold Weather	Section B
Bomb Threat	Section C
Chemical Spill	Section D
Civil Disturbance / Demonstrations	Section E
Earthquake	Section F
Elevator Malfunction	Section G
Explosion	Section H
Fire	Section I
Inclement Weather Plan	Section J
Infectious Disease Outbreak	Section K
Life Threatening Emergencies or Death	Section L
Medical and First Aid	Section M
Natural Gas Leak	Section N
Psychological Crisis	Section O
Radiation Emergency	Section P
Sexual Assault	Section Q
Tornado / Severe Weather	Section R
Unsafe Water Supply	Section S
Violent or Criminal Behavior	Section T

**A. Airborne Releases**

University Police: Designated Emergency Response Number: 608-789-9999

UWL Physical Plant/Facilities Services: 608-785-8585

The County Local Emergency Planning Committee has developed a plan in accordance with Federal and State laws to help respond to an airborne release of hazardous substances. University Police will be notified in the event of an airborne release. The University Police Department will then notify University administration, directors, and other campus personnel. University Police will contact UWL Physical Plant Facilities Services to request that all ventilation systems components be shut down. During an airborne release, follow these steps:

1. If directed, evacuate the building site and move to a designated safe location.
2. If not informed to evacuate, close all windows and doors to the outside.
3. If the airborne release starts to bother you, hold a wet cloth or handkerchief over your nose and mouth.
4. Minimize the use of elevators in buildings. These tend to "pump" outdoor air in and out of a building as they travel up and down.
5. Tune to the emergency broadcast station on (on campus WLSU 88.9 FM) your radio or television for further information and guidance.

The lead time of an airborne release incident could be from zero to thirty minutes. As a result, this short time may not allow for a safe evacuation. An evacuation under these conditions may expose the population to airborne hazardous substances; therefore, the recommendation is to shelter in place.

Preferred areas for protective sheltering would be interior hallways, rooms without windows or exterior doors, enclosed stairways, and rooms on the side of the building away from where the hazard is approaching.

Note: This procedure relates to both on and off campus airborne releases.

**B. Bitter Cold Weather**

University Police: Designated Emergency Response Number: 608-789-9999

1. If, during bitter cold weather, residences of the city of La Crosse suffer a power failure, the university will offer the use of Mitchell Hall, or Recreational Eagle Center building, as designated by the Chief of University Police.
2. The campus police officer on duty, when notified, will open those buildings designated and contact the Chief of University Police, a custodial supervisor, and the La Crosse County Emergency Government coordinator.
3. The La Crosse County Emergency Government, Red Cross, and the Salvation Army will supervise those people being housed at UW-La Crosse.
4. The Chief of University Police will contact the building directors for those buildings being used for this event. The building directors will notify the department chairs so that, if needed, alternate plans be made for any affected classes.

**C. Bomb Threat**

University Police: Designated Emergency Response Number: 608-789-9999

1. If you observe a suspicious object (including mail) or potential bomb on campus DO NOT HANDLE THE OBJECT! Clear the area and immediately call University Police at the designated emergency response number 608-789-9999.
2. Any person receiving a bomb threat should ask the caller:
  - a. Exact location of bomb (building, floor, room, etc.).
  - b. Time bomb is set to explode
  - c. Kind of bomb, timing device, etc.



3. Keep talking to the caller as long as possible and record the following:
  - a. Date and time of call
  - b. Location of alleged bomb
  - c. Detonation time of alleged bomb
  - d. Type of bomb
  - e. Speech pattern, accent, distinguishing characteristics, etc.
  - f. Background noise
  - g. Critical statements made by caller
  - h. After hanging up, pick up and listen for dial tone and dial 157 for call trace.
4. Immediately notify the University Police at the designated emergency response number, 608-789-9999.
5. If the threat of an explosion is imminent, activate the fire alarm and evacuate the building.
6. Evacuate the building by the nearest available exit. If persons with disabilities cannot safely evacuate the building, assist them to the nearest stairwell away from the bomb threat. Alert emergency personnel of their location.
7. Once outside, move to a clear area that is at least 500 feet away from the affected building. Keep streets and walkways clear for emergency vehicles and crews.
8. DO NOT RETURN TO AN EVACUATED BUILDING unless authorized by the University Police.

#### D. Chemical Spill

University Police: Designated Emergency Response Number: 608-789-9999

1. Report any spill of hazardous chemicals immediately to UWL University Police at the designated emergency response number, 608-789-9999. University Police will call the UWL Environmental Health, Safety and Risk Manager (608-785-6800).
2. When reporting, provide the following information:
  - a. Your name
  - b. Name of material spilled
  - c. Estimated amount
  - d. Exact location of spill
  - e. Report injuries
  - f. Actions you have taken
3. Vacate the affected area at once and seal it off to prevent further contamination.
4. If a building emergency exists, activate the fire alarm. Evacuate the building by the nearest available exit. If persons with disabilities cannot safely evacuate the building, assist them to the nearest stairwell away from spill site. Alert emergency personnel of their location.
5. Once outside, move to an area that is at least 100 feet away from the affected building. Keep streets and walkways clear for emergency vehicles and crews.
6. DO NOT RETURN TO AN EVACUATED BUILDING unless authorized by the Campus Environmental Health, Safety and Risk Manager, the Fire Department, or University Police.

#### E. Civil Disturbance / Demonstrations

University Police: Designated Emergency Response Number: 608-789-9999

UWL Dean of Students: Designated Emergency Response Number: 608-785-8062

1. Keep calm. Resistance may only increase destruction of property and a threat of bodily harm. Do not confront demonstrators.
2. Call University Police at the designated emergency response number. The UWL dispatch center will contact the Dean of Student Development or designee. Provide the following information:
  - a. Location (building, entrance, floor, room, etc.)
  - b. Approximate number of leaders
  - c. Size of group
  - d. Obvious objective or demand of group

- e. Group is: rational, organized, violent, etc.
3. When University Police arrive, provide them with an update. Follow their instructions.

#### F. Earthquake

University Police: Designated Emergency Response Number: 608-789-9999

UWL Physical Plant/Facilities Services: 608-785-8585

1. During an earthquake, remain calm and quickly follow the steps outlined below:
2. If INDOORS seek refuge in a doorway or under a desk or table. Stay away from glass, windows, shelves and heavy equipment.
3. If OUTDOORS, move quickly away from buildings, utility poles and other structures.  
\*Caution: Always avoid power or utility lines as they may be energized.
4. After the initial shock, evaluate the situation; and if emergency help is necessary, call University Police at the designated emergency response number. Report any injuries.
5. Damage to facilities should be reported to Physical Plant Facilities Services.
6. If there is a strong odor of natural gas, please relay this information to University Police and evacuate the building.

#### G. Elevator Malfunction

University Police: Designated Emergency Response Number: 608-789-9999

UWL Physical Plant/Facilities Services: 608-785-8585

1. If you are trapped in an elevator, pick up the emergency phone to notify University Police. The telephone will automatically ring at the UWL dispatch console. If the phone is inoperable, turn on the emergency alarm which will signal for help. DO NOT ATTEMPT TO EXIT A STALLED ELEVATOR UNLESS TOLD TO DO SO BY EMERGENCY RESCUE STAFF.
2. If a person is stranded in an elevator: DO NOT ATTEMPT TO FORCE OPEN THE ELEVATOR DOORS. BE PATIENT.
3. If you receive notice that an elevator has malfunctioned, notify University Police at the designated emergency response number. Provide the following information:
  - a. Your name
  - b. Building
  - c. Floor
  - d. Present situation
4. A person stranded in an elevator needs to be reassured that his/her alarm has been noticed and help is coming. Keep in contact until help arrives.
5. If you find an inoperative elevator without occupants, notify University Police and Physical Plant/Facilities Services.

#### H. Explosion

La Crosse Fire Department: Designated Emergency Response Number: 911

University Police: Designated Emergency Response Number: 608-789-9999

- In the event of an explosion on campus, take the following action:
  1. Immediately take cover under tables, desks, or other objects which will give protection against falling glass and debris.
  2. After the initial effects of the explosion have subsided, notify the La Crosse Fire Department at the designated emergency response number (911). Give your name and describe the location and nature of the emergency. Notify University Police at the designated emergency response number (608-789-9999).
  3. Activate the building fire alarm.
  4. Evacuate the building through the nearest available exit. If persons with disabilities cannot safely evacuate the building, assist them to the nearest stairwell away from damaged area. Alert emergency personnel of their location.

5. DO NOT USE ELEVATORS
6. Once outside, move to a clear area that is at least 100 feet away from the affected building. Keep streets and walkways clear for emergency vehicles and crews.
7. DO NOT RETURN TO AN EVACUATED BUILDING unless authorized by a La Crosse Fire Official or University Police.

I. Fire

La Crosse Fire Department: Designated Emergency Response Number: 911

University Police: Designated Emergency Response Number: 608-789-9999

1. In case of fire, activate the nearest fire alarm. Take appropriate precautions to assure your personal safety. If a fire is in a room, and all people have exited the room, close the door to the room.
2. When you are in a safe area, away from the fire, call the La Crosse Fire Department at the designated emergency response number (911). Give your name and the exact location of the fire (building, floor, room, etc.). Be sure to stay on the phone until released by the emergency operator. If you have additional information, follow-up with a call to University Police at the designated emergency response number (608-789-9999).
3. Evacuate the building through the nearest un-obstructed exit. If persons with disabilities cannot safely evacuate the building, assist them to the nearest un-obstructed stairwell. Alert emergency personnel of their location.
4. Always evacuate a building when the alarm is ringing.
5. DO NOT USE ELEVATORS.
6. Once outside, move to a clear area that is at least 100 feet away from the affected building. Keep streets and walkways clear for emergency vehicles and crews.
7. DO NOT RETURN TO OR ENTER AN EVACUATED BUILDING unless authorized by a City of La Crosse Fire Department official.

J. Inclement Weather Plan

- UWL's inclement weather plan is invoked in the most serious times when conditions make travel to and from campus dangerously imprudent or other events cause serious safety concerns.
  1. When inclement weather (dangerous temperatures, snow, ice, wind or rain) occurs, University Police will confer with the Provost/Vice Chancellor prior to 5:45 a.m. for day classes and 1:45 p.m. for evening classes and events to determine if classes and events are cancelled. If the Provost/Vice Chancellor is unavailable, the next designee, the Vice Chancellor for Administration and Finance will be contacted. Based on changing conditions, the plan can be implemented at any time.
  2. A determination of closure means all university classes and events are cancelled. It is State policy to keep state offices open even when severe weather exists. University Police notifies University Communications which, in turn, will notify news media.
  3. Hourly classified employees who do not report to work, report late, or leave work before the end of the work day because of weather conditions will be allowed to make up lost time during the remainder of the work week, as much time as is beneficial to the work unit. Make up time shall be at the regular rate of pay. Hourly employees may also take leave without pay, vacation, personal holiday, or compensatory time to cover absence. If specific contract language differs from this policy, the contract prevails.
  4. Salaried classified and unclassified employees may use available annual leave (vacation), compensatory time, available holidays, or leave without pay to cover inclement weather absences. An employee and the employee's supervisor may agree that the employee can account for the time of the absence in another manner consistent with the professional nature of the employee's work assignment.
  5. When the Governor closes State government offices this DOES NOT mean the UW System or UW-La Crosse.

K. Infectious Disease Outbreak

University Police: Designated Emergency Response Number: 608-789-9999

Health Center: Designated Emergency Number: 608-785-8558

The UWL Student Health Center will most likely be involved in the assessment and management of an infectious disease outbreak. If not, contact the Director of the Student Health Center, the Medical Supervisor or the Head Nurse at the number above.

1. The Health Center personnel will contact Keith Butler, Emergency Government Coordinator of La Crosse County, 608-789-4811 and the Dean of Students, 608-785-8150.
2. Notify the La Crosse County Health Department at 608-785-9872. Wisconsin Statute Chapter 143 and Administrative Rule Chapter HSS 145 require reporting of communicable diseases using the Acute and Communicable Disease Report. The Student Health Center staff will complete this report.
3. In cooperation with UWL Administration, County and State health officials, the Health Center will manage infectious outbreaks according to CDC, County, State and ACHA guidelines.
4. If the situation requires emergency medical care, follow emergency procedures by calling 911 to provide immediate health care.
5. Student Health center [website](#)

L. Life Threatening Emergencies or Death

Designated Emergency Response Number: 911

University Police: Designated Emergency Response Number: 608-789-9999

In the event of a life-threatening emergency or death at UW-La Crosse take the following action:

1. Notify the designated emergency response number (911) and University Police (608-789-9999). A University Police officer will proceed to the scene immediately and meet the La Crosse Emergency Responders.
2. The scene will be secured by a University Police officer.
3. Emergency care will be provided as needed pending Emergency Medical Service (E.M.S.) arrival. The officer will start with a preliminary investigation, and inform the Chief of University Police.
4. The University Police will turn the scene over to La Crosse Police Department or La Crosse County Sheriff's Department, if indicated.
5. In the event of a death of a student, the Chief of University Police (or if unavailable, the officer on duty) will contact the Student Life Office and proceed to the scene. The UWL Student Life Response Plan, available in the Student Life Office, will be followed under the direction of the Dean of Students.
6. In the event of a death of a staff member, the Chief of University Police will contact the Provost/Vice Chancellor's Office and proceed to the scene.

M. Medical and First Aid

La Crosse Fire Department: Designated Emergency Response Number: 911

University Police: Designated Emergency Response Number: 608-789-9999

1. If a serious injury or illness occurs on campus, immediately call 911 for an ambulance. Give your name, describe the nature and severity of the medical problem, and the campus location of the victim. Do not hang up until released by the emergency operator. Officers will respond with medical supplies, automated defibrillator (AED), and oxygen.

If the individual is conscious and oriented, they have the right and responsibility to determine his/her own health care needs and the response to those needs. Under such circumstances, University staff should refrain from recommending specific health care vendors.

In circumstances involving a person who is unconscious and/or not oriented, call 911. All police officers are trained in First Response Care, C.P.R., and AED.

2. Keep the victim still, calm, and comfortable until help arrives. Do not move the victim.
3. In case of a minor injury or illness, students may go to the Student Health Center or have a trained person provide appropriate first aid.
4. First-Aid and CPR training is available through various resources within the community. Individuals whose position description does not require them to provide first aid are acting as good Samaritans.
5. Persons with serious or unusual medical problems should be encouraged to notify their supervisors or instructors of the medical problem and the standard emergency treatment related to that problem.

#### N. Natural Gas Leak

University Police: Designated Emergency Response Number: 608-789-9999

Physical Plant/Facilities Services: 608-785-8585

1. If you smell natural gas and suspect a gas leak, evacuate area and activate fire alarm OUTSIDE the area of the leak.
2. DO NOT SWITCH ON LIGHTS OR ANY ELECTRICAL EQUIPMENT.
3. Evacuate the building by the nearest exit. While evacuating, notify other building occupants to do so as well. If persons with disabilities cannot safely evacuate the building, assist them to the nearest stairwell away from the emergency area. Alert emergency personnel of their location.
4. DO NOT USE ELEVATORS. DO NOT PANIC.
5. Notify University Police at the designated emergency response number. State the location and extent of the gas leak.
6. Once outside, move away from the building at least 100 feet. Keep walkways clear for emergency crews.
7. DO NOT RETURN TO AN EVACUATED BUILDING unless authorized by University Police.
8. For minor leaks during normal business hours (6:00 a.m. to 4:30 p.m., Monday - Friday) contact the Physical Plant Office at 608-785-8585. If no response or after hours, contact University Police at 608-789-9999.

#### O. Psychological Crisis

University Police: Designated Emergency Response Number: 608-789-9999

A psychological crisis exists when an individual is threatening harm to himself/herself or others, or is out of touch with reality. Uncontrollable behavior and/or hallucinations could be manifested. If a psychological crisis occurs:

1. STAY CALM.
2. Notify University Police at the designated emergency response number. Provide the following information:
  - a. Your name
  - b. Precise location
  - c. Observed symptoms of behavior
  - d. Individual's name, if known
3. Until help arrives, be pleasant, considerate, and understanding to avoid aggravating the situation.
4. Do not argue with the individual. Try to determine and accept the individual's point of view. Do not confront/detain the individual if he/she is violent/combative.
5. If another person is available and able to leave the area, have them meet University Police at the entrance to the building and provide up-to-date information.
6. Notify the Director of the UWL Counseling and Testing Center.

P. Radiation Emergency

(Note: UW-La Crosse has no radioactive materials that would pose an airborne radiation hazard, unless the materials were involved in an explosion.)

University Police: Designated Emergency Response Number: 608-789-9999

1. In case of an emergency call University Police at the emergency number and the Radiation Safety Office at 608-785-6458.
2. If a skin wound occurs, thoroughly wash it with running water, allow some bleeding and then bandage. The Radiation Safety Officer or other personnel trained in use of radiation monitors will evaluate the injured person(s) for radioactive contamination.
3. If any clothing items are contaminated with radioactive materials, remove the clothes and place them in designated collection containers or plastic bags. These items will be cleaned or disposed. THE CONTAMINATED CLOTHES AND PERSONS MUST NOT LEAVE the laboratory or established decontamination zone until the Radiation Safety Officer checks them. A decontamination zone or emergency response services should not provide patient care in a contaminated area.
4. Mark any contaminated surface areas as demonstrated by your instructor/supervisor. Clean up the spill following previously conveyed directions of the Radiation Safety Officer or under the direction of the Radiation Safety Officer.
5. Thoroughly wash your hands and other exposed body areas until the radiation monitor indicates the absence of contamination.
6. Prevent access into the spill area until authorized by the Radiation Safety Officer.
7. Personnel without radiation badges or other personal radiation dosimeter must not enter the spill area.

Q. Sexual Assault

University Police: Designated Emergency Response Number: 608-789-9999

UWL Dispatch: 608-789-9000

1. In the event of a case of sexual assault, UWL dispatch will take the following action:
  - a. Immediately send a University Police officer to the scene.
2. The officer will assess the situation and determine if the incident involved force or attempted use of force.
3. If force was involved, the officer will contact a police supervisor promptly. A decision regarding potential mutual aid will be made.
4. The following procedure should apply:
  - a. Attempt to obtain written statements from the victim including non-consent to the offense, if applicable. The interviews should be conducted outside the suspect's presence. Do not ask the victim if they want to press charges.
  - b. Attempt to obtain a signed medical release from the victim(s).
  - c. Prepare an area where the photographs can be taken if needed. The victim should be encouraged to contact New Horizons and Counseling & Testing for support and intervention.
  - d. Attempt to obtain statements from the witnesses.
  - e. Complete a follow-up investigation including suspect interviews.
  - f. The information is shared only with those offices with a need to know. Depending on the residence of the student, the type of emergency or the follow-up required, the list of offices with a need to know will vary from one situation to the next. Care must be taken to protect the confidentiality of the individual/s involved as much as possible throughout the process.
5. The officer will notify the Director of the Counseling and Testing Center.
6. Inter-Agency Cooperation - Prosecuting Attorney's Office
  - a. The Chief of University Police will monitor sexual assault related reports and inform the District Attorney.

- b. University Police personnel will work with the District Attorney and Victim's Witness Unit when additional information or evidence is requested.
- c. The Chief of University Police will be responsible for on-campus notifications and distribution of reports to university resources and departments as appropriate.

R. Tornado / Severe Weather

University Police: Designated Emergency Response Number: 608-789-9999

A tornado watch/severe weather watch means tornadoes are likely to develop. Employees are expected to be alert to changing weather situations and be prepared to take action if upgraded to a warning. A tornado warning means a tornado has been spotted in the immediate area. Employees/students are expected to take the following action.

1. If you receive notification of a Tornado warning or sight a tornado, move to the lowest level in an interior hallway of the building as quickly as possible.
2. Stay away from windows and areas with a large expanse of glass.
3. Avoid auditoriums, gymnasiums, and other large rooms with free-span roofs.
4. DO NOT USE ELEVATORS.
5. If persons with disabilities cannot safely move to the lowest level, assist them to an interior hallway away from windows and areas with a large expanse of glass.
6. Protect your head and face. If possible, get under a sturdy table or other structure.

S. Unsafe Water Supply

University Police: Designated Emergency Response Number: 608-789-9999

This procedure addresses actions to be taken after notification by the city of La Crosse Water Utility that harmful contaminants have been identified in the water supply. La Crosse Water Utility is required by state and federal law to inform the campus of a violation of the maximum contaminant level for certain contaminants in water.

Once the La Crosse Water Utility has notified UWL University Police, you will be notified to take the following steps:

1. Do not consume campus water.
2. If bacterial contaminants are present, all water used for drinking, cooking, or washing of eating utensils should be boiled at a rolling boil for at least five (5) minutes.
3. Ice and any beverages prepared with contaminated water should be discarded.
4. Continue the no use and/or water boil order until the city of La Crosse Water Utility or University Police notifies you that the city has rescinded the warning or alert.

T. Violent or Criminal Behavior

Life Threatening Number: 911

University Police: Designated Emergency Response Number: 608-789-9999

Everyone on campus will be expected to assist in providing a safe environment by being alert to suspicious behavior and promptly reporting the situation to University Police at the designated emergency response number.

1. If you are a victim, observe a criminal act, or observe a suspicious person on campus, immediately notify University Police at the designated emergency response number and report the incident, including the following:
  - a. Your name
  - b. Nature of the incident
  - c. Location, date, and time of incident

- d. Description of person(s) involved
- e. Description of property involved
2. Assist the officer(s) when they arrive by providing additional information upon request.
3. Take the following action if you are a victim of a property crime:
  - a. Go to a safe place and notify University Police.
  - b. Do not touch anything.
  - c. Meet with the officer at the location the officer requests.
  - d. Explain to the officer everything you observed, including telling the officer if you did touch or move anything. Follow the officer's instructions.
4. Take the following action if you are a victim of a violent/personal crime:
  - a. Be observant! The more information you can provide, the better chance the criminal will be apprehended.  
Remember: Whatever you decide to do, you must be prepared both mentally and physically. Your safety is the most important thing to remember during any attack.
  - b. As soon as possible get to a safe place and notify University Police at the Designated Emergency Response Number. Advise officers of the nature of the incident, location, if medical assistance is needed, and a description of the person(s) involved.
  - c. Meet with the officer. Follow the officer's instructions.

### XIII. Transportation

In case of medical emergencies and when emergency transport is necessary, a private ambulance service will provide the transportation. Emergency transport is requested through the 911 Emergency dispatch center. The UWL patrol vehicle may be used for non-emergency medical cases only. The patrol vehicle can be contacted by calling the designated emergency response number for University Police (608-789-9999).

Generally, it is advised that individual faculty, staff or students not take responsibility for transporting a person involved with any health emergency. In the case of protective custody or emergency detention where a restraint is necessary, University Police will be involved directly with transportation.

### XIV. Evacuation Procedures for Persons with Disabilities

Every individual must accept personal responsibility for getting out of a building during an emergency. Even though emergency personnel are usually available to assist with evacuation, this may not always be the case. Alternative plans and arrangements made in advance of an emergency will increase the likelihood that individuals will be able to exit a building safely in the event of an emergency. This is even more critical to the safety of those individuals with mobility impairments because the use of elevators during emergencies is dangerous and should be avoided. Thus, individuals will need to use alternative methods of leaving a building. Because of constantly changing populations and building occupancy patterns, it is not possible for the University to make reliable arrangements for the evacuation of specific individuals from the many buildings they may occupy in the course of a week. In the absence of this ability, the following suggestions are advised for individuals to increase the chances of their safe evacuation from a building in an emergency situation. Recommendations for persons with disabilities or persons who provide assistance to persons with disabilities are included in the following list.

1. Contact in advance the Disability Resource Services Office to discuss building evacuation procedures for individuals with disabilities.
2. Identify in advance and be familiar with at least two exit routes from every area and building you occupy. An emergency exit route should not include an elevator.
3. Identify in advance possible volunteers, such as classmates, faculty or fellow workers who are willing and able to assist you to evacuate. Make specific arrangements for their assistance.
4. If you are unable to exit a building, contact University Police or civil authorities or arrange others to inform University Police or civil authorities with your location.



5. Know the safest method people could use to assist you. Know how many people you need to provide you that assistance.
6. If you use a wheelchair, be prepared to explain how and where persons should support you. Practice instructions beforehand.
7. If you have difficulty being understood, develop a card containing all appropriate instructions and carry it with you.
8. Carry a loud whistle or similar device you can operate for use in the event you become trapped.
9. Individuals who need to work in isolated areas after normal building occupancy hours should determine telephone availability. If a telephone is not available, they should contact University Police in advance and provide their location and occupancy times.

XV. Building Floor Plans

Updated building floor plan maps will be posted on each floor within all campus buildings. The maps provide information on evacuation routes.

XVI. The Complete Crisis Plan/Check-Off List

Upon notification of a campus state of emergency, University Police and/or the UWL dispatch operator shall start the notifications and the completion of the Emergency Response Checklist.

Each campus emergency will present hazards and situations unique to that emergency. It will be imperative that University Police notify the proper personnel in a timely manner. Once the Crisis Team is notified, they will have the flexibility to respond to the incident as they deem proper for the situation at hand. The Emergency Phone Numbers provides a complete listing of individuals and/or agencies that can respond to a particular emergency. It will also be the responsibility of University Police to ensure the appropriate response (internal or external) for clean-up and decontamination when there is a spill of blood or other potentially infectious materials from an incident.

XVII. Compliance & Assessment

The University Police will work with other campus departments and offices to ensure an evaluation of any significant crisis response is conducted after the incident. Recommendations for response improvements and other corrective action will be forwarded to an Emergency Planning standing committee to be reviewed for input into the campus Emergency Response and Preparedness Plan. Form #L-1822 Number: 608-785-8061

### Emergency Response Checklist

University of Wisconsin-La Crosse  
Department of University Police

Procedure:

This form is to be filled out upon notification and response of an emergency on or involving the campus area. It shall be the responsibility of the senior campus police officer on duty to ensure that this form is filled out accurately even though the switchboard operator/dispatcher will, in all probability, be the person initially completing the form.

1. Date and Time of notification:
2. Person calling in the notification:
3. Name:
4. Address:
5. Phone #
6. Officer dispatched to the scene: (Initials)
7. Determine cause and source of emergency. (Initials)
8. Notify the proper Emergency Response Agencies (check after item):
  - a. 9-1-1

- b. La Crosse Police
  - c. La Crosse Fire
  - d. Tri-State Ambulance
9. Notify the proper response personnel (check after item):
- a. Chief of University Police
  - b. Director of Facilities Management
  - c. Environmental Health, Safety and Risk Manager
  - d. Vice Chancellor for Administration and Finance
  - e. Call in off-duty officers and additional operator/dispatcher (if directed)
  - f. Call Director of University Relations
  - g. Appropriate Director, Building Director and Deans or Division officers
10. Set up perimeter around site and secure (check after item):
- a. Prevent vehicle traffic access
  - b. Prevent people from entering
11. Establish a command post and communications center
12. Establish a triage care location
13. Establish a holding/media area
- Senior Officer:
- Switchboard Operator/Dispatcher:
- Supervisor:
- Date:
- Notes:

## UWL Emergency Phone Numbers and Campus Contacts

The contacts listed below may be contacted after hours by calling UWL Police Dispatch at 608-789-9999.

NAME	PRIMARY NUMBER
Campus Emergency Director / Chief of University Police Allen Hill UWL Dispatch	608-789-9999 608-785-8108 608-785-9000
Vice Chancellor, Administration and Finance, Bob Hetzel	608-785-6491
Counseling and Testing Center, Crystal Champion, Interim Director	608-785-8073
Environmental Health and Safety, Dan Sweetman	608-785-6800
Student Health Center, Barbara Guse, Medical Office Assistant	608-785-8558
Heating Plant, Gary Donohue	608-785-8710
Landscape Services, Anthony Meidl	608-785-8581
Physical Plant, Scott Brown, Building Maintenance Manager	608-785-8590
Facilities Management/Physical Plant Dan Quam, Dan Sweetman, or Scott Schumacher, Executive Director of Facilities Planning & Management	608-785-8585
Radiation Safety Officer, Kurt Grunwald	608-785-6458
Residence Life, Jenni Brundage, Director	608-785-8075
Student Affairs, Vitaliano Figueroa, Vice Chancellor for Student Affairs	608-785-8150
Dean of Students, Kara Ostlund	608-785-8066
Telephone Services & Information, Bradley Delaney	608-785-8109
University Relations, Brad Quarberg	608-785-8572

## Off Campus Contacts

NAME	PRIMARY NUMBER	SECONDARY NUMBER
CHEMTREC National Response Center	800-424-9300 800-424-8802	
DOA Risk Manager, Bradley Templin	608-267-0643	
Div. of Emergency Government	800-943-0003	
Emergency Dispatch	911	
Emergency Government, Keith Butler, Coordinator	608-789-4811	715-284-2978
Gundersen/Lutheran, Critical Incident Debriefing Team	608-775-0469	
La Crosse County Health Department	608-785-5875	
UW System Risk Manager Dave Pulda	608-263-1174 608-263-4381	608-845-9892
Wisconsin Department of Natural Resources La Crosse Area Headquarters	608-785-9000	

## UWL Building Directors

BUILDING	BUILDING DIRECTOR	PHONE NUMBER
Archaeology Building	Kathy Stevenson	608-785-8451
Athletic Facilities	Carly Sprouse	608-785-5178
Cartwright Center	Ryan Ray	608-785-8593
Centennial Hall	Chriss Gilbert	608-785-8074
Center for the Arts	Krista Shulka	608-785-6701

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Child Care Center	Dawn Hays	608-785-8813
Cleary Alumni & Friends Center	Maegan Ames	608-785-8939
Cowley Hall	TBD	TBD
Graff Main Hall	Kim Schultz-Schliebe	608-785-8593
Ground Services Building	Scott Brown	608-785-8590
Health Science Center	Joanne Sandvick	608-785-5150
Heating Plant	Gary Donohue	608-785-8710
Maintenance Building	Scott Brown	608-785-8590
Mitchell Hall	Carly Sprouse	608-785-5178
Morris Hall	Jill Kirkpatrick	608-785-8134
Murphy Library	John Jax	608-785-8567
Police Services Building	Allen Hill	608-785-8108
Prairie Springs Science Center	TBD	TBD
Recreational Eagle Center	Neil Ostlund	608-785-8698
Residence Halls	Jonathan Henry	608-785-8077
Student Union – “The U”	Kyle Burke	608-785-8882
Wimberly Hall	Kathy Thoen	608-785-8113
Wing Technology Center	Matthew Bornheimer	608-785-5473
Wittich Hall	Mary Grattan	608-785-8098
Whitney Hall	Kyle Burke	608-785-8882

## Security and Access to University of Wisconsin La Crosse's Facilities

General access to and use of the facilities at the University of Wisconsin La Crosse is governed by University of Wisconsin System Chapter 21, Wisconsin Administrative Code<sup>4</sup>, and institutional policies on file in the division of Administration and Finance.

### Academic and Administrative Buildings

The University of Wisconsin La Crosse campus is open to faculty, staff, students, and the general public. The academic and administrative buildings are open to the public during normal business hours. Most facilities have individual hours and the hours may vary at different times of the year. Access to these buildings is controlled by either key or card access after normal business hours, and all of these buildings have varied levels of access. The University of Wisconsin La Crosse Police Department patrols the campus 24 hours a day, seven (7) days a week. For information about the access protocol for a specific building, see the building manager, a department head, or contact University of Wisconsin La Crosse Police.

### Special Considerations for Residence Hall Access

Authorized access to residence hall residential areas is restricted to residents, their approved guests, and other approved members of the University of Wisconsin La Crosse community. Residents gain entry by card access to side and back doors is from 7 a.m. to 10 p.m. daily. During all other times, residents have access to the front door with their student ID card. All residents are cautioned against permitting strangers to enter the buildings and are urged to contact Hall Staff or University Police in case of an unauthorized Residence Hall entry. Students are not permitted to provide their student ID card to another user.

### Special Considerations for Athletic Facility Access

Athletic facilities are typically unlocked during regular business hours during the week, but may change with special events, holidays, or weekends. The athletic facilities are multi-use facilities and hours vary by location. When buildings are closed, staff and student-athletes can use their student ID to gain access to the facilities. While open, facilities have the appropriate staff on duty to oversee operations conducted at that facility. Building managers on duty serve in Mitchell Hall, typically from the hours of 4:00pm-10:00pm. These hours vary on the weekends and during university breaks.

### Special Considerations for Restricted Access Facilities

University of Wisconsin La Crosse has several areas whose access require additional, specialized security measures that limit access to only authorized persons at all times.

### Security Considerations for the Maintenance of Campus Facilities

Security is provided in the maintenance of University of Wisconsin La Crosse's facilities through a number of mechanisms, including limitations on hours of operation, policies on keys, restricting access to those bearing proper identification as university staff or students, and blue light emergency phones. Specific security mechanisms may vary with the type of university facility. Each building has a facility manager that reports problems. Burnt-out lights are handled through Facilities Management. Landscaping impacts on security are addressed during the design phase. University of Wisconsin La Crosse Police regularly patrol campus and respond to building alarms in a timely manner.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to University of Wisconsin La Crosse Police at 608-789-9000.

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<sup>4</sup> UWS 21, available at [http://docs.legis.wisconsin.gov/code/admin\\_code/uws/21/01](http://docs.legis.wisconsin.gov/code/admin_code/uws/21/01).

## Informing Students and Employees of Campus Security Policies and Crime Prevention

University of Wisconsin La Crosse provides a number of ways for students and employees to engage in, and respond to, campus security procedures and practices. Every fall, all students and employees are provided with a copy of the institution's Annual Security Report. Prospective students and employees are provided notice of the availability of the Annual Security Report. In addition to this distribution, students and employees are offered a number of training opportunities to learn more about, and engage in, safe campus practices.

The University of Wisconsin La Crosse offers various programs designed to inform students and employees about campus security procedures and practices and are designed to encourage students and employees to be responsible for their own security and the security of others. Programs include, but are not limited to:

### Self-Defense Class

A 6-week Self-Defense class taught by campus police officers is offered in the fall and spring semester.

### Alert Lockdown Inform Counter Evacuate (ALICE)

To protect members of the University and the public, UWL has adopted a program called ALICE -- Alert, Lockdown, Inform, Counter, and Evacuate. The ALICE philosophy provides guidance to faculty, staff, and students who may find themselves in an active threat situation. This concept also teaches what to expect from responding police officers in the event of an active threat.



### Don't Click on the Link

All employees are encouraged to view information related to "Don't Click on the Link" when they receive their NetID. Students are shown a video created by UWL related to internet security during New Student Orientation (NSO).

### Bystander Intervention

The goal of the Bystander Intervention program is to engage students in practicing bystander intervention techniques in a variety of situation, including alcohol misuse, mental health concerns, sexual assault, interpersonal violence, and hate and bias incidents.



### Cyber Security Training

All employees are required to complete the Cyber Security Training through Human Resources.

### Escalation Workshop

The goal of the Escalation Workshop is to educate participants about the early warning signs of relationship abuse and what they can do if they witness or experience these warning signs. The Escalation Workshop is a 90-minute film-based discussion led by trained facilitators and does not work as well in a drop-in format.



### Pizza and Consent

The goal of Pizza and Consent is to educate students on active consent through the metaphor of creating and sharing a pizza. This program is facilitated with a PowerPoint and does not work as well in a drop-in format.

The University of Wisconsin La Crosse's Crime Prevention strategy has been implemented by University Police in collaboration with the University as a whole. The UWL Police Department offers a variety of crime prevention programs

that are intended to educate people in ways to keep themselves and their property safe from crime. Included in these crime prevention strategies and goals:

**Bait-Bike Program:**

The UWL Bait-Bike program consists of GPS-enabled bicycles which are placed in various locations to systematically reduce the theft of bicycles on campus. Along with bicycles, GPS-enabled laptops are also placed in various locations to systematically reduce the theft of electronics on campus. Both laptops and bicycles are placed in conspicuous areas that would normally see thefts of such items.



**Police Liaison Program**

The UWL Police liaison program is a proactive community policing strategy. University Police Officers have assigned halls to better engage students in helping prevent and report possible crimes.

**Phishing Emails**

The UWL Information Technology Services department sends frequent email communication to faculty, staff, and students regarding phishing emails. The email includes a photo of the latest phishing email sent over email as well as tips on how to identify these types of spamming attacks.

**Financial Scams Information**

UWL Police sends notifications to students regarding fraudulent attempts used by criminals in order to obtain personal or financial information from individuals. UWL Police includes information regarding scare tactics and red flags criminals use on their website.

Incoming students must also complete an alcohol education and awareness training by September 3<sup>rd</sup> in their first year of enrollment at University of Wisconsin La Crosse. These trainings address alcohol use and abuse, bystander intervention, sexual assault awareness, domestic/relationship violence, stalking, drugs, and theft prevention. Most are offered on an annual basis. If someone would like to request a specific program or training, please visit <https://www.uwlax.edu/wellness/wellness-programming/>.

In addition to formal training procedures, the University of Wisconsin La Crosse also includes safety tips in its Timely Warning announcements. These tips include:

- Call the police at 608-789-9000 IMMEDIATELY if you see or hear something suspicious. Don't hesitate to dial 911 in an emergency. Be sure to tell them exactly where you are.
- Keep your possessions in sight at all times. Don't leave computers, cell phones, or electronics unattended.
- If you leave your office or room, even for a few minutes, lock the door.
- Be alert to potential danger. Trust your instincts.
- Walk with friends whenever possible. If jogging, walking, or biking alone, stay in well-lit and well-traveled areas.
- Shred documents you discard that contain personal information.

Also, see the section of this document titled "Sexual Assault, Domestic Violence, Dating Violence, and Stalking" for protective behaviors regarding those offenses.

## University of Wisconsin La Crosse Policies Governing Alcohol and Other Drugs

### Alcohol and Drug Abuse Programs and Interventions

University of Wisconsin La Crosse provides a variety of programs and interventions for drug and alcohol abuse. Confidential information, assessment, referral, and short-term counseling services are available for students at the Counseling and Testing Center, 608-785-8073. The Wisconsin Department of Health and Family Services [website](#) has extensive programs and resources available for people struggling with substance abuse. Insurance may affect your ability to use off-campus alcohol and other drug service providers, and UW-La Crosse urges all students and employees to have adequate insurance coverage.

Information about University of Wisconsin La Crosse's full compliance with the Drug Free Schools and Communities Act, including the descriptions of drug and alcohol abuse education and intervention programs, can be found at UWL's Wellness and Health Advocacy [webpage](#). UWL's 2015-2017 Biennial Review of the Drug Free Schools and Communities Act of 1989 can be found [here](#).

### University of Wisconsin La Crosse Alcohol and Drug Policy

The University of Wisconsin System and the University of Wisconsin La Crosse prohibit the unlawful possession, use, distribution, manufacture, sale, or dispensing of alcohol and illegal drugs by students and employees on university property or as part of university activities. It is illegal to procure for, sell, dispense, or give away alcohol to anyone who has not reached the legal drinking age of 21 years, and is unaccompanied by a parent, spouse, or guardian who has reached the legal drinking age of 21 years.<sup>5</sup> It is illegal for anyone who has not reached the legal drinking age of 21 years and is unaccompanied by a parent, spouse, or guardian who has reached the legal drinking age of 21 years to procure, possess, or consume alcoholic beverages, subject to exceptions.<sup>6</sup>

The University of Wisconsin La Crosse and the University of Wisconsin La Crosse Police Department enforce all local, state, and federal laws regarding the possession, use, distribution, manufacture, sale, or dispensing of alcoholic beverages on institution property and at University of Wisconsin La Crosse-sponsored activities, including underage drinking. The University of Wisconsin La Crosse and the University of Wisconsin La Crosse Police Department enforce all local, state, and federal laws regarding the possession, use, distribution, manufacture, sale, or dispensing of illegal drugs on institutional property and University of Wisconsin La Crosse-sponsored activities. The University of Wisconsin La Crosse expects all students, employees, and visitors to comply with all local, state, and federal alcohol and drug laws. Members of the University of Wisconsin La Crosse community who violate local, state, or federal drug and alcohol laws, or who violate University of Wisconsin La Crosse or UW-System policies regarding drug and alcohol sale, use, or possession may face criminal and/or disciplinary sanctions.

UWS 18.09(1), Wisconsin Administrative Code, prohibits the use or possession of alcoholic beverages on all university premises except as specifically permitted by institutional regulations. University of Wisconsin La Crosse has developed specific institutional regulations to permit the use and possession of alcoholic beverages by individuals above the minimum legal drinking age. Students and employees who fail to comply with University of Wisconsin La Crosse regulations are subject to disciplinary action.

This policy covers the possession or consumption of alcoholic beverages by any individual on institutional lands, at institutional facilities, and at all institutional events. This policy is applicable to events held both on and off campus, including those held in other municipalities, states, and nations.

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<sup>5</sup> Wis. Stat. § 125.07(1)(a)(1).

<sup>6</sup> Wis. Stat. § 125.07(4)(a).



### University of Wisconsin La Crosse Disciplinary Action for Student Code Violations

Students are entitled to due process rights under UWS Chapter 17. The matrix below outlines the University of Wisconsin La Crosse’s general response to violations of UWS Ch. 17.09(4) Alcohol and Other Drugs. A student who is found responsible for violating this policy may be held accountable as indicated in the matrix. It is important to note that these are general guidelines for typical violations; however, any single violation may result in more serious sanctions depending on the severity of that specific incident and/or the student’s score from the Substance (Other Than Tobacco) Abuse Structured Assessment and Brief Intervention (SBIRT) tool.

Alcohol policy violations committed by students under the age of 21 will result in parental/guardian notification in writing, unless the situation warrants a different method.

Other student status sanctions may also apply based on the nature of the offense such as disciplinary probation, suspension up to expulsion.

If a student resides in the residence halls, a review of the student’s housing contract could occur following any violation.

<b>Alcohol Sanctioning Matrix</b>	
First Offense*	<ul style="list-style-type: none"> <li>• Online alcohol education course (AlcoholEdu)</li> <li>• Alcohol Education Assessment Fee (\$50)</li> <li>• Reflection Assignment on how the decision impacted them, impacted their community, and how they can restore their community</li> </ul>
Second Offense*	<ul style="list-style-type: none"> <li>• BASICS</li> <li>• Alcohol Education Assessment Fee (\$100)</li> <li>• Disciplinary warning</li> <li>• Parental/guardian notification</li> </ul>
Third Offense*	<ul style="list-style-type: none"> <li>• BASICS II</li> <li>• Alcohol Education Assessment Fee (\$100)</li> <li>• AODA Assessment</li> <li>• Disciplinary probation</li> <li>• Parental/guardian notification</li> </ul>
Fourth Offense*	<ul style="list-style-type: none"> <li>• Suspension from the university for a period of one semester to two years</li> </ul>

<b>Drug Sanctioning Matrix</b>	
First Offense*	<ul style="list-style-type: none"> <li>• Online drug education course (Marijuana 101)</li> <li>• Drug Education Assessment Fee (\$50)</li> <li>• Reflection Assignment on how the decision impacted them, impacted their community, and how they can restore their community</li> <li>• Parental/guardian notification</li> </ul>
Second Offense*	<ul style="list-style-type: none"> <li>• CASICS</li> <li>• Drug Education Assessment Fee (\$100)</li> <li>• Disciplinary warning</li> <li>• Parental/guardian notification</li> </ul>
Third Offense*	<ul style="list-style-type: none"> <li>• CASICS II</li> <li>• Drug Education Assessment Fee (\$100)</li> <li>• AODA Assessment</li> <li>• Disciplinary probation</li> <li>• Parental/guardian notification</li> </ul>
Fourth Offense*	<ul style="list-style-type: none"> <li>• Suspension from the university for a period of one semester to two years</li> </ul>

## Residence Life Alcohol Policy

The following activities are not permitted:

### Under 21 years of age:

- a) Possessing and/or consuming alcoholic beverages
  - State law prohibits the possession or consumption of alcohol by persons under the age of 21.
- b) Possessing or displaying empty alcohol containers
  - Students are not allowed to have empty alcohol containers, defined as: cans, bottles, caps, boxes used for transportation, or items with alcohol residue.

### 21 years of age and older:

- c) Providing alcoholic beverages to students under the age of 21
- d) Transporting unconcealed alcoholic beverages and/or consuming alcoholic beverages in public areas within the residence halls
- e) Having more than one open standard alcoholic beverage per of age occupant
- f) Consuming alcohol in the presence of minors
  - In the event one roommate is 21 years old or older while the other is not, the student who is of legal drinking age may consume alcohol in their room, but may not furnish alcoholic beverages to those under the age of 21. Guests who are of legal drinking age may consume alcohol only if the student who is 21 years of age or older is present and if each individual of legal drinking age possesses only one alcoholic beverage (UWL enforces the Wisconsin law of underage drinking).

### Alcohol Policies Regardless of Age:

- g) Hosting a gathering where alcohol is consumed by minors
- h) Participating in high-risk alcohol consumption. Examples include, but are not limited to:
  - Kegs or significant amounts of alcohol.
  - Beer pong, flip cup, and/or other drinking games.
  - Inability to function without assistance, incoherent, disoriented, unconsciousness.
  - Loss of control of bodily functions.
  - Community disruption or endangering others.
- i) Possessing devices to rapidly consume alcohol
  - Students are not allowed to have devices used to rapidly consume alcohol (beer bongs, funnels, etc.).

Residence Life does honor UWL's Responsible Action Policy which encourages students to report medical emergencies. The Responsible Action Policy can be found here: <https://www.uwlax.edu/wellness/alcohol-prevention-and-education/responsible-action-policy/>

## Residence Life Alcohol Policy Summary

The following statements outline activities that are not permitted:

- a) Possessing, using, or distributing drugs and/or controlled substances on or off campus
- b) Possessing drug paraphernalia
- c) Misusing over-the-counter medications and/or prescriptions
- d) Hosting a gathering where drugs and/or controlled substances are consumed

## Responsible Action Policy

On college campuses there is a significant trend of students choosing not report medical emergencies due to fear of repercussions received from being caught underage drinking.

### What is Responsible Action?

In order to encourage students to call for help if someone may be in danger from alcohol or drug use, Responsible Action protects the caller from Police citation and/or university discipline for alcohol-related offenses. For example, if an underage person is intoxicated from alcohol use, and calls 911 because a friend has passed out and is unresponsive after drinking too much, the caller will not get an underage drinking ticket if that person stays with the impaired individual, cooperates with responders, and follows through with programs deemed necessary by the Dean of Students office.

At its core, Responsible Action seeks to encourage students to call for emergency medical assistance by providing immunity from police citation and university discipline for alcohol-related offenses. This policy has been instituted at University of Wisconsin – La Crosse as a result of an active collaboration between the Office of Student Life, University Police, and the Student Association. This policy is currently active, starting with the 2014-2015 academic year.

### How does it Work?

This policy applies only to disciplinary actions related to the caller's personal consumption of alcohol. They do not apply to supplying of alcohol, use or possession of other drugs illegally, or other crimes, and they may not apply to students involved in repeated violations of university alcohol policies. Failure to attend any required educational program may result in issuance of a citation or additional judicial consequences.

1. Victims of Crime – In cases where a student believes they have been a victim of a sexual assault and/or violent crime while under the influence of alcohol, the university will not pursue disciplinary action against the student for his or her improper use of alcohol. Students are strongly encouraged to utilize university resources and assistance if they believe they are the victims of a crime.
2. Person in Need of Medical Attention – When a student requires emergency evaluation and/or treatment at a medical facility for an overdose of alcohol, that student, as part of a disciplinary response, may be required to complete an alcohol education program through the University. In addition, a parent/guardian may be contacted after repeated calls for emergency medical assistance from a single student showing a pattern of risky behavior at the discretion of the Dean of Students.
3. Caller – When a student calls on behalf of an individual who requires emergency evaluation, the caller will not be subject to disciplinary actions from the university if the following conditions are met:
  - a. Caller must remain with the impaired individual until assistance arrives.
  - b. Caller must be completely cooperative with emergency responders.
  - c. Caller must complete any programs deemed necessary by the Dean of Student's Office.
4. Student Organizations – Representatives of a student organization hosting an event is expected to call for assistance if they become aware of an emergency. Failure to do so will be considered an aggravating circumstance and be factored into any decision making regarding further disciplinary action.

### Why was this Developed?

- In the International Journal of Drug Policy, a 2006 study by Cornell University found that emergency calls increased after their own Responsible Action policy was implemented even though rates of drinking remained constant.
- Fear of police involvement is the most common reason for not calling 911 during an overdose. After the policy was implemented at Cornell, students were much less likely to report this as a barrier to calling for help.
- Students who are aware that a Responsible Action policy is in effect are 2.5 times more likely than students who expect to face disciplinary actions to call for help when they see a medical emergency.
- After the state of Washington implemented a Responsible Action policy, 88% indicated that they were more likely to call 911 during future overdoses.

### Questions or Comments?

- e) If you have any questions regarding this policy- including how it functions or any additional comments, please feel free to email our Coordinator of Student Wellness, Cassandra Worner, at [cworner@uwlax.edu](mailto:cworner@uwlax.edu).

## HR - Drug-Free Workplace Policy

Drug abuse and dependency is a national social and health problem, with devastating consequences to individuals, their friends, and family. UWL is concerned about the adverse effects of drug abuse on employee job performance, health, safety, and campus security. This policy applies to all employees, including student help.

Drug abuse and dependency is a national social and health problem, with devastating consequences to individuals, their friends, and family. UWL is concerned about the adverse effects of drug abuse on employee job performance, health, safety, and campus security.

The Drug Free Schools and Communities Act of 1989 requires educational institutions to conduct a biennial review of their program to determine its effectiveness and to ensure that the disciplinary sanctions described are consistently enforced.

The following UWL policies, in accordance with the Federal Drug-Free Workplace Act and Wisconsin Administrative Code and Wisconsin Statutes, are intended to foster a drug-free, healthful, and safe work environment for all.

### UW-La Crosse Employee Alcohol and Other Drug Policy

The purpose of the University of Wisconsin-La Crosse policy statement is to give the general parameters within which various campus units may formulate rules and regulations. Rules and regulations formulated by units must be consistent with this general policy statement. Examples of units are Residence Life, Student Centers, and Athletics.

It is illegal to procure for, sell, dispense, or give away alcohol to anyone who has not reached the legal drinking age of 21 years.<sup>7</sup> Every adult has a legal obligation to prevent the illegal consumption of alcohol on premises owned by the adult or under the adult's control.<sup>8</sup>

[Chapter 18.09\(1\)\(a\)\(b\) and \(c\) of the University of Wisconsin Administration Code](#) contains this provision:

Alcohol Beverages - the use or possession of alcoholic beverages (fermented malt beverages and intoxicating liquors containing 0.5% or more of alcohol by volume) is prohibited on all University premises, except as permitted by the chief administrative officer, subject to statutory age restrictions. The chief administrative officer may generally permit the use or possession of alcohol beverages by promulgating institutional regulations as provided under Administrative Code<sup>9</sup> or in specific instances by written permission.

No person may procure, sell, dispense, or give away alcohol beverages to any person contrary to the provisions of [Chapter 125, Stats.](#)

The University Of Wisconsin System Board Of Regents has adopted this position statement regarding the use of alcohol beverages:

"The abuse of alcohol on the campuses of the University system is a matter of significant concern because it interferes with the education of students and the job performance of faculty and staff. The most effective ways to deal with issues of alcohol abuse in the University community are educational and supportive in nature designed to affect attitudinal and behavioral change."

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<sup>7</sup> [Section 125.07\(1\)\(a\)\(1\), Stats](#)

<sup>8</sup> [Section 125.07\(1\)\(a\)\(3\), Stats](#)

<sup>9</sup> [UWS 18.09](#)

## General University Overview

Universities, because of their educational missions, need to provide leadership on issues concerning society. The use and abuse of drugs including alcohol, is one such issue which the University should establish a leadership role.

Social and educational philosophy prescribes the responsible decision-making process in the consumption of alcoholic beverages by those individuals of legal age. For responsible decisions to occur education needs to be emphasized. This education needs to include knowledge of the effects of alcohol and facilitate the ability to behave in ways which promote a healthy lifestyle. Students, faculty, and staff at the University of Wisconsin-La Crosse share the responsibility for informing the campus about alcohol. A complete alcohol education program should include alcohol awareness activities, alcohol information and resource center, alcohol and health promotion workshops, a student oriented group, academic courses, an advisory committee, counseling and referral, training and supervision, and research and evaluation.

## General Policies

1. Alcohol dependency is a treatable disease that touches all members of the University community in some way. Since alcohol dependency is a disease, the University should be an active participant in its prevention through education as well as assisting people in dealing with this disease.
2. The misuse and abuse of alcoholic beverages results in behaviors deemed negative to the University community. The University should take an active role in identification and mitigation of such behaviors. Moreover, the University must take a proactive role in reducing the number of individuals who progress from use to misuse and lastly to abuse.
3. If alcohol is to be consumed, it should be in moderation. The consumption of alcohol should never be the purpose or main reason for the gathering of a group of people. Gatherings which feature "all you can drink" are actively discouraged by this University. Further, events which may remove choice as to whether or not to consume alcohol are forbidden by this University.
4. Alcohol shall not be given as a reward for achievement at this University. Serving of alcohol shall be limited on campus. Promotions which encourage alcohol consumption should be actively discouraged and not allowed if the promotion encourages alcohol abuse and places an emphasis on quantity and frequency of use.
5. Local off-campus promotional activities which promote the use of alcohol primarily directed to students will be actively discouraged.
6. Since most case law rejects the doctrine of in loco parentis to explain the University's relationship with its students, this University will not police the private behavior of students. However, the University expects that students will obey the law and should take personal responsibility for their conduct.
7. This University will not police the personal lives of members of the campus community, on or off-campus, by invading their privacy or intrusive searches. However, the campus security unit, which has law enforcement functions, will detain personnel in accordance with appropriate legal procedures when dealing with drug and alcohol related incidents. The basic principle here is that the campus is not an island in the community which is immune from law enforcement.
8. When alcohol misuse and/or abuse is apparent within the University community the individual will be confronted and referred for assessment. Based upon this assessment, the appropriate educational and treatment options will be presented. If the behavior persists, which threatens disorder, public disturbances; danger to the individual or property damage, the normal University conduct codes will be enforced.
9. The focal point for assistance to those who have an alcohol or alcohol related problem is the Alcohol Education Program. The educational program includes:
  - Programs which create an awareness of the nature and effect of drugs, including alcohol, tobacco, and other substances which inhibit personal health and academic/work performance.
  - Learning opportunities to develop coping skills for responding to problem situations which lead to substance abuse.
  - Assessment services for determining the extent of abuse or dependency on a substance and informing the individual of various intervention options, including community service.
  - Developmental counseling services for students to examine the reasons for their substance abuse and to explore non-drug alternatives.

- Ongoing training programs for University support staff to identify potential abusers, constructively confront abusive behavior, and refer to the proper assessment and intervention services.
10. University employees are required to follow University policy in serving alcoholic beverages on campus as a host. This includes student employees as well as faculty, academic staff, and classified personnel.
11. Public/Private Service of Alcohol: alcohol use occurs in a number of settings at UW-La Crosse. Differentiation has been made between private and public service of alcoholic beverages. Private service includes use at a private party, reception, or cocktail hour prior to a banquet. Public service includes serving alcohol at an event open to all members of the campus community and may include the consumption of alcohol in a public area on campus (Wetlands). Whenever alcohol is sold or served at a private or public event on campus, it shall be done through the licensed food service coordinator
- A private gathering should provide a controlled environment and alcohol consumption should not be the primary purpose for the gathering. Hors d'oeuvres and other snack food must be served and nonalcoholic alternatives must be available. These gatherings will be confined in length to a maximum of two hours unless prior approval is received for a longer time period.
  - When alcohol is served at an open/public event, an informational component of usage should be available.
12. Drugs, Other Than Alcohol - The use or possession of controlled substance as defined in Chapter 961.495, Wis. Stats. is prohibited on all University property except as expressly permitted by law or university policy

### UW-La Crosse Standards of Conduct and University Sanctions Concerning Illicit Drugs and Alcohol

The University of Wisconsin System and University of Wisconsin-La Crosse prohibit the unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs and alcohol by students and employees on University property or as part of university activities.

The use or possession of alcoholic beverages is prohibited on University premises, except in faculty and staff housing and as expressly permitted by the chief administrative officer or under institutional regulations, in accordance with UWS 18.09, Wis. Adm. Code. Without exception, alcohol consumption and procurement are governed by Wisconsin statutory age restrictions under UWS 18.09, Wis. Adm. Code.

The unlawful use, possession distribution, manufacture, or dispensing of illicit drugs ("controlled substances" as defined in ch. 961, Wis. Stats.) is prohibited in accordance with UWS 18.09, Wis. Adm. Code.

Violation of these provisions by a student may lead to the imposition of a disciplinary sanction, up to and including suspension or expulsion, under s. UWS 17.09, Wis. Adm. Code. University employees are also subject to disciplinary sanctions for violation of these provisions occurring on University property or the worksite or during work time, up to and including termination from employment. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in Wisconsin statutes, administrative rules faculty and academic staff policies, and collective bargaining agreements. Referral for prosecution under criminal law is also possible. Further, violations of UWS 18.09, Wis. Adm. Code may result in additional penalties as allowed under ch. UWS 18, Wis. Adm. Code.

Employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their dean, director, or department chair within 5 days of the conviction if the employees are employed by the University at the time of the conviction. The dean, director, or department chair will immediately notify the Office of Human Resources of any employee convictions to ensure any further action/notification is made.

### State of Wisconsin Legal Sanctions

The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes regulates controlled substances and outlines specific penalties for the violation of the regulations. Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. The distribution of a controlled substance to a minor can lead to additional penalties according to Section 961.46, Wisc. Stats.

Wisconsin has formidable legal sanctions that restrict the use of alcohol in various situations. It is illegal to procure for, sell, dispense, or give away alcohol to anyone who has not reached the legal drinking age of 21 years. Section 125.07(l)(a)(1), Wisc. Stats. Every adult has a legal obligation to prevent the illegal consumption of alcohol on premises owned by the adult or under the adult's control. Section 125.07(l)(a)(3), Wisc. Stats. A first-time violator of either of the

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above subsections can be fined up to \$500. It is against the law for an underage person to procure or attempt to procure an alcoholic beverage, to falsely represent his or her age for the purpose of obtaining alcohol, to enter premises licensed to sell alcohol, or to consume or possess alcohol on licensed premises. Section 125.07(4)(a). Wisc. Stats. A first-time underage violator of Section 125.07(4)(bs). Wisc. Stats., can be fined up to \$500, ordered to participate in a supervised work program, and have their driver's license suspended.

### Federal Legal Sanctions

Pursuant to federal law, the United States Sentencing Guidelines establish mandatory minimum penalties for categories of drug offenses and provide for penalty enhancements in specific cases. Under these federal guidelines, courts can sentence a person for up to 6 years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana; a sentence of life imprisonment can result from a conviction of possession of a controlled substance that results in death or bodily injury; and, possession of more than 5 grams of cocaine can trigger an intent to distribute penalty of 10-16 years in prison.

### Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

#### 21 U.S.C. 844(a)

- 1st conviction: Up to 1 year imprisonment and fined at least 51,000, but not more than \$100,000, or both.
- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500, but not more than \$250,000, or both.
- After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000, but not more than \$250,000, or both.
- Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000 or both, if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams; (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; or (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

#### 21 U.S.C. 853(a)(2) and 881(a)(7)

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack cocaine above.)

#### 21 U.S.C. 881(a)(4)

- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

#### 21 U.S.C. 862

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses.

#### 18 U.S.C. 922(g)

- Ineligible to purchase, receive, or transport a firearm.

### Miscellaneous

- Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy etc., are vested within the authorities of individual Federal agencies.

### Federal Penalties for Illegal Trafficking of Controlled Substances

The Controlled Substances Act (CSA), Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, is a consolidation of numerous federal laws regulating the manufacture and distribution of controlled substances. The CSA places all controlled substances into one of five schedules depending upon the substance's medical use, potential for abuse, and safety or dependence liability. The CSA provides penalties for the unlawful manufacturing and distribution of controlled substances. The U.S. Department of Justice publication, Drugs of Abuse, 2020 Edition provide an overview of the penalties for trafficking of controlled substances.

### Summary of the Health Effects of the Use and Abuse of Drugs and Alcohol

The following is a partial list of drugs and the consequences of their use. The abuse of alcohol and the use of other drugs is detrimental to the health of the user. Further, the use of drugs and alcohol is not conducive to an academic atmosphere. Drugs impede the learning process and can cause disruption for other students and disturb their academic interests. The use of alcohol or drugs in the workplace may also impede the employee's ability to perform in a safe and effective manner, and may result in injuries to others. Early diagnosis and treatment of drug and alcohol abuse is in the best interests of the student, employee, and the University. (For additional information concerning the health risks associated with substances covered by the Controlled Substances Act, refer the U.S. Department of Justice publication, Drugs of Abuse, 2020 edition.)

#### **Alcohol**

Alcohol is the most frequently abused drug on campus and in society. Alcohol is chemically classified as a mind-altering drug because it contains ethanol and has the chemical power to depress the action of the central nervous system. This depression affects motor coordination, speech, and vision. In great amounts, it can affect respiration and heart rate control. Death can result when the level of blood alcohol exceeds 0.400/0. Prolonged abuse of alcohol can lead to alcoholism, malnutrition, and cirrhosis.

#### **Anabolic Steroids**

Concerns over a growing illicit market and prevalence of abuse combined with the possibility of long-term effects of steroid use, led Congress to place anabolic steroids into Schedule III of the Controlled Substances Act (CSA). Although the adverse effects of large doses of multiple anabolic steroids are not well established, there is increasing evidence of serious health problems associated with the abuse of these agents, including cardiovascular damage, liver damage and damage to reproductive organs. Physical side effects include elevated blood pressure and cholesterol levels, severe acne, premature balding, reduced sexual function, and testicular atrophy. The CSA defines anabolic steroids as any drug or hormonal substance chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids), that promotes muscle growth. Those commonly encountered on the illicit market include: boldenone (Equipose), ethylestrenol (Maxibolin), fluoxymesterone (Halotestin), methandriol, methandrostebolone (Dianabol), methyltestosterone, nandrolone (Durabolin, Deca-Durabolin), oxandrolone (Anavar), oxymetholone (Anadrol), stanozolol (Winstrol), testosterone and trenbolone (Finajet).

#### **Cannabis**

Three drugs that come from cannabis-marijuana, hashish, and hashish oil-are currently distributed on the U.S. illicit market. These drugs are deleterious to the health and impair the short-term memory and comprehension of the user. When used, they alter the sense of time, and reduce the ability of the user to perform tasks requiring concentration and coordination. They also increase the heart rate and appetite. Motivation and cognition can be altered, making acquisition and retaining of new information difficult. Long-term users may develop psychological dependence that can produce paranoia and psychoses. Because cannabis products are usually inhaled as unfiltered smoke, they are damaging to the lungs and pulmonary system and have more cancer-causing agents than tobacco.



### Depressants

Depressants produce central nervous system depression. Depressants (i.e., barbiturates, benzodiazepines, glutethimide, methaqualone, and meprobamate) can cause physical and psychological dependence that can lead to respiratory depression, coma and death, especially when used in concert with alcohol. Withdrawal can lead to restlessness, insomnia, convulsions, and even death. Chloral hydrate, a hypnotic depressant, and alcohol constitute the infamous date rape drug or "Mickey Finn."

### Hallucinogens

LSD, PCP, mescaline, and peyote are classified as hallucinogens. Hallucinogens interrupt the brain messages that control the intellect and keep instincts in check. Large doses can produce convulsions and coma, heart, and lung failure. Chronic users complain of persistent memory problems and speech difficulties for up to a year after their use. Because the drug stops the brain's pain sensors, drug experiences may result in severe self-inflicted injuries. Persistent memory problems and speech difficulties may linger.

### Narcotics

The term narcotic derives from the Greek work for stupor. Narcotic use is associated with a variety of unwanted effects including drowsiness, inability to concentrate, apathy, lessened physical activity, constriction of the pupils, dilation of the subcutaneous blood vessels causing flushing of the face and neck, constipation, nausea and vomiting and, most significantly, respiratory depression. With repeated use of narcotics, tolerance and dependence develop. Users of narcotics, such as heroin, codeine, morphine, and opium, are susceptible to overdose that can lead to convulsions, coma, and death.

### Stimulants

Cocaine is the most potent stimulant of natural origin. "Crack" is the chunk form of cocaine that is a ready-to-use freebase. These drugs stimulate the central nervous system and are extremely addictive. They can cause psychological and physical dependency which can lead to dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, paranoia, and seizures. They can also cause death by disrupting the brain's control of the heart and respiration.

The use of amphetamines and other stimulants can have the same effect as cocaine and cause increased heart rates and blood pressure that can result in a stroke or heart failure. Symptoms include dizziness, sleeplessness, and anxiety. They can also lead to hallucinations, paranoia, psychosis, and even a physical collapse.

Nicotine is highly addictive stimulant, whether ingested by smoking or chewing. This drug hits the brain in six seconds, and damages the lungs, decreases heart strength, and is associated with many types of cancers. The withdrawal symptoms include anxiety, progressive restlessness, irritability, and sleep disturbance.

## Resources for Drug and Alcohol Abuse Awareness, Prevention and Treatment

### For Students and Employees

- [Coulee Council on Addictions](#) (608) 784-4177 (assessment, referral, treatment options)
- [First Call for Help-211](#) (800) 362-8255 ([Great Rivers 2-1-1](#))
- [Mayo Clinic Health System](#) (608) 785-0940
- [Gundersen Health System](#) (608) 782-7300
- Local phone book (listings of assessment, treatment, and other services available)

### For Students only

- [UW-La Crosse Counseling & Testing Center](#) 608.785.8073 (assessment and referral)
- [UW-La Crosse Wellness & Health Advocacy](#) 608.785.8062 (BASICS / CASICS / harm-reduction programming)

## For Employees only

- UW-La Crosse Office of Human Resources 608.785.8013 (benefits coverage, policies, etc.)

The University of Wisconsin System provides information regarding UW-System policy at: <https://www.wisconsin.edu/ohrwd/policies/>

Revision history:

Last reviewed was July 2020

## University Centers Alcohol Policy

Final Revised 4-4-2017

### Policy Summary

UWS 18.09(1), Wisconsin Administrative Code prohibits the use or possession of alcohol beverages on all university premises except as specifically permitted by institutional regulations and in specific locations within the Student Union. UW- La Crosse has developed specific institutional regulations to permit the use and possession of alcohol beverages by individuals above the minimum legal drinking age. Students and employees who fail to comply with UW-La Crosse regulations are subject to disciplinary action.

### Who This Policy Applies To:

This policy covers the sales, possession or consumption of alcohol beverages by any individual at the Student Union.

### Policy Goal:

The goal is to provide a positive, safe environment for students to learn how to consume alcohol responsibly while interacting with other students, faculty, staff, and community members. We would like to create an atmosphere where alcohol consumption is merely an addition to socializing, eating, attending an event, or playing games, and not the focus of the activity. The university and its students and employees have a responsibility to ensure that alcohol beverages are consumed legally and responsibly at all university events.

### Alcohol Philosophy Statements

The University of Wisconsin- La Crosse is committed to the health and well-being of its faculty, staff, and student body. Alcohol and drug misuse and abuse can be detrimental to one's overall physical and emotional health; academic and/or professional performance; and adversely impact family, friends and coworkers. As a recipient of federal grants and contracts, the University of Wisconsin-La Crosse adheres to the provisions of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. This policy is intended to foster a healthy and safe environment for all.

This policy is also designed to convey the university's care and concern for its members and their wellbeing, given that alcohol and other drug misuse on college campuses is a major public health concern. In order to foster academic achievement, personal success and wellness, and to promote the safety of the community, the university has adopted the following tenets to guide the prevention of alcohol misuse:

- University of Wisconsin-La Crosse complies with and upholds all applicable federal, state, and local laws related to alcohol, illicit drugs and controlled substances. Violations of such laws that come to the attention of university officials may be addressed within the university or through prosecution in the courts, or both.
- The university strives to create an environment that supports individuals who choose not to use alcohol and individuals who choose to use alcohol legally and in moderation. The illegal sale, distribution or use of alcohol is not permitted.

**UW-La Crosse Student Union-Specific Alcohol Beverage Regulations, the following statements provide guidance concerning the circumstances in which consumption of alcohol beverages may be considered appropriate:**

- Alcohol beverages are considered an amenity for a social or business occasion and never the purpose or focus of the occasion.
  - Alcohol beverages normally are not served or consumed in academic, administrative, or research areas during usual business hours.
  - With the minimum legal drinking age of 21, the approval of alcohol caterings will consider the number of underage individuals at the event.
1. Locations:
    - a. Alcohol will be served by University Dining Staff in the lower level of Student Union.
    - b. Alcohol is allowed in the Recreation Room, lower level dining area. Alcohol will only be allowed in the Entertainment Café and Theater with special approval.
    - c. May be allowed at outdoor concerts and events with special approval.
    - d. Alcohol cannot be brought into or out of the Student Union.
  2. Service:
    - a. Beer, wine, and other malt beverages will be available.
    - b. Local craft beers will be the main focus.
    - c. A variety of tap beers will be served.
  3. Servers: University Dining is the only approved vendor for servicing of alcohol.
  4. Legal Compliance/UC policies:
    - a. ID's are checked for every purchase by a trained bartender.
    - b. Furnishing alcoholic beverages to persons who are underage or intoxicated is prohibited.
    - c. It is illegal and prohibited for an individual to provide false name, address or date of birth for the purpose of acquiring alcohol or other drugs. Patrons who allow their identification to be used by others to obtain alcohol or other drugs are also subject to disciplinary consequences.
    - d. Only allow one drink per person per purchase.
    - e. Alcohol must remain and be consumed in the original container provided by the server.
    - f. Wristbands to delineate over-21 patrons may be required for an event involving an alcoholic beverage service depending on the nature of the event, target audience, anticipated attendance levels, or the layout of the venue.
    - g. Alcohol served from 11 am Saturday and Sunday until 30 minutes before the end of dining service. Monday through Friday alcohol service will start at 2pm until 30 minutes before end of dining service.
    - h. Campus cash and Maroon Dollars may not be used to purchase alcohol.
    - i. No common sources of alcohol such as pitchers, growlers, bowls, etc.
  5. Enforcement:
    - a. University personnel will identify disruptive behavior. If University personnel determine that a patron is violating codes of conduct, a report will be initiated with campus conduct officers.
    - b. Campus police will be called to deal with underage drinking and disruptive behavior.
  6. Catering will provide bar service in the following areas:
    - a. The multi-purpose rooms and in the pre-event spaces designated outside of those rooms
    - b. The private dining rooms
    - c. Outdoor balconies off of the private dining rooms
    - d. First-floor lounge (special occasion, typically only during breaks/summers)
    - e. Entertainment Café, lower level.

### **Provisions**

1. Student activity fees may not be used to purchase beverage alcohol.
2. It is the responsibility of the group sponsoring an event and University Centers staff on duty to assure appropriate behavior is exhibited in accordance with University Centers and university code and policy.
3. Beer will be dispensed in clear or translucent containers no larger than 1 pint.
4. Wine will be dispensed in clear or translucent containers no larger than 7 ounces.
5. Catered alcohol beverage service is limited to three (3) hours duration per event unless special approval is received from the Director of University Centers.

6. All alcohol beverages will be served on a cash-by-the-drink basis at the established prices. Prices will not be reduced for any reason. However, wine by the bottle with a banquet meal and alcohol punch by the gallon may be furnished upon special approval of the Director of University Centers.
7. Depictions of the following may not be used in advertisements or in the promotion of events:
  - a. Excessive or underage consumption or use, or underage purchase, of alcoholic beverages or controlled substances
  - b. All-you-can-drink activities or promotions
  - c. Drinking games
  - d. Price specials on drinks
  - e. Promotions or prizes featuring alcohol
8. Additional non-alcohol beverages and snacks will be made available at all times where alcohol beverages are served.
9. Requests for alcohol beverage services at a catered event must be scheduled with the University Centers Administrative Office and Dining Service Office at least five (5) working days in advance of the event in order to assure that adequate arrangements may be made.

## **Appendix**

### Personnel Responsibilities

#### University Dining

##### 4.12.5.5 (Contract) Alcohol and Bartender Training/Education Programming.

- a. All University Dining bartenders will be required to be licensed through the County and the State of Wisconsin.
- b. Associates must not allow guests to endanger themselves or others by overindulging
- c. University Dining/Compass Group requires additional training for all bartenders and management staff through an online ServSafe Alcohol Awareness training or a substitute training that is approved by the Wisconsin Department of Revenue.

##### 16.20.1 (Contract) Authorized Agent for the University

- a. For all malt liquor and alcoholic beverage services and sales the Contractor shall act as the authorized agent of the University.
- b. Licenses and tax stamp to sell malt liquor and alcoholic beverages, to the extent that one is required shall be provided by and held in the name of the University of Wisconsin System for University sponsored events.
- c. The Contractor shall be responsible for all revenues covering sales and payment of sales tax relating to the sale of malt liquor and alcoholic beverages.
- d. The Contractor shall pay all costs related to the sale and service of malt liquor and alcoholic beverages required by the University at its cost.

#### University Centers

- a. Working with University Dining to determine pricing structure of product.
- b. Random checks to ensure University Dining is providing proper training and that there is always a licensed bartender on staff when alcohol is being served.
- c. University staff to monitor space to ensure that all laws are being followed and that patrons are not taking alcohol into prohibited areas.
- d. Additional staff to monitor during special events and/or large crowds.
- e. Contacting Campus Police in cases of underage drinking and disruptive behavior due to intoxication or underage drinking.
- f. Purchase and supply wristbands to University Dining.

#### Costs:

##### Set-up Estimate

- a. Wristbands: \$13 for pack of 500

### Business Services Alcohol Policy

<b>Revision: 01</b>	<b>Policy No:</b>	<b>Effective: May 1, 2015</b>
		<b>Last Reviewed: 4/25/15</b>

#### PURPOSE

This purpose of policy is to provide additional guidance regarding the purchase and payment of alcohol in support of the campus Alcohol Policies administered by the Director of University Centers.

#### POLICY

The purchase of alcohol with University administered funds is strictly prohibited except in the following instances:

- purchases made by Dining Services for resale.
- purchases of alcohol for UW (University of Wisconsin) sponsored meetings and conferences when wine or beer is served with dinner and included with the conference fee. Alcohol may not be purchased for receptions.

Student activity fees may not be used to purchase alcohol.

Per University Centers' Alcohol Policies, alcohol service is available only to University students, staff, faculty, and their invited guests and non-University groups during University sponsored conferences and meetings held on campus.

The University Food Service is the sole licensed vendor of beverage alcohol on campus.

#### PROCEDURES

#### REFERENCES & RESOURCES

UW-L University Centers – Alcohol Policies: <https://www.uwlax.edu/globalassets/officeservices/university-centers/alcohol-policy.pdf>

UWSA Meeting Guide – Food & Beverage: <https://businessservices.wisc.edu/documents/330-business-meals/>

UWSA UW Sponsored Events Policy (Events attended primarily by the general public):

<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/>

## Campus Discipline, University of Wisconsin System Code and Wisconsin State Law

Violation of alcohol and drugs laws or policies by a student may lead to the imposition of a disciplinary sanction, up to and including suspension or expulsion, under s. UWS 17.10, Wis. Adm. Code. Alcohol and drug education programs are utilized as a conduct sanction for alcohol policy violations committed by University of Wisconsin La Crosse students. For alcohol misuse, students may be referred to appropriate intervention programs to address high risk drinking practices among college students. For marijuana use, students may be referred to appropriate intervention programs to identify harm reduction strategies or minimize use. For drug or alcohol violations, students may also be required to attend an alcohol or drug abuse assessment with a licensed clinician. Student organizations or groups violating alcohol and drug policy or laws may also be subject to discipline by UW-La Crosse consistent with the Student Organization Leadership Guide and university policies. Violations of local, state or federal laws may result in civil forfeitures or criminal prosecution.

University employees are also subject to disciplinary sanctions for violation of University of Wisconsin La Crosse policies and of local, state and federal drug and alcohol laws occurring on university property or the worksite or during work time or in the course of their employment, up to and including termination from employment. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in Wisconsin statutes, administrative rules, faculty and academic staff policies, and university staff policies and procedures. Referral for prosecution under criminal law is also possible. In addition, violations of ss. UWS 18.06(13) and 18.10(1), Wis. Adm. Code may result in additional penalties as allowed under ch. UWS 18, Wis. Adm. Code.

### UWS 18.09 Alcohol and Drug Prohibitions

#### (1) ALCOHOL BEVERAGES.

- (a) The use or possession of alcohol beverages is prohibited on all university premises, except in faculty and staff housing and as permitted by the chief administrative officer, subject to statutory age restrictions. The chief administrative officer may generally permit the use or possession of alcohol beverages by promulgating institutional regulations in consultation with appropriate staff and students, or in specific instances by written permission.
- (b) No person may procure, sell, dispense or give away alcohol beverages to any person contrary to the provisions of ch. 125, Stats.
- (c) In this subsection, “alcohol beverages” means fermented malt beverages and intoxicating liquors containing 0.5% or more of alcohol by volume.
- (d) Notwithstanding s. UWS 18.14, institutional regulations developed pursuant to this subsection shall be reported to the president of the system for review and approval.

#### (2) POSSESSION OF DRUG PARAPHERNALIA.

- (a) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of ch. 961, Stats.
- (b) In this subsection, the term “drug paraphernalia” has the meaning specified in s. 961.571 (1), Stats.; the term “controlled substance” has the meaning specified in s. 961.01 (4), Stats.; and the term “controlled substance analog” has the meaning specified in s. 961.01 (4m), Stats.
- (c) In determining whether an object is drug paraphernalia under this subsection, the factors listed in s. 961.572, Stats., and all other legally relevant factors, shall be considered.

#### (3) POSSESSION OF MARIJUANA.

- (a) No person may intentionally use or possess marijuana on university lands, except when such use or possession is authorized under ch. 961, Stats., or is permitted under s. 961.34, Stats. (b) In this subsection, the term “marijuana” has the meaning specified in s. 961.01 (14), Stats.

## UWS 18.15 Additional Statutory Penalty Provisions Regulating Conduct on University Lands

(1) Controlled substances. The use or possession of controlled substances as defined in s. 961.01 (4), Stats., is prohibited on all university property with the specific exemptions set forth in ch. 961, Stats., and as permitted under s. 961.34, Stats. The penalty provisions of ch. 961, Stats., and chs. UWS 17 and 18 may apply to violations occurring on university lands.

### Wis. Stats. 125.07

Underage drinking by persons under 21 is a civil law violation and is subject to the following legal sanctions under Ch. 125.07(4) Wisconsin State Code:

#### **125.07 Underage and intoxicated persons; presence on licensed premises; possession; penalties.**

(1) Alcohol beverages; restrictions relating to underage persons.

(a) Restrictions.

1. No person may procure for, sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.
2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
4. No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

(b) Penalties.

1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.
2. A person who commits a violation may be:
  - a. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.
  - b. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
  - c. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
  - d. Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
3. A court shall suspend any license or permit issued under this chapter to a person for:
  - a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
  - b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
  - c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.
4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.
5. A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to subd. 3. but is not subject to subd. 2. or s. 125.11.

6.

- a. Notwithstanding subd. [1.](#), in this subdivision, "violation" means a violation of par. [\(a\)](#) or of a local ordinance that strictly conforms to par. [\(a\)](#).
- b. Subject to subd. [6. c.](#), only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.
- c. If a violation occurs on licensed premises and the violation is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

(4) UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.

(a) Any underage person who does any of the following is guilty of a violation:

1. Procures or attempts to procure alcohol beverages from a licensee or permittee.
2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
3. Enters, knowingly attempts to enter or is on licensed premises in violation of sub. (3)(a).
4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) Except as provided in par. (bm), any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.

(bg) Paragraphs (a) and (b) do not apply to an underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

(bm) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:

1. A brewer or brewpub.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in s. 125.32 (2) or 125.68 (2) or for delivery of unopened containers to the home or vehicle of a customer.
6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(bs) Any person violating par. (a) is subject to the following penalties:

1. For a first violation, a forfeiture of not less than \$250 nor more than \$500, suspension of the person's operating privilege as provided under s. 343.30 (6)(b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.
2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.
3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$500 nor more than \$750, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.



4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$750 nor more than \$1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.
- (c) Any person violating par. (b) is subject to the following penalties:
1. For a first violation, a forfeiture of not less than \$100 nor more than \$200, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.
  2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$200 nor more than \$300, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.
  3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.
  4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30(6)(b)3. (cd) For purposes of par. (bs) or (c), all violations arising out of the same incident or occurrence shall be counted as a single violation.

### State of Wisconsin Uniform Controlled Substances Act

The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes, regulates controlled substances and 961.41 outlines specific penalties for the violation of the regulations. Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. The distribution of a controlled substance to a minor can lead to the doubling of an authorized sentence term.<sup>10</sup>

### Amnesty for Underage Alcohol Penalties for Certain Persons - 2015 Wisconsin Act 279

An underage person may not be issued a citation for, or convicted of, a violation of Wis. Stat. s.125.07(4) (a) or (b) if all of the following apply:

- The underage person is a crime victim or bystander and either the crime victim or the bystander requested emergency assistance, by dialing the telephone number "911" or by other means, in connection with the alleged crime or the underage person encountered a law enforcement officer at a medical facility at which the crime victim received treatment in connection with the alleged crime.<sup>11</sup>
- The underage person remains at the scene until emergency assistance arrives and thereafter cooperates with providers of emergency assistance, including furnishing any requested information, unless the underage person lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law

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<sup>10</sup> Wis. Stat. § 961.46

<sup>11</sup> Wis. Stat. § 125.07(5)(b)1.

enforcement officer at a medical facility, the underage person cooperates with the officer and furnishes any requested information, unless the underage person lacks capacity to cooperate with the officer.<sup>12</sup>

However, this amnesty does not apply to an underage person who requests emergency assistance, by dialing the telephone number “911” or by other means, with an intention to claim the protections and knowing that the situation that he or she reports does not exist.<sup>13</sup>

If the underage person is a student at a UW-System school, the board or an institution or college campus may not impose any of the following disciplinary sanctions against a student for the student’s violation of s. 125.07 (4) (a) or (b), if the student is exempt from issuance of a citation for, or conviction of, the violation under the amnesty law<sup>14</sup>:

- removal of a course in progress,
- enrollment restrictions on a course or program
- suspension or expulsion
- exclusion from student housing.

### Alcohol and Drug Abuse Campus Resources

There are resources on campus for alcohol and drug abuse at the Counseling and Testing Center, Student Health Center, as well as Wellness and Health Advocacy office.

The Counseling and Testing Center provides the following services to students:

- Individual counseling
- Group counseling
- Referral services

#### Student Health Center

- Referral services
- Alcohol and other drug consultations
- Tobacco cessation services

The Wellness and Health Advocacy Office provides the following services to students:

- Coordination of Brief Alcohol Screening and Intervention for College Students (BASICS).  
BASICS is a second level alcohol and/or drug-related educational sanction. It takes place over the course of two structured interviews, approximately two weeks apart, with the University’s Alcohol and Other Drug Education Coordinator or a trained BASICS facilitator. During the meeting based in motivational interviewing, students will explore their relationships with alcohol and/or drugs and examine the results of personalized feedback indices.
- Freshman registration, classroom presentations, and general campus programming  
The University’s Alcohol and Other Drug Education Coordinator and Peer Health Advocates present at New Student Orientation, Transfer Orientation, Parent Orientation, and in first-year seminar and health related classes throughout the semester on alcohol and other drug education and awareness. In addition, the Wellness and Health Advocacy department plans, implements, and evaluates campus-wide and in-hall events that provide education, awareness, behavioral alternatives, and harm-reduction approaches to alcohol and other drug abuse.
- Strategic planning for AODA prevention efforts  
The University’s Alcohol and Other Drug Education Coordinator, in collaboration with University leadership and campus partners, conducts strategic planning for AODA prevention efforts on a biannual basis. This strategic planning process follows evidence-based intervention strategies from national organizations such as the National Institute on Alcohol Abuse and Alcoholism, National College Health Association, and current peer-reviewed research in the field.

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<sup>12</sup> Wis. Stat. § 125.07(5)(b)2.

<sup>13</sup> Wis. Stat. § 125.07(5)(c)

<sup>14</sup> Wis. Stat. § 36.35(4)

- SBIRT (Screening, Brief Intervention, Referral to Treatment)  
Personnel in Student Life, Wellness and Health Advocacy, and Residence Life are trained in SBIRT, an evidence-based practice used to identify, reduce, and prevent problematic use, abuse, and dependence on alcohol and illicit drugs. The SBIRT model follows the principals of Motivational Interviewing and provides opportunities for early intervention with at-risk substance users and intervention with referral to treatment for persons with substance use disorders.

## Sexual Assault, Domestic Violence, Dating Violence, & Stalking

University of Wisconsin La Crosse does not discriminate on the basis of sex in its educational programs, and does not tolerate sexual violence, or sexual harassment, which are forms of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited, whether gender-based or not, and include dating violence, domestic violence, and stalking.

The University of Wisconsin La Crosse prohibits sexual assault, domestic violence, dating violence, and stalking as they are defined for the purposes of the Clery Act and Wisconsin state law. University of Wisconsin La Crosse issues this statement of policy to inform the community of our comprehensive plan to address sexual harassment in all its forms whether on or off campus.

### Definitions

For the purposes of the Clery Act and under Wisconsin law, sexual assault, domestic violence, dating violence, stalking and consent are defined as the following:

#### *Consent*

Consent is defined in the state of Wisconsin as words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. The following persons are presumed incapable of consent, but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

(b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.  
940.225(4)(c)

(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.<sup>15</sup>

#### *Dating Violence*

According to the Clery Act, Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.<sup>16</sup>

In the state of Wisconsin, a dating relationship is further defined as a romantic or intimate social relationship between two adult individuals but "dating relationship" does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.<sup>17</sup>

#### *Domestic Violence*

According to the Clery Act, Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's

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<sup>15</sup> Wis. Stat. § 940.225(4).

<sup>16</sup> Clery Act, 34 CFR 668.46

<sup>17</sup> Wis. Stat. § 813.12(1)(ag).

acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.<sup>18</sup>

### *Domestic Abuse; Domestic Abuse Restraining Orders and Injunctions<sup>19</sup>*

In the state of Wisconsin, domestic abuse means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A violation of s. 940.32.
5. A violation of s. 943.01, involving property that belongs to the individual.
6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.<sup>20</sup>

### *Domestic Abuse Incidents; Arrest and Prosecution<sup>21</sup>*

"Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s.940.225(1)[first degree sexual assault],(2) [second degree sexual assault] or (3) third degree sexual assault].
4. A physical act that may cause the other person to fear imminent in the conduct described in 1, 2 or 3.

### *Sex Offenses*

According to the Clery Act, sex offenses are any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.<sup>22</sup>

### *Fondling*

According to the Clery Act, fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.<sup>23</sup>

### *Incest*

According to the Clery Act, incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.<sup>24</sup>

In the state of Wisconsin, people who are nearer of kin than 2<sup>nd</sup> cousins may not marry, except that marriage may be contracted between first cousins where the female has attained the age of 55 years or where either party, at the time of

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<sup>18</sup> Clery Act, 34 CFR 668.46

<sup>19</sup> Wis. Stats. § 813.12(1)

<sup>20</sup> Wis. Stat. § 813.12(1)(am).

<sup>21</sup> Wis. Stat. § 968.075

<sup>22</sup> Clery Act, 34 CFR 668.46

<sup>23</sup> Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program, 34 CFR Appendix A to Subpart D of Part 668

<sup>24</sup> Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program, 34 CFR Appendix A to Subpart D of Part 668

the application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently sterile.<sup>25</sup>

### *Rape*

According to the Clery Act, rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.<sup>26</sup>

### *Sexual Assault*

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.<sup>27</sup> In the state of Wisconsin, sexual assault is differentiated by degree, with the following definitions:

- (1) First degree sexual assault. Whoever does any of the following is guilty of a Class B felony:
  - (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
  - (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat
  - (c) of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
  - (d) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- (2) Second degree sexual assault. Whoever does any of the following is guilty of a Class C felony:
  - (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
  - (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
  - (c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.
  - (cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.
  - (d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
  - (f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.
  - (g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.
  - (h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.
  - (i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has

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<sup>25</sup> Wis. Stat. § 765.03

<sup>26</sup> Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program, 34 CFR Appendix A to Subpart D of Part 668

<sup>27</sup> Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program, 34 CFR Appendix A to Subpart D of Part 668

influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(j) Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.

(3) Third degree sexual assault. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

(3m) Fourth degree sexual assault. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.<sup>28</sup>

### *Sexual Assault of a Child*

#### Class A Felony:

- Any person who has sexual contact or sexual intercourse with a child who has not attained the age of 13 years and causes great bodily harm is guilty of a Class A felony.<sup>29</sup>

#### Class B Felony:

- Any person who has sexual intercourse with a child who has not attained the age of 12 years is guilty of a Class B felony.<sup>30</sup>
- Any person who has sexual intercourse with a child who has not attained the age of 16 years by use of threat of force or violence is guilty of a Class B felony.<sup>31</sup>
- Any person who has sexual contact with a child who has not attained the age of 16 years by use or threat of force or violence is guilty of a Class B felony if the person is at least 18 years of age when the sexual contact occurred.<sup>32</sup>
- Any person who has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of a Class B felony.<sup>33</sup>

#### Class C Felony:

- Any person who has sexual contact or sexual intercourse with a child who has not attained the age of 16 years is guilty of a Class C felony.<sup>34</sup>

### *Underage Sexual Activity*

In the state of Wisconsin, any person who has sexual contact with a child who has attained the age of 15 years but has not attained the age of 16 years, or any person who has sexual intercourse with a child who has attained the age of 15 years, is guilty of a Class A misdemeanor if the person has not attained the age of 19 years when the violation occurs.<sup>35</sup> The statute does not apply to the child's spouse.

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<sup>28</sup> Wis. Stat. § 940.225(1-3m).

<sup>29</sup> Wis. Stat. § 948.02(1)(am)

<sup>30</sup> Wis. Stat. § 948.02(1)(b)

<sup>31</sup> Wis. Stat. § 948.02(1)(c)

<sup>32</sup> Wis. Stat. § 948.02(1)(d)

<sup>33</sup> Wis. Stat. § 948.02(1)(e)

<sup>34</sup> Wis. Stat. § 948.02(2)

<sup>35</sup> Wis. Stat. § 948.093

### *Statutory Rape*

Statutory rape is sexual intercourse with a person who is under the statutory age of consent.<sup>36</sup> In the state of Wisconsin, the statutory age of consent for sexual intercourse is 18 years of age.<sup>37</sup> Any person who has sexual intercourse with a child who is not that person's spouse and who has attained the age of 16 years is guilty of a Class A misdemeanor.<sup>38</sup>

### *Stalking*

According to the Clery Act, stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.<sup>39</sup>

In the state of Wisconsin, stalking means a series of two or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
4. Appearing at the victim's home or contacting the victim's neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
- 6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
10. Causing a person to engage in any of the acts described in subs. 1. to 9.<sup>40</sup>

### **Sexual Harassment; UWS Ch 4 and 11**

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following<sup>41</sup>:

- (a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct.

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<sup>36</sup> Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program, 34 CFR Appendix A to Subpart D of Part 668

<sup>37</sup> Wis. Stat. § 948.09

<sup>38</sup> Wis. Stat. § 948.09

<sup>39</sup> Violence Against Women Act, 34 CFR 668.46(c)(1)(iv)

<sup>40</sup> Wis. Stat. § 940.32(1)(a).

<sup>41</sup> UWS Ch 4.015(9) and Ch. 11.015(9), Wisconsin Admin. Code.



(b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using any of the following legal “reasonable person” standards:

1. The conduct is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity.
2. The conduct is so severe, pervasive, or objectively offensive that it has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or participation in an institution’s education program or activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.

Sexual Harassment as defined in Emergency Rules for UWS Ch 4 and 11 is not considered a Clery Crime but is considered sexual misconduct.

### Sexual Harassment; UWS Ch 17

SEXUAL HARASSMENT. When on the basis of sex, unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that when using any of the following legal “reasonable person” standards<sup>42</sup>:

1. The conduct is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity.
2. The conduct is so severe, pervasive, or objectively offensive that it has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or participation in an institution’s education program or activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.

Sexual Harassment, as defined in Emergency Rules for UWS 17, is not considered a Clery Crime but is considered sexual misconduct.

### Sexual Exploitation; UWS Ch 4 and 11

Sexual exploitation occurs when an individual attempts, takes or threatens to take, nonconsensual sexual advantage of another person. Examples include, but are not limited to<sup>43</sup>:

- (a) Engaging in the following conduct without the knowledge and consent of all participants:
  1. Observing, recording, or photographing private body parts or sexual activity of the complainant.
  2. Allowing another person to observe, record, or photograph sexual activity or private body parts of the complainant.
  3. Otherwise distributing recordings, photographs, or other images of the sexual activity or private body parts of the complainant.
- (b) Masturbating, touching one’s genitals, or exposing one’s genitals in the complainant’s presence without the consent of the complainant, or inducing the complainant to do the same.
- (c) Dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual contact or sexual intercourse.
- (d) Inducing incapacitation through deception for the purpose of making the complainant vulnerable to non-consensual sexual activity.
- (e) Coercing the complainant to engage in sexual activity for money or anything of value.
- (f) Threatening distribution of any of the following, to coerce someone into sexual activity or providing money or anything of value:
  1. Photos, videos, or recordings depicting private body parts or sexual activity of the complainant.
  2. Other information of a sexual nature involving the complainant, including sexual history or sexual orientation.

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<sup>42</sup> UWS Ch. 17.151(1)(a)-(b), Wisconsin Admin. Code.

<sup>43</sup> UWS Ch 4.015(8m) and Ch. 11.015(14), Wisconsin Admin. Code.

Sexual Exploitation, as defined in Emergency Rules for UWS Ch 4 and 11, is not considered a Clery Crime but is considered sexual misconduct.

### Sexual Exploitation; UWS Ch 17

Sexual Exploitation. Attempting, taking, or threatening to take nonconsensual sexual advantage of another person. Examples include, but are not limited to<sup>44</sup>:

- (a) Engaging in any of the following conduct without the knowledge and consent of all participants:
  1. Observing, recording, or photographing private body parts or sexual activity of one or more persons.
  2. Allowing another person to observe, record, or photograph sexual activity or private body parts of one or more persons.
  3. Otherwise distributing recordings, photographs, or other images of the same of one or more persons.
- (b) Masturbating, touching one's genitals, or exposing one's genitals in another person's presence without the consent of that person, or inducing another person to do the same.
- (c) Dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual contact or sexual intercourse.
- (d) Inducing incapacitation through deception for the purpose of making another person vulnerable to non-consensual sexual activity.
- (e) Coercing another person to engage in sexual activity for money or anything of value.
- (f) Threatening distribution of any of the following, to coerce someone into sexual activity or providing money or anything of value:
  1. Photos, videos, or recordings depicting private body parts or sexual activity of one or more persons.
  2. Other information of a sexual nature, including sexual history or sexual orientation.

Sexual Exploitation, as defined in Emergency Rules for UWS 17, is not considered a Clery Crime but is considered sexual misconduct.

### Educational Programs and Campaigns

As an institution, we provide, and in some cases mandate, comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking. These programs, initiatives, strategies and campaigns are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, informed by research or assessed for value, effectiveness or outcome, and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

University of Wisconsin La Crosse is committed to providing educational primary prevention and awareness programs for its students and employees. Primary prevention programs mean programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcomes that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.<sup>45</sup> Awareness programs are defined as community wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety, and reduce perpetration.<sup>46</sup>

Information related to trainings, workshops, and programs offered through the UWL Violence Prevention and Wellness Offices can be found on their [website](#). To request a training, workshop, or program, individuals can submit a request

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<sup>44</sup> 34 CFR 668.46(j)

<sup>45</sup> 34 CFR 668.46(j)

<sup>46</sup> U.S. Department of Education (2016), Clery Handbook at 8-4, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

[here](#) or by emailing a request to Blythe McConaughy, our Violence Prevention Specialist at [advocate@uwlax.edu](mailto:advocate@uwlax.edu). Requests for training can also be directed to the Office of Equity & Affirmative Action.

## Primary Prevention Programs

University of Wisconsin La Crosse has a number of primary prevention programs, including online training for all incoming students through a systemwide contract with EverFi for alcohol education and student sexual assault prevention training, Bystander Intervention Trainings, classroom presentations, student organization presentations, and campus events.

University of Wisconsin La Crosse implements annual educational programs and campaigns to promote the awareness of dating violence, sexual assault, and stalking for students through culturally relevant, diversity-inclusive, and sustainable online training programs through the platform EverFi. All incoming freshman and transfer students are trained with Sexual Violence Prevention for Undergraduates, a relevant alcohol education and sexual assault prevention online course. The courses are tailored in experience to an undergraduate experience, graduate students, adult learners and student athletes. The scope of the training includes statutorily required information, as well as warning signs of relationship violence and stalking, and online safety. In Spring 2021, UW-La Crosse had an online training completion rate of 88.2% for undergraduate students and 94.3% graduate students. Fall 2021 completion rates for the online training were 97.3% for undergraduate students and 97.3% for graduate students.

Employees also undergo extensive training for sexual assault reduction and prevention. In 2015, UW System adopted policy requiring that every new employee complete within 30 days, and that every current employee complete every three years, an online training course about sexual assault prevention. This training is administered centrally through UW System and failure of an employee to complete the required training makes them ineligible for future pay increases. Student employees are also required to complete these trainings upon hire.

## Primary Prevention and Awareness Campaigns

At the University of Wisconsin La Crosse, we continuously work to change the culture that permits sexual violence and harassment through a number of institutional and student-led campaigns, including:

### Take Back the Night

Take back the Night is an empowerment walk to demonstrate support for survivors of domestic violence and sexual assault. This national movement brings awareness to this issue and motivates students to become involved in the prevention of these issues. Our March 2022 event had 200 attendees and included a presentation by Kyle Richard, a national speaker who teaches about bystander intervention.

## Student Orientation Programming

At a mandatory session during June registration, the campus Violence Prevention Specialist and the Coordinator of Student Wellness introduce the topics of sexual violence, alcohol, and bystander intervention to all incoming new students. This is followed up in September during move-in weekend with a more in-depth presentation.

In 2021, the Coordinator of Student Wellness and the Violence Prevention Specialist provided three 90-minute trainings about Bystander Intervention and consent culture. All 2,000+ incoming students were required to attend the presentations and were also given highlighters with the link to the UWL Violence Prevention website printed on them. UWL's Sexual Misconduct Policy is on this website. The student Eagle Guides who lead group activities throughout the weekend were trained to facilitate follow-up conversations with their groups after the main presentation. In September of 2022, a national performance troupe called *Sex Signals* will be presenting on these topics at UWL. Per their website, *Sex Signals* has become one of the most popular sexual assault prevention programs on college campuses across the

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United States through its unorthodox, humor-facilitated and inclusive approach to examining our culture, sex, and prevention strategies like bystander intervention.

### Additional Trainings

Each year the Violence Prevention Specialist provides training on recognizing and responding to sexual violence for all Residence Life Professional Staff and Resident Assistants, as well as giving 20+ educational classroom presentations each year.

Throughout the school year, Wellness and Health Advocacy provides culturally competent and comprehensive health education programs that empower and support the holistic well-being. We aim to build a culture of health on campus through holistic health promotion, diversity and inclusion, alcohol and other drug education, mental health promotion, and sexual health promotion.

In 2021, the PHAs presented 39 programs. Of the 39 programs implemented, Wellness and Health Advocacy facilitated four Bystander Intervention Trainings.

### Bystander Intervention Training

As we continue to foster a safe and inclusive environment for students, faculty, and staff, we encourage students to be active bystanders on campus and in the community. The Bystander Intervention Training aims to equip students with the knowledge, tools, and skills to effectively intervene to prevent and end violence on campus and in the community.

All programs noted above are voluntary. Events are publicized through a variety of means: social media outlets such as Facebook and Instagram; flyers in the residence halls; digital signage located throughout campus; word-of-mouth; and the Stall Seat Journal, which is a Wellness newsletter. Programs can be requested through the Wellness Office at the [Program Request Form](#).

### Victim Advocacy

In addition to prevention education, the UWL Student Life/Violence Prevention Specialist provides direct advocacy services to students who have experienced sexual assault. The Violence Prevention Specialist received nearly 100 referrals in 2021. Advocacy includes providing free, confidential:

- Referrals to resources such as counseling, medical care, legal help, and
- academic or financial assistance
- Safety planning
- Information on reporting options (University conduct and/or police), campus
- policies and procedures, and victim rights
- Assistance with applying for a restraining order
- Advocacy and support during interviews

Besides the Violence Prevention Specialist, employees of Counseling and Testing, and employees of the Student Health Center, five additional individuals serve as Confidential Resources on our campus for students seeking assistance for interpersonal violence. This has resulted in a significant increase in referrals for advocacy services.

### Ongoing Awareness Programs

University of Wisconsin La Crosse also provides information on communitywide and audience-specific programming, in addition to the programs mentioned above such as:

- **GUNDERSEN HEALTH SYSTEM DV/SA PROGRAM**

608.775.5950 (24-HOUR LINE)

- **MAYO CLINIC HEALTH SYSTEM SAFE PATH**
- 608.392.7804 (24-HOUR LINE)
- **NEW HORIZONS SHELTER & OUTREACH CENTERS**
- 608.791.2600 (24-HOUR LINE)
- **GREAT RIVERS 2-1-1**  
Information, referral, and crisis line
- Dial 211 (24-HOUR LINE)

This information is also listed in the Violence Prevention brochure and on the Violence Prevention website.

The UWL Violence Prevention and Title IX Offices worked together to develop an online training that meets the NCAA's new athlete and staff training requirements. The course is required annually for all student athletes, coaches, and other athletics staff.

### Bystander Intervention Programs and Risk Reduction

University of Wisconsin La Crosse is committed to providing bystander intervention strategies. This is facilitated primarily through the Bystander Intervention Training facilitated by the Coordinator for Student Wellness. In addition, all employees and students can engage as a proactive bystander, identify signs of an abusive dating partner, or engage in protective behaviors and risk reduction techniques by adopting the tips below.

During the 2021-2022 school year, Bystander Training was given to students in a majority of sections of the university's first year seminar course, UWL 100. Now, Bystander Training is mandatory for all incoming freshman and was provided during New Student Orientation (NSO). The goal of the Bystander Intervention program is to engage students in practicing bystander intervention techniques in a variety of situations, including alcohol misuse, mental health concerns, sexual assault, interpersonal violence, and hate and bias incidents.

Throughout the year, Bystander Training is available to other students, faculty, and staff and can be requested via the [Program Request Form](#).

### Bystander Intervention Tips

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Many people assume that sexual assault, domestic violence, dating violence and stalking only affects the crime victim, when in fact entire families, friend groups, and communities are hurt. If you see something, say something:

- Be active in supporting a safe and respectful community. If you see others engaging in disrespectful or inappropriate actions, speak up and get involved, or contact someone to assist.
- Listen for rape jokes and sexist language. You don't have to laugh or participate.
- If you see someone who looks to be in immediate danger, call 911.
- You can intervene even after an assault. Learn what options sexual assault victims have available to them on campus and be supportive of their choices.
- If you're a bystander and see someone behaving in a way that seems suspicious, be direct and step in and do something about it such as distracting their attention away from a potential victim. If you don't feel comfortable or safe confronting them, call 911.

- If you sense that something is wrong, don't ignore it; you can help by getting involved. Check-in and ask, "Hey, do you know this person?" or, "Are you OK?" or, "Can I call a friend to walk you home?"
- It can feel awkward to step in and say something if you notice harmful behavior, but often all it takes is a brief introduction. Let the potential perpetrator know that their actions are noticeable with a simple, "Hey, do I know you? Aren't you in the Tuesday Chemistry section?"
- When you go out, consider going out as part of a group. People tend to step in and intervene in situations when they have friends who will back them up.

### Protective Behaviors and Risk Reduction: What Everyone Can Do

Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims, in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- Have healthy, open, and ongoing conversations with your partner or potential partner about sex and sexual contact. Talk about your boundaries and what behaviors you both feel comfortable, and uncomfortable, engaging in.
- The next time you hear yourself talking about gender or sex in a derogatory way, stop. Speak up when you hear others talk this way—no matter their gender.
- Read or listen to the personal story of a survivor of violence.
- Make sure you have enthusiastic, affirmative, and ongoing consent from your partner. Consent is a clear and freely given yes, not the absence of a no.
- Consent to one act does not mean consent to other acts. Communicate and be responsive. You must continually get consent for sex. If someone seems not okay with what's happening, it is your responsibility to check in.
- Understand your partner's limits and communicate your own limits clearly when you have sex. Don't engage in sexual activities without affirmative consent from your partner.
- Sexual assault is most commonly perpetrated by someone the victim knows such as a date or acquaintance and not by a stranger.
- People who are incapacitated by alcohol or drugs cannot give consent. Signs of incapacitation may include—but are not limited to:
  - throwing up
  - slurring words
  - stumbling
  - not being able to remember conversations
- Do not pressure others to drink or use drugs and be alert to people pressuring you or others to use.
- Alcohol and drugs are often used to create vulnerability to sexual assault. Studies of sexual assault incidents show a high correlation between sexual assault perpetration, victimization, and drug/alcohol usage.
- Some sex offenders target people by using alcohol as a weapon. Get your own drinks; don't let someone continually fill your cup. Don't leave your drink unattended.
- Use and encourage others to have a companion or a safe means of getting home, i.e., a trusted friend, taxi, or if on-campus, call University Police for an escort at 608-789-9000.
- Tell someone if an authority figure pressures you to engage in sexual activity.
- Understand that crime victims are never responsible for the behavior of perpetrators.
- Tell someone if you've been sexually assaulted or victimized – there are resources available to help.

### Signs of an abusive dating partner

An abusive dating partner may include someone who:

- Calls you names, insults you, or continually criticizes you.
- Does not trust you and acts possessive or jealous.

- Tries to isolate you from family or friends.
- Monitors where you go, who you call, and who you spent time with.
- Controls finances or refuses to share money.
- Punishes you by withholding affection.
- Expects you to ask permission from them to do what you want to do.
- Threatens to hurt you, your family, your pets, or your belongings.
- Has ever forced, coerced, or manipulated you into having sex or performing sexual acts.
- Traps you in your apartment or residence hall room and keeps you from leaving.
- Social media messages, Facebook messages, tweets, text messages, and/or calls you obsessively to find out where you are and what you are doing.

## Procedures for Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking

Offense	Contact	Location	Phone
<b>Criminal Reporting</b>	<b>Police</b>	605 17 <sup>th</sup> St N. La Crosse, 54601	911; 608.789.9000
<b>Request for Confidential Resources</b>	<b>For Students:</b> Any Confidential Resource	Locations Vary; Primary: 149 Graff Main Hall	Primary: 608.785.5126
<b>University Administrative Reporting</b>	<b>For Students:</b> Student Life	149 Graff Main Hall	608.785.8062
	<b>For Employees:</b> Human Resources	144 Graff Main Hall	608.785.8013
	<b>For everyone:</b> Title IX Coordinator	131 Graff Main Hall	608.785.8541

The University of Wisconsin La Crosse encourages victims of sexual assault, domestic violence, dating violence, and/or stalking to report the incident immediately to UWL Police at 608-789-9000 or by calling 911. In addition to law enforcement, students may also report sexual assault, domestic violence, dating violence, and stalking to the University of Wisconsin La Crosse through the Student Life Office or the Title IX Coordinator. Students may submit requests for confidential services by contacting any confidential resource listed here:

Office	Name	Location	Phone
Violence Prevention	Blythe McConaughey	149 Graff Main Hall	608-785-5126
Counseling and Testing	Any Counselor	2106 Centennial Hall	806-785-8073
Student Health Center	Any Provider	1300 Badger St	608.785.8558
Office of Multicultural Student Services	Vickie Sanchez	1101 Centennial Hall	608.785.8225
Center for Transformative Justice	Dr. Tara Nelson	1125 Centennial Hall	608.785.5095
Advocacy and Empowerment	Taylor Zanotti / Amanda Abrahamson	149 Graff Main Hall	608-785-8062
Athletic Training	Chapin Wehde	10 Mitchell Hall	608-785-6542
Pride Center	Will Vanroosenbeek	2214 Student Union	608-785-8887

Employees are encouraged to contact Human Resources, the Title IX Coordinator, or a confidential resource. Following a report of sexual assault, domestic violence, dating violence, and/or stalking to University of Wisconsin La Crosse, whether the offense occurred on or off-campus, University of Wisconsin La Crosse will provide the student or employee a written explanation of the student's or employee's rights and options. All victims have the right to be

accompanied by a person of their choosing, including a victim advocate, when they file a report, and to any meetings related to institutional disciplinary proceedings.

A victim has the right, and is encouraged, to notify proper law enforcement authorities, including University police and local police, to report sexual assault, domestic violence, dating violence, and/or stalking. Victims have the right to be assisted by campus authorities in notifying law enforcement if the victim chooses. The University of Wisconsin La Crosse will comply with a request for assistance in notifying law enforcement. Victims also have the right to decline to notify law enforcement. If the crime occurred on the University of Wisconsin La Crosse's property, UWL Police have jurisdiction. If the crime occurred off campus, the victim can notify the appropriate local law enforcement agency with jurisdiction at the location of the crime. UWL Police will assist the victim in identifying the correct law enforcement agency and will assist the victim in reporting it to that agency. Victims have the right to choose **NOT** to notify law enforcement or report the crime.

If the victim elects to report to UWL Police, the Dean of Students' Office, or the Title IX Coordinator, the University of Wisconsin La Crosse will investigate for a hostile environment, and, where applicable, pursue disciplinary action against the person alleged to have committed the offense. The Dean of Students' Office and the Title IX Coordinator are required to respond appropriately to all reports of sexual violence and will do so when they receive notice of a possible hostile environment.

The University of Wisconsin La Crosse provides training and information to many staff members to respond to and support victims, however, many victims do not feel comfortable talking to law enforcement, campus administrators, professors, or advisors. Healing can look different for everyone. Additional services available to victims of crime occurring both on and off campus are listed in this chapter, including confidential options that will not result in criminal or university investigation.

When reporting sexual assault, domestic violence, dating violence, and/or stalking, please note the following:

- The preservation of evidence may strengthen investigations, which may result in a better chance of holding the accused responsible or obtaining a restraining order. Evidence may include the clothing worn at the time, a record of threatening text messages and emails, and bodily fluids.

A SANE nurse or other medical personnel (Emergency Services physicians or nurses) first assess the patient's need for urgent or emergency medical care. After the patient's medical condition is stabilized or it's determined that immediate medical care is not needed, the SANE nurse beings an evidentiary exam:

- Collect medical history and perform the SANE physical exam
- Interview the victim about the assault
- Collect and preserve medical forensic evidence and document findings
- Provide emotional, mental, and physical support
- Screen for toxin/drugs as necessary
- Provide preventive medications and counseling for sexually transmitted diseases and pregnancy as necessary
- Work with the victim to create a safe plan
- Connect with patient advocate social worker and further psychological care

Evidence can be collected for up to five days after assault, but the sooner the better. If the victim does not want to report an assault at the time of the crime, evidence can still be collected and stored. If a court case should result from the report of a sexual assault, the nurse examiner is available to testify as an expert witness.<sup>47</sup>

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<sup>47</sup> Gundersen Health System Sexual Assault Nurse Examiners (2019) available at:  
<https://www.gundersenhealth.org/services/emergency/sexual-assault-nurse-examiners/>



- A Forensic Nurse Exam can be obtained free of charge and without notifying UWL or law enforcement. Information on how to obtain a Forensic Nurse Exam can be found here:
  - Gundersen Health System: <https://www.gundersenhealth.org/services/emergency/sexual-assault-nurse-examiners/>
  - Mayo Clinic Health System: <https://mayoclinichealthsystem.org/locations/la-crosse/services-and-treatments/domestic-abuse/assault-assistance>
- Although it is best not to shower, even if a victim has showered and changed clothes, a police report can be filed and/or medical exam can be obtained.
- Campus officials are required to provide information about options and assist in making contact with law enforcement personnel if requested.
- Filing a report will generally involve an interview with a law enforcement officer or an investigating officer from the Title IX office, or both, if you choose to report to both agencies. You may request an officer of the gender you feel most comfortable with to take your statement.

### Crime Victim's Rights

In the state of Wisconsin, individuals who are the victims of crime, and who report that crime to the police, are entitled to certain protections.<sup>48</sup> These rights include the general right to:

- be "treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies;"<sup>49</sup>
- to attend court proceedings;<sup>50</sup>
- to receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;"<sup>51</sup>
- to be informed of financial assistance and other social services available as a result of being a witness of a crime;"<sup>52</sup>
- be accompanied by a victim advocate to law enforcement interviews;<sup>53</sup> and at interviews and proceedings related to the crime.<sup>54</sup>

A full description of the rights of victims and witnesses of crimes is available at <https://docs.legis.wisconsin.gov/statutes/statutes/950.pdf>.

In addition to the rights given by federal and state law, the University of Wisconsin La Crosse is committed to ensuring that victims of violence also have the following rights:

- The right to a victim advocate of their choosing. For additional information and resources about victim advocacy, services on campus, and in the community, see the [Violence Prevention Website](#).
- The right to access sexually transmitted infection (STI) testing and treatment, emergency contraception, and pregnancy testing.
- The right to be informed of and have access to their own medical, mental health, Forensic Nurse Examiner, campus disciplinary, and/or victim advocacy services.
- The right to not be punished for underage drinking if reporting a sexual assault or other crime per University of Wisconsin La Crosse Responsible Action Guidelines.

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<sup>48</sup> Wis. Stat. Ch. 950.

<sup>49</sup> Wis. Stat. § 950.04(1v)(ag).

<sup>50</sup> Wis. Stat. § 950.04(1v)(b).

<sup>51</sup> Wis. Stat. § 950.04(2w)(c).

<sup>52</sup> Wis. Stat. § 950.04(2w)(d).

<sup>53</sup> Wis. Stat. § 950.045(1).

<sup>54</sup> Wis. Stat. § 950.045(2).

- “In those cases where a student has been a victim of sexual assault and/or a violent crime while under the influence of alcohol, neither the Dean of Students, University Housing, nor UWL Police will pursue disciplinary actions against the student victim, or against a witness, for his, her, or their improper use of alcohol (e.g., underage drinking). A student victim who is under the influence of alcohol at the time of a sexual assault is entitled to university and community assistance and encouraged to seek help.” For more information, visit the [Responsible Action Policy](#).
- The right to have options for offering their testimony in a campus disciplinary hearing, including via phone or video conference.
- The University of Wisconsin La Crosse will disclose to the victim of a crime of violence or non-forcible sex-offense, the results of any disciplinary hearing conducted by UWL against a student who is an alleged perpetrator of such crime or offense. If the victim is deceased as a result of the crime or offense, the University of Wisconsin La Crosse will provide the results of the disciplinary hearing to the next of kin of the victim, if requested in writing.

### Restraining Orders and No Contact Orders

The following resources include official information on restraining orders and no contact orders as provided by the [Wisconsin Department of Justice](#), the [Wisconsin Coalition Against Sexual Assault](#), and the [La Crosse County District Attorney's Office](#).

#### Restraining Order (RO)

A restraining order is a court order that orders someone not to hurt you, to stay away from you, move out of the house, have no contact with you, or stop harassing you.

To get a restraining order, you must first request papers for a temporary restraining order (TRO). These papers are called the petition. You start the process by requesting papers for a temporary restraining order. The person completing the petition is called the petitioner. The person you file against is called the respondent. Once you file a TRO petition, the court decides whether or not to issue a TRO based on the information you write in the petition. If the court grants the TRO, the court will schedule a hearing for you to come back to court within 14 days. This hearing is called an injunction hearing. At that hearing you will ask the court to order a final order of protection, which is called an injunction. An injunction can be granted for up to 2 years for child abuse, and up to 4 years for domestic abuse, harassment, and individuals at risk.<sup>55</sup>

Restraining order forms can be found at <http://www.wicourts.gov/forms1/circuit.htm>, under the heading “civil.” In addition, the [clerk of court](#) in your county can provide you with the appropriate forms and limited information as to how to complete them. Sexual assault, domestic violence, dating violence and stalking victims sometimes ask if Restraining Orders are necessary if there is no criminal action pending. ROs do provide protections that are unavailable through the criminal trial process, such as the authority for law enforcement to make an immediate arrest if a violation occurs. Sexual assault victims also ask if the RO process can detrimentally impact a criminal case or ask which RO to obtain if the victim’s situation would allow him or her to obtain more than one type of RO. These can be complicated questions. The victim may want to discuss these concerns with the district attorney or with an advocate at a sexual assault program. Ultimately, these decisions lie with the victim because the victim is the person best able to determine what will keep him or her safe. For a list of sexual assault programs, please see <http://www.wcasa.org/>. In addition to providing information to victims about restraining orders, advocates can help victims develop a detailed safety plan and let the victim know what other services might be available to him or her.<sup>56</sup>

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<sup>55</sup> Wisconsin Department of Justice (2017). Restraining Orders, available at <https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders>.

<sup>56</sup> WCASA (2017). Restraining Orders for Sexual Assault Victims, available at [http://www.wcasa.org/file\\_open.php?id=184](http://www.wcasa.org/file_open.php?id=184).

### Harassment Restraining Orders (HROs)

An HRO may be the only remedy available to some victims sexually assaulted or stalked by someone with whom they have not had an intimate relationship. Grounds include but are not limited to: striking, shoving, kicking or otherwise subjecting another person to physical contact or attempting or threatening to do the same; engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and serve no legitimate purpose; engaging in child abuse (see definition below), sexual assault, or stalking. One act of sexual assault can be grounds to obtain this restraining order.

#### *Who can file?*

Any person harassed, including an adult; a child; the parent, stepparent, or legal guardian of a child who was harassed; or a child's guardian ad litem. A few additional individuals can petition in a proceeding brought under Wis. Stat. §48.13 (child in need of protection or services).

#### *Against whom can a HRO be granted?*

Any person, child or adult, who engages in harassment as described above.

#### *Remedies:*

The respondent can be ordered to cease or avoid the harassment of the petitioner, to avoid the residence of the petitioner (this can be ordered temporarily even when the respondent owns the property), or any combination of these remedies. The RO can be in effect up to 4 years. A firearm surrender is not automatic but may be requested by the petitioner of the HRO.

### Domestic Abuse Restraining Order (DARO)

Sexual assault is a common form of domestic abuse by intimate partners. Grounds for a DARO include but are not limited to:

- intentional infliction of physical pain
- physical injury or illness
- intentional impairment of physical condition
- sexual assault (1st – 3rd degree)
- intentional damage of property
- threats to engage in any of the above.

#### *Who can file?*

- An adult family member
- An adult household member
- An adult former spouse
- An adult with whom the petitioner has a child in common,
- An adult with whom the petitioner has or had a dating relationship,
- An adult under a caregiver's supervision
- A guardian of an individual adjudicated incompetent.

The petitioner must be the victim except for the guardian of an incompetent individual.

#### *Against whom can a DARO be granted?*

- An adult family member,
- An adult household member
- An adult former spouse
- An adult with whom the petitioner has a child in common
- An adult with whom the petitioner has or had a dating relationship

- An adult caregiver

*Remedies:*

The respondent can be ordered to:

- refrain from committing acts of domestic abuse against the victim
- avoid the victim's residence or any other location temporarily occupied by the victim
  - This can be ordered temporarily even when the respondent owns the property.
- avoid contacting or having others contact the victim
- any combination of these remedies
- any other appropriate remedy not inconsistent with the remedies requested in the petition.

If a DARO is granted, it must be for the duration requested by the victim but may not exceed four years. Firearms surrender is mandatory when a DARO is granted.

**Child Abuse Restraining Order (CARO)**

This restraining order is used when children are abused. Grounds include but are not limited to:

- sexual assault (1st – 4th degree)
- sexual assault of a child (1st and 2nd degree)
- repeated acts of sexual assault
- sexual exploitation of a child
- permitting, allowing, or encouraging a child to engage in child prostitution
- causing a child to view or listen to sexual activity
- causing child to expose or exposing genitals or pubic area to a child
- emotional damage
- physical injury
- threats to engage in this conduct.

*Who can file?*

A victim of child abuse or the parent, stepparent, legal guardian, or guardian ad litem of a victim. A few additional individuals can petition in a proceeding brought under Wis. Stat. §48.13 (child in need of protection or services).

*Against whom can the CARO be granted?*

Any person, child or adult, who engages in child abuse. A claim of emotional damage can be brought against a parent, guardian, or legal custodian who has neglected, refused, or been unable to ameliorate those symptoms for reasons other than poverty.

*Remedies:*

A respondent can be ordered to avoid the victim's residence and avoid contacting or causing any person to contact the victim (with a few narrow exceptions). The injunction can be granted for up to two years or until the child reaches 18, whichever is first. Firearms surrender is mandatory if a CARO is granted. If the respondent is the parent of the child victim, a CARO may also set or restrict visitation rights.

**Enforcing a Restraining Order**

Call the police immediately if the respondent violates the Restraining Order. The respondent has just committed a crime. Ask the police to have the District Attorney's office review the case for charges even if no arrest is made. If the respondent is on probation or parole, give a copy of the Restraining Order to the parole agent and report any violations. You can find out who their probation agent is by calling the Department of Corrections Central Records at (608) 240-3750 and providing the person's name or birthday.

## University of Wisconsin La Crosse and Restraining Orders

The University of Wisconsin La Crosse will enforce active restraining orders issued by a court of law, including tribal courts, when provided notice of the order. Students who have a court-issued restraining order and wish to inform UWL should contact the Dean of Students' Office or University Police. Employees who have a court issued restraining order should notify Human Resources. Please be aware that notification to the University of an existing court-ordered restraining order may require the Title IX Coordinator to follow up as prescribed by Title IX.

If your restraining order is being violated, regardless of whether or not you have informed UWL Police, please call 911 immediately.

## No Contact Directives Issued by University of Wisconsin La Crosse

One tool UWL uses to support a safe, respectful, and responsible educational and working environment, either as a proactive measure or in response to and prevention of additional incidents, is a no contact directive.

A no contact directive is a university-issued directive that prohibits the recipient from having contact with -in any form- the individual or individuals named in the directive. The no contact directive is different than a restraining order/civil injunction issued by a court of law and may be issued independent of campus investigatory/disciplinary processes. A no contact directive is issued when an authorized University employee determines that an individual should be prohibited from having contact with another person or persons. The individuals listed in a no contact directive can include, but might not be limited to: complainants, respondents, and witnesses. No contact directives are often issued during the course of investigating cases which involve allegations of sexual assault, dating/domestic violence, and/or stalking.

A no contact directive may include the following language:

"This letter is to inform you in writing that specific safety restrictions are being put in place related to the reported concern stated above. A *No Contact Directive* is hereby issued by the University of Wisconsin La Crosse. This administrative directive is warranted, and you are expected to cease any and all contact, direct or indirect, with *Name of Student* until you are directed otherwise by the Student Life Office or the Dean of Students. You are not permitted to make contact with *Name of Student* in any way, including but not limited to in-person, phone calls, emails, text messages, written notes or letters, or by way of acquaintances or other third-parties. While the university understands that incidental contact might occur on a medium-sized campus like UWL, you should avoid persistent opportunities where this may happen.

UWL is very concerned about the health and safety of all of its students and staff. Given the information that is being managed and investigated by the university at this time, this contact restriction has been put in place to ensure safety. Please recognize that failure to abide by this *No Contact Directive* in any way shall be considered a violation of UWS 17.09(4) and UWS 17.09(11), and could be subject to action under the UWS student conduct disciplinary procedure. You are strongly advised that the Student Life Office considers violation of a *No Contact Directive* to be a serious breach of our student code, which could result in your separation from the university. Please be advised that *Name of Student* is also receiving this direction."

## Students

No contact directives can be issued by the Dean of Students' Office and by the Title IX Coordinator when there are allegations of sexual harassment or sexual violence. A no contact directive is issued in writing via a student's university email, and when possible, verbally. Recipients of the no contact directive are informed that future contact with the individual or individuals named in the directive may be considered harassment and could result in a disciplinary investigation. If the individuals involved are in student organizations or classes together, the parameters of the no contact directive will be discussed and additional expectations for minimizing contact may be added to the written correspondence. Students will be provided with an opportunity to ask questions about the terms of the no contact directive issued to them. No contact directives issued by the Dean of Students' Office will include a written notification of the right and process to appeal.

Notice of the no contact directive is sent to the student, Title IX Coordinator, Dean of Students, Assistant Dean of Students, University Police, and when there is a connection to University Housing, professional Residence Life staff. When issued, a no contact directive does not have an end date. The no contact directive can also be modified or terminated with the agreement of the parties and with approval of the Dean of Students. Any changes to a no contact directive will be communicated to the parties in writing.

Students who violate a no contact directive risk being charged and investigated through the nonacademic misconduct process for UWS 17.09(4) Harassment and/or UWS 17.09(11) False Statement or Refusal to Comply Regarding a University Matter.

This information does not appear on transcripts; however, it does become part of a student's disciplinary file.

### *Employees*

Supervisors, in consultation with Human Resources staff, have the authority to regulate workplace behavior of Academic and University staff, and the Provost may regulate faculty, as long as there is a work-related reason for doing so. The Title IX Coordinator, in coordination with Human Resources, may also issue a no contact directive for any employee. No contact directives are typically issued in a letter to the recipient. University of Wisconsin La Crosse may issue no contact directives to employees when appropriate circumstances arise. Circumstances under which a no contact directive may be issued include, but are not limited to, pending disciplinary investigations. A no contact directive may limit an employee's contact with another employee, a student, or other member of the University community or limit an employee's contact with a work location for a length of time determined by the employee's supervisor or the Provost. The following types of contact may be prohibited by a no contact directive: face-to-face/in person, telephone, e-mail, text message, social networking sites, written communication, video and other electronic communication, and contact through third parties. Violation of a no-contact directive issued by University of Wisconsin La Crosse may result in disciplinary action up to and including dismissal. Employees may have the ability to challenge a no contact directive by using the grievance process for their employment category. The Chancellor has the authority to prohibit an individual from entering university property.

### *Requesting a No Contact Directive*

Requests for no contact directives will be reviewed on a case-by-case basis and will take into account factors such as safety, alleviating a hostile environment, and educational and employment needs. Victims may request a no contact directive by contacting one of the following offices: the Dean of Students, the Title IX Coordinator, the Office of Student Conduct, or the Office of Human Resources.

### *Enforcing a UWL No Contact Directive*

If your no contact directive is being violated, please contact the office that issued it. If you are in immediate danger, contact 911.

### *Information About Sex Offenders*

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement to the campus community about where to find information on registered sex offenders in the state. It also requires sex offenders who are already required to register with the state to notify that state if they are enrolled, carry on a vocation, or are employed in a post-secondary institution.

In Wisconsin, convicted sex offenders must register with the Department of Corrections; a registry can be found [here](#). The Wisconsin Department of Corrections supplies information to University Police regarding registered sex offenders who are enrolled or employed at University of Wisconsin La Crosse. This information can also be found [here](#).

## 2021 UWL Annual Security Report

UWL will provide written notification about options for protective measures to victims and respondents who report sexual assault, domestic violence, dating violence, and or stalking. There are a range of protective measures, including changes to academic, working, transportation, and living situations, if requested by the victim or the respondent and are reasonably available. UWL may also issue a directive ordering the alleged offender(s) and victim not to have contact with each other. Protective measures can be ongoing, are not necessarily tied to the outcome of a disciplinary action, can be implemented at any point, and will be developed on a case-by-case basis in response to the request and concerns of the victim. The Violence Prevention Specialist can assist in the creation of a safety plan, if requested. For more information about institutional no contact directives and how to request accommodations, please see the Restraining Orders and No Contact Directives section of this document.

When determining what measures to grant, factors considered might include, but are not limited to:

- the specific need requested by the complainant
- the age of the people involved
- the severity or pervasiveness of the allegations
- any continuing effects on the complainant
- whether the complainant and alleged perpetrator share the same residence hall, dining hall, job location, classes, or extra-curricular activities
- judicial measures already taken to protect the complainant.

Typically, the individual affected determines whether or not they need an accommodation through the Title IX Coordinator. The Dean of Students' Office may also provide direction and assistance.

The following offices can provide information and assistance to those requesting accommodations and changes to academic, living, transportation, working situations, and other protective measures:

Students or Employees?	Contact	Location	Email	Phone
<b>For Students</b>	University Housing	1500 La Crosse St; Eagle Hall	<a href="mailto:housing@uwlax.edu">housing@uwlax.edu</a>	608-785-8075
	Dean of Students	149 Graff Main Hall	<a href="mailto:deanofstudent@uwlax.edu">deanofstudent@uwlax.edu</a>	608-785-8062
	Title IX Coordinator	145 Graff Main Hall	<a href="mailto:dthompson@uwlax.edu">dthompson@uwlax.edu</a>	608-785-8043
<b>For Employees</b>	Human Resources	144 Graff Main Hall	<a href="mailto:hrinfo@uwlax.edu">hrinfo@uwlax.edu</a>	608-785-8013
	Title IX Coordinator	145 Graff Main Hall	<a href="mailto:dthompson@uwlax.edu">dthompson@uwlax.edu</a>	608-785-8043
<b>Community Resources</b>	UWL Counseling & Testing	2106 Centennial Hall		608-785-8073
	UWL Police	605 17 <sup>th</sup> St N		608-789-9000

Students and employees who report sexual assault, domestic violence, dating violence, and/or stalking to UWL will be provided written information about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the community, and at the institution. This information is also provided to all students and employees in this ASR.

UWL will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. This will be provided whether the offense occurred on or off campus. UWL is obligated to comply with the above and will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. This information is also provided to all students and employees in this ASR.

## Confidentiality

UWL will maintain as confidential, any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of University of Wisconsin La Crosse to provide accommodations or protective measures.

When a student or employee victim reports to a university office or official who is not explicitly designated as confidential, UWL takes every precaution to protect victim privacy and confidentiality by sharing information only with university officials who have a legitimate educational interest and/or those who need to know for the purposes of providing an institutional response.

In an effort to protect victim safety and privacy, UWL maintains information about sexual violence in a secure manner. If the University has notice of an incident, UWL will balance the victim's request to keep identifying information confidential with Title IX's mandate to investigate hostile environments.

To the extent permissible by law, UWL will endeavor to keep victim and necessary party information private. However, once a report is made to UWL, or the institution has notice of an incident of sexual assault, sexual harassment, domestic violence, dating violence, or stalking, confidentiality cannot be guaranteed unless that information is reported directly to one of the confidential resources listed. UWL will strive to maintain as confidential any accommodations or protective measures provided to the victim; but keeping victim information confidential may limit UWL's ability to provide accommodations or protective measures.

For victims aged 18 and older who report to non-confidential sources, reports of sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, or stalking are directed to the Title IX Coordinator. The Title IX Coordinator will share relevant information only:

- with individuals who are responsible for handling the school's response to incidents and need to know such as Deputy Title IX Coordinators and complaint investigators
- as necessary to comply with the Wisconsin Public Records law, a valid subpoena, a lawful discovery request, or a governmental inquiry or investigation.

UWL follows applicable Title IX guidance and the requirements of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, when evaluating whether to disclose student information. In the case of minors, UWL employees must report child abuse to Child Protective Services or local law enforcement.

For Clery Act reporting and disclosures, a victim's name or identifying information will never appear in a Timely Warning, on the Daily Crime Log or in the ASR. UWL will redact a victim's identifying information when responding to requests for information pursuant to the Wisconsin Public Records law. The University of Wisconsin La Crosse also will not disclose identifiable information about research subjects if prohibited by:

- an NIH-issued Certificate of Confidentiality
- HIPAA regulations
- state laws pertaining to the privacy of health information
- promises of confidentiality made to research subjects pursuant to the federally required consent form and authorization form.

The University of Wisconsin must respond to valid subpoenas that are not prohibited by other applicable law and may not be able to redact information when responding to a subpoena.

There are confidential resources available on-campus such as counselors and health professionals. Other licensed healthcare providers, counselors and social workers employed by the University of Wisconsin La Crosse follow the confidentiality requirements of their profession when they are providing care to a patient or a client. For information



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about off-campus and non-UW affiliated confidential resources, please see the “Off-Campus Confidential Resources” section of this chapter.

### On-Campus Confidential Resources for Students

Students can contact the following confidential resources on-campus, free of charge:

Office	Name	Location	Phone
Violence Prevention	Blythe McConaughy	149 Graff Main Hall	608-785-5126
Counseling and Testing	Any Counselor	2106 Centennial Hall	806-785-8073
Student Health Center	Any Provider	1300 Badger St	608-785-8558
Office of Multicultural Student Services	Vickie Sanchez	1101 Centennial Hall	608-785-8225
Advocacy and Empowerment	Taylor Zanotti / Amanda Abrahamson	149 Graff Main Hall	608-785-8062
Athletic Training	Chapin Wehde	10 Mitchell Hall	608-785-6542
Pride Center	Will Van Roosenbeek	2214 Student Union	608-785-8887

### On-Campus Confidential Resources for Employees

Employees can contact the following resources on-campus:

Office	Name	Location	Phone
Violence Prevention	Blythe McConaughy	149 Graff Main Hall	608-785-5126

### Off-Campus Confidential Resources

Anyone can contact the following community resources:

Resource	Phone
Gundersen Health System Domestic Violence/Sexual Assault Program	608-775-5950 (24-hour line)
Mayo Clinic Health System “Safe Path”	608-392-7804 (24-hour line)
New Horizons Shelter & Outreach Centers	608-791-2600 (24-hour line)
Great Rivers 2-1-1 Information, Referral, and Crisis Line	211 (24-hour line)
National Domestic Violence Hotline	1-800-799-7233
National Sexual Assault Hotline	1-800-656-HOPE (4673)

#### **Gundersen Health System Domestic Violence/Sexual Assault Program**

The Gundersen Domestic Abuse and Sexual Assault Program provides free and confidential services. They assist in an assessment of needs and options, safety planning, and coordination of community resource needs. The program offers:

- *Ongoing support* – Direct services to patients and employees including support and education
- *System advocacy* – Advocacy for survivors of domestic violence and sexual assault including legal, medical, and human services advocacy
- *Crisis Intervention*
- *Safety Planning*
- *Referrals to Community Resources*

- *Multilingual and Multicultural availability*

### **Mayo Clinic Health System “Safe Path”**

Safe Path is the domestic abuse and sexual assault program for Mayo Clinic Health System Franciscan Healthcare. They provide services to victims of emotional, physical, and sexual assault. Free services offered and available from Safe Path include:

- *Confidential and Safe place to talk*
- *Emotional Support*
- *Information and Referral*
- *Individual Counseling*
- *Safety Planning*
- *Crisis Intervention (24-hour telephone line)*
- *Assistance in dealing with legal, medical, and human services systems*
- *Assistance with access to resources*
- *Assistance with applying for crime victims’ compensation*

### **New Horizons Shelter & Outreach Centers**

New Horizons Shelter & Outreach Centers is a shelter for individuals and families who have experienced domestic and sexual abuse. The shelter’s Crisis Advocates provide support and advocacy for victims and children through their shelter stay. In addition to providing essentials of food and shelter to ensure the physical safety of individuals and families who have experience abuse, New Horizons provides the following programs and services, all of which are confidential and complementary:

- *24-Hour Crisis Line*
- *Outreach Centers*
- *Support Groups* – Providing a forum for victims with similar challenges to come together for sharing coping strategies, to feel more empowered, and provide a sense of community
- *Resource Advocacy* – Helping victims navigate programs to establish a foundation for a fresh start and supporting them in their healing process
- *Legal Advocacy* – Staff who can assist with restraining orders and are knowledgeable on divorce and custody issues
- *Trauma Counseling* – Licensed therapist and staff that assist individuals and families who are experiencing abuse
- *Youth & Family Advocacy* – Provide support to children whose parent has been a victim of abuse, and working to bring a sense of balance back to families. Also help teens and youth who find themselves in unhealthy, abusive, and even physically violent relationships.
- *Diversity Advocacy* – Reaching out to marginalized populations to provide assistance and support
- *Anti-Human Trafficking* – Provide assistance and support for sex and labor trafficking victims
- *Community Education and Awareness* – Working to stop domestic and sexual abuse before it starts and provide information to those who are currently experiencing it.
- *Safety Planning* – Developing a quick plan of action for help and escape in times of danger for the victim

In addition to the services noted above, New Horizons works with law enforcement in a program called Domestic Abuse Reduction Team (DART). DART is a specialized enforcement unit of the La Crosse Police Department, along with other law enforcement agencies, to prevent repeat episodes of domestic violence families that are at risk.

### **Great Rivers 2-1-1 Information, Referral, and Crisis Line**

Great Rivers 2-1-1 offers free, confidential community information and referrals 24 hours a day.

**National Domestic Violence Hotline**

The National Domestic Violence Hotline provides assistance to individuals 24-hours a day, 7 days a week, 365 days a year. Individuals can talk confidentially with advocates if they are experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship.

**National Sexual Assault Hotline**

The National Sexual Assault Hotline provides free and confidential services to victims 24-hours a day, 7 days a week.

**University of Wisconsin La Crosse Disciplinary Action for Sexual Assault, Domestic Violence, Dating Violence, & Stalking**

The University of Wisconsin La Crosse prohibits sexual assault, domestic violence, dating violence, and/or stalking. The following are the policies and procedures of the University of Wisconsin System to respond to the behavior of students or employees that interfere with the University of Wisconsin La Crosse’s educational and work environment.

The disciplinary proceeding will be based on the status of the accused person to the university. Complaints against Employees should be reported to the Title IX Coordinator or Human Resources. Complaints against students should be reported to the Title IX Coordinator, Violence Prevention Specialist, UWL Confidential Resources, or the Dean of Students’ Office. It should be noted that if a student is unsure if they would like to proceed with disciplinary action, they should connect with UWL’s Violence Prevention Specialist and/or any of UWL’s Confidential Resources noted in this report. Anyone can report to the Title IX Coordinator.

***Complaints Involving Allegations Occurring Before August 14, 2020***

Complaints against students involving allegations occurring before August 14, 2020, will be processed through the University of Wisconsin System Chapter 17.<sup>57</sup> Complaints against employees occurring before that date will be processed under:

- University of Wisconsin System Chapter 4 for faculty<sup>58</sup>
- University of Wisconsin System Chapter 11 for academic staff<sup>59</sup>
- UW System Administrative Policy 1233<sup>60</sup> and [List any campus policy equivalents]<sup>61</sup> for university staff.

***Complaints Involving Allegations Occurring on or After August 14, 2020***

Complaints against students involving allegations occurring on or after August 14, 2020, will be processed through the University of Wisconsin System Emergency Chapter 17.<sup>62</sup> Complaints against employees will be processed under:

- University of Wisconsin System Emergency Chapter 4 for faculty<sup>63</sup>
- University of Wisconsin System Emergency Chapter 11 for academic staff<sup>64</sup>

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<sup>57</sup> Previous UWS Ch 17, Wisconsin Admin. Code. Available at <https://docs.legis.wisconsin.gov/document/administrativecodearchive/726/insert/UWS%2017.pdf>

<sup>58</sup> Previous UWS Ch 4, Wisconsin Admin. Code. Available at <https://docs.legis.wisconsin.gov/document/administrativecodearchive/726/insert/UWS%204.pdf>

<sup>59</sup> Previous UWS Ch. 11, Wisconsin Admin. Code. Available at <https://docs.legis.wisconsin.gov/document/administrativecodearchive/726/insert/UWS%2011.pdf>

<sup>60</sup> SYS 1233 available at <https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/>

<sup>61</sup> Previous UWS Ch. 11, Wisconsin Admin. Code. Available at <https://docs.legis.wisconsin.gov/document/administrativecodearchive/726/insert/UWS%2011.pdf>

<sup>62</sup> UWS Emergency Ch 17, Wisconsin Admin. Code. Available at [https://docs.legis.wisconsin.gov/code/emergency\\_rules/all/emr2027](https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2027)

<sup>63</sup> UWS Emergency Ch 4, Wisconsin Admin. Code. Available at [https://docs.legis.wisconsin.gov/code/emergency\\_rules/all/emr2024](https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2024)

<sup>64</sup> UWS Emergency Ch. 11, Wisconsin Admin. Code. Available at [https://docs.legis.wisconsin.gov/code/emergency\\_rules/all/emr2026](https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2026)

- UW System Administrative Policy 1233<sup>65</sup> for university staff
- Regent Policy Document 14-2<sup>66</sup> and Appendix C<sup>67</sup> for Title IX complaints against employees other than faculty and academic staff.

### *Complaints Involving Allegations Occurring on and after May 11, 2021*

Complaints against students involving allegations occurring on and after May 11, 2021, will be processed through the University of Wisconsin System Chapter 17.<sup>68</sup> Complaints against employees will be processed under:

- University of Wisconsin System Chapter 4 for faculty<sup>69</sup>
- University of Wisconsin System Chapter 11 for academic staff<sup>70</sup>
- UW System Administrative Policy 1233<sup>71</sup> and [List any campus policy equivalents]<sup>72</sup> for university staff
- Regent Policy Document 14-2 and Appendix C<sup>73</sup> for Title IX complaints against employees other than faculty and academic staff.

### University of Wisconsin System Chapter 17: Student Non-Academic Misconduct

UWS Chapter 17 is a part of the University of Wisconsin Administrative Code and was adopted by the Board of Regents as a set of disciplinary procedures for the University of Wisconsin System. It defines conduct by students that may result in University discipline and also describes the sanctions which may be imposed and the procedures for carrying out disciplinary actions. Due process for students accused of misconduct is an important part of these procedures. (Note: Academic misconduct is covered in UWS Chapter 14. UWS Chapters 17 and 18 apply to nonacademic student misconduct; faculty and academic staff are governed by UWS Chapters 4, 7, and 11.)

Nonacademic misconduct policies cover a broad spectrum of conduct involving students' behavior wherever it takes place. A student may be subject to discipline for conduct that is or already has been the subject of criminal action. This means that a student ticketed or arrested by law enforcement may also be subject to misconduct proceedings.

The Chapter 17 process guarantees the following rights:

- Proceedings will be prompt, fair and impartial.
- Proceedings will be conducted by officials who receive, at minimum, annual training on issues related to sexual assault, domestic violence, dating violence and/or stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- A hearing examiner's or committee's finding of misconduct will be based on a preponderance of the evidence standard.
- The complainant will have the same opportunity as the respondent to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the support person of their choice.

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<sup>65</sup> SYS 1233 available at <https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/>

<sup>66</sup> Previous UWS Ch. 11, Wisconsin Admin. Code. Available at <https://docs.legis.wisconsin.gov/document/administrativecodearchive/726/insert/UWS%2011.pdf>

<sup>67</sup> Regent Policy Document 14-2 Appendix C available at <https://www.wisconsin.edu/regents/policies/sexual-violence-and-sexual-harassment/#AppendixC:PolicyforInvestigationandResolutionofFormalTitleIXComplaintsAgainstUniversityEmployeesOtherThanFacultyandAcademicStaff>

<sup>68</sup> UWS Ch 17, Wisconsin Admin. Code. Available at [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/17](https://docs.legis.wisconsin.gov/code/admin_code/uws/17)

<sup>69</sup> UWS Emergency Ch 4, Wisconsin Admin. Code. Available at [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/4](https://docs.legis.wisconsin.gov/code/admin_code/uws/4)

<sup>70</sup> UWS Ch. 11, Wisconsin Admin. Code. Available at [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/11](https://docs.legis.wisconsin.gov/code/admin_code/uws/11)

<sup>71</sup> SYS 1233 available at <https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/>

<sup>72</sup> [Name of Campus Policy Equivalent to SYS 1233] available at [link to policy]

<sup>73</sup> Regent Policy Document 14-2 and Appendix C available at <https://www.wisconsin.edu/regents/policies/sexual-violence-and-sexual-harassment>

- University of Wisconsin La Crosse will not limit the choice of support person or presence of support person for either the respondent or the complainant in any meeting or institutional disciplinary proceeding; however the University of Wisconsin La Crosse may establish restrictions regarding the extent to which the support person may participate in the proceedings that apply equally to both parties.
- The complainant and respondent will receive simultaneous notification of
  1. The result of any institutional disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence and/or stalking.
  2. University of Wisconsin La Crosse procedures for the complainant and respondent to appeal the result, if available.
  3. Any change to the result.
  4. When the result becomes final.
- Proceedings will be completed with reasonably prompt timeframes and will include a process that allows for extension of the frames for good cause with written notice to the complainant and respondent of the delay and reason for delay.
- The complainant and respondent will be provided timely notice of any meeting at which the respondent or complainant or both may be present.
- The complainant, respondent and appropriate officials will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.
- Proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.

### **UWS Chapter 17, Wis. Admin. Code: Student Nonacademic Disciplinary Procedures**

#### *UWS 17.01 Policy statement.*

The missions of the University of Wisconsin System and its individual institutions can be realized only if the university's teaching, learning, research and service activities occur in living and learning environments that are safe and free from violence, harassment, fraud, theft, disruption, and intimidation. In promoting such environments, the university has a responsibility to address student nonacademic misconduct; this responsibility is separate from and independent of any civil or criminal action resulting from a student's conduct. This chapter defines nonacademic misconduct, provides university procedures for effectively addressing misconduct, and offers educational responses to misconduct. The University of Wisconsin System is committed to respecting students' constitutional rights. Nothing in this chapter is intended to restrict students' constitutional rights, including rights of freedom of speech or to peaceably assemble with others.

#### *UWS 17.02 Definitions.*

In this chapter:

- (1) "Chief administrative officer" means the Chancellor of an institution or their designees.
- (2) "Clear and convincing evidence" means information that would persuade a reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than "preponderance of the evidence."
- (2m) "Complainant" means any individual who is alleged to be the subject of sexual misconduct, as defined in s. UWS 17.16.
- (2g) "Consent" means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other conduct defined in s. UWS 17.16. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.
- (3) "Days" means calendar days.

- (4) "Delivered" means sent by electronic means to the student's official university email address and, in addition, provided by any of the following methods:
- (a) Given personally.
  - (b) Placed in the student's official university mailbox.
  - (c) Mailed by regular first-class United States mail to the student's current address as maintained by the institution.
- (5) "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.
- (6) "Disciplinary probation" means a status in which a student may remain enrolled in the university only upon the condition that the student complies with specified standards of conduct or other requirements or restrictions on privileges, for a specified period of time, not to exceed two years.
- (7) "Disciplinary sanction" means any action listed in s. UWS 17.10 (1) taken in response to student nonacademic misconduct.
- (7m) "Education program or activity" includes, for purposes of a Title IX Complaint only, locations, events, or circumstances over which the university exercised substantial control over both the respondent and the context in which the relevant misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the university.
- (8) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.
- (8m) "Formal complaint" is, for the purposes of a Title IX complaint only, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against an academic staff member and requesting that the institution investigate the allegations. At the time of filing of the formal complaint, the complainant must be participating in or attempting to participate in an educational program or activity. A formal complaint may be filed in person, by mail, or electronic mail, or any other method designated by the university. A formal complaint shall include a physical or digital signature of the complainant or the Title IX Coordinator.
- (9) "Hearing examiner" means an individual, other than the investigating officer, appointed by the chief administrative officer in accordance with s. UWS 17.06 (2) for the purpose of conducting a hearing under s. UWS 17.12 or UWS 17.18.
- (9m) "Incapacitation" means the state of being unable to physically or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
- (10) "Institution" means any university, or an organizational equivalent designated by the board.
- (11) "Investigating officer" means an individual, or their designee, appointed by the chief administrative officer of each institution, to conduct investigations of nonacademic misconduct under this chapter.
- (12) "Nonacademic misconduct hearing committee" or "committee" means the committee appointed pursuant to s. UWS 17.07 to conduct hearings under s. UWS 17.12 or UWS 17.18.
- (12m) "Party" refers to a respondent or complainant involved in a disciplinary procedure under 17.12 or 17.18.
- (13) "Preponderance of the evidence" means information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than "clear and convincing evidence" and is the minimum standard for a finding of responsibility under this chapter.
- (13m) "Respondent," for conduct defined in s. UWS 17.09, means any student who was registered for study in an institution for the academic period, or between academic periods for continuing students, when the misconduct occurred and has been reported to have violated UWS 17.09 or UWS 17.16
- (14) "Student" means any person who is registered for study in an institution for the academic period in which the misconduct occurred, or between academic periods, for continuing students.

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- (15) "Student affairs officer" means the dean of students or student affairs officer or other personnel designated by the chief administrative officer to coordinate disciplinary hearings and carry out duties described in this chapter.
- (16) "Suspension" means a loss of student status for a specified length of time, not to exceed two years, with resultant loss of all student rights and privileges.
- (17) "University lands" means all real property owned by, leased by, or otherwise subject to the control of the Board of Regents of the University of Wisconsin System.

### *UWS 17.03 Consistent institutional policies.*

Each institution is authorized to adopt policies consistent with this chapter. A copy of such policies shall be filed with the Board of Regents and the University of Wisconsin System office of academic affairs.

### *UWS 17.04 Notice to students.*

Each institution shall publish ch. UWS 17 on its website and shall make ch. UWS 17 and any institutional policies implementing ch. UWS 17 freely available to students through the website or other means.

### *UWS 17.05 Designation of investigating officer.*

The chief administrative officer of each institution shall designate an investigating officer or officers for allegations of student nonacademic misconduct. The investigating officer shall investigate student nonacademic misconduct and initiate procedures for nonacademic misconduct under ss. UWS 17.11 and UWS 17.17. For allegations involving sexual misconduct, as defined in s. UWS 17.16, the Title IX Coordinator or designee shall serve as the investigating officer.

### *UWS 17.06 Nonacademic misconduct hearing examiner.*

- (1) The chief administrative officer of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the designation of a student nonacademic misconduct hearing examiner to fulfill the responsibilities of the nonacademic misconduct hearing examiner in this chapter.
- (2) A hearing examiner shall be selected by the chief administrative officer pursuant to the policies adopted under sub. (1).

### *UWS 17.07 Nonacademic misconduct hearing committee.*

- (1) The chief administrative officer of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a student nonacademic misconduct hearing committee to fulfill the responsibilities of the nonacademic misconduct hearing committee in this chapter.
- (2) A student nonacademic misconduct hearing committee shall consist of at least three persons, including at least one student, except that no such committee shall be constituted with a majority of members who are students. The presiding officer, who may be the hearing examiner designated pursuant to s. UWS 17.06, shall be appointed by the chief administrative officer. The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice.

### *UWS 17.08 Nonacademic misconduct occurring on or outside of university lands.*

- (1) MISCONDUCT ON UNIVERSITY LANDS. Except as provided in s. UWS 17.08 (2), the provisions contained in this chapter shall apply to the student conduct described in ss. UWS 17.09 and UWS 17.16 that occurs on university lands or at university-sponsored events.
- (2) MISCONDUCT OUTSIDE OF UNIVERSITY LANDS. The provisions contained in this chapter may apply to the student conduct described in ss. UWS 17.09 and UWS 17.16 that occurs outside of university lands only when, in the judgment of the investigating officer, the conduct adversely affects a substantial university interest. In determining whether the conduct adversely affects a substantial university interest, the investigating officer shall consider whether the conduct meets one or more of the following conditions:
- (a) The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.

- (b) The conduct indicates that the student presented or may present a danger or threat to the health or safety of themselves or others.
- (c) The conduct demonstrates a pattern of behavior that seriously impairs the university's ability to fulfill its teaching, research, or public service missions.

*UWS 17.09 Conduct subject to disciplinary action.*

In accordance with s. UWS 17.08, the university may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct. Conduct defined in s. UWS 17.09 shall use the disciplinary procedure, hearing, appeal, and settlement processes detailed in ss. UWS 17.11 to 17.15. However, at the university's discretion, conduct defined in s. UWS 17.09, when arising out of the same facts and circumstances as sexual misconduct defined in s. 17.16, may be consolidated with such charges and addressed with the disciplinary procedure, hearing, appeal, and settlement processes detailed in ss. UWS 17.17 to 17.21.

- (1) DANGEROUS CONDUCT. Conduct that endangers or threatens the health or safety of oneself or another person.
- (4) HARASSMENT. Conduct defined in s. 947.013, Stats.
- (5) HAZING. Conduct defined in s. 948.51, Stats.
- (6) ILLEGAL USE, POSSESSION, MANUFACTURE, OR DISTRIBUTION OF ALCOHOL OR CONTROLLED SUBSTANCES. Use, possession, manufacture, or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law or university policy.
- (7) UNAUTHORIZED USE OF OR DAMAGE TO PROPERTY. Unauthorized possession of, use of, moving of, tampering with, damage to, or destruction of university property or the property of others.
- (8) DISRUPTION OF UNIVERSITY-AUTHORIZED ACTIVITIES. Conduct that obstructs or impairs university-run or university-authorized activities, or that interferes with or impedes the ability of a person to participate in university-run or university-authorized activities.
- (9) FORGERY OR FALSIFICATION. Unauthorized possession of or fraudulent creation, alteration, or misuse of any university or other governmental document, record, key, electronic device, or identification.
- (10) MISUSE OF COMPUTING RESOURCES. Conduct that involves any of the following:
  - a. Failure to comply with laws, license agreements, and contracts governing university computer network, software, and hardware use.
  - b. Use of university computing resources for unauthorized commercial purposes or personal gain.
  - c. Failure to protect a personal password or university-authorized account.
  - d. Breach of computer security, invasion of privacy, or unauthorized access to university computing resources.
- (11) FALSE STATEMENT OR REFUSAL TO COMPLY REGARDING A UNIVERSITY MATTER. Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter.
- (12) VIOLATION OF CRIMINAL LAW. Conduct that constitutes a criminal offense as defined by state or federal law.
- (13) SERIOUS AND REPEATED VIOLATIONS OF MUNICIPAL LAW. Serious and repeated off-campus violations of municipal law.
- (14) VIOLATION OF CH. UWS 18. Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.
- (15) VIOLATION OF UNIVERSITY RULES. Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.
- (16) NONCOMPLIANCE WITH DISCIPLINARY SANCTIONS. Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.
- (20) RETALIATION. Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured in ss. UWS 17.17 to 17.21, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under ss. UWS 17.17 to 17.21.



*UWS 17.10 Disciplinary sanctions.*

- (1) The disciplinary sanctions that may be imposed for nonacademic misconduct, in accordance with the procedures of ss. [UWS 17.11](#) to [17.13](#), and 17.17 to 17.19 are any of the following:
- (a) A written reprimand.
  - (b) Denial of specified university privileges.
  - (c) Payment of restitution.
  - (d) Educational or service sanctions, including community service.
  - (e) Disciplinary probation.
  - (f) Imposition of reasonable terms and conditions on continued student status.
  - (g) Removal from a course in progress.
  - (h) Enrollment restrictions on a course or program.
  - (i) Suspension.
  - (j) Expulsion.
- (2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of nonacademic misconduct.
- (3) Disciplinary sanctions shall not include the termination or revocation of student financial aid; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of a student for financial aid.

**Notes on disciplinary sanctions:** Suspension may be up to 2 years and is typically imposed in academic term increments (i.e. 1 summer term, 1 semester, 2 semesters or up to 2 years). Upon completion of a suspension period, a student who is academically eligible may re-enroll, provided all conditions from previous disciplinary sanctions have been met. Denial of specified university privileges may include such sanctions as restrictions on participation in extra-curricular activities, depending on the facts of the case and the status of the parties. Educational or service sanctions can include, but is not limited to, participating in prevention programming, taking a drug and alcohol abuse assessment and following up with mandatory counseling, taking a counseling assessment and following up with mandatory counseling, or mandatory alcohol education. Such sanctions, if imposed, will be determined on a case-by-case basis.

*UWS 17.11 Disciplinary procedure*

- (1) **PROCESS.** The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. [UWS 17.10 \(1\)](#) for conduct defined in s. [UWS 17.09](#).
- (2) **CONFERENCE WITH RESPONDENT.** When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the respondent in person, by telephone, or by electronic mail to offer to discuss the matter, review the investigating officer's basis for believing that the respondent engaged in nonacademic misconduct, and to afford the respondent an opportunity to respond. If the respondent fails to respond to the investigating officer, the investigating officer may proceed to decide on the basis of the available information.
- (3) **DETERMINATION BY THE INVESTIGATING OFFICER THAT NO DISCIPLINARY SANCTION IS WARRANTED.** If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action. The investigating officer shall notify the respondent.
- (4) **PROCESS FOLLOWING DETERMINATION BY THE INVESTIGATING OFFICER THAT NONACADEMIC MISCONDUCT OCCURRED.**
- (a) If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did occur and that one or more of the disciplinary sanctions

listed under s. [UWS 17.10 \(1\)](#) should be recommended, the investigating officer shall prepare a written report which shall contain all of the following:

1. A description of the alleged misconduct.
  2. A description of all information available to the university regarding the alleged misconduct.
  3. Specification of the sanction sought.
  4. Notice of the respondent's right to a hearing.
  5. A copy of this chapter and of the institutional procedures adopted to implement this section.
- (b)** The written report shall be delivered to the respondent.
- (c)** A respondent who receives a written report under this section has the right to a hearing under s. [UWS 17.12](#) to contest the determination that nonacademic misconduct occurred, the choice of disciplinary sanctions, or both.
1. Where the disciplinary sanction sought is one of those listed in s. [UWS 17.10 \(1\) \(a\)](#) to [\(g\)](#), and if the respondent desires a hearing, the respondent shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the respondent. If the respondent does not request a hearing within this period, the determination of nonacademic misconduct shall be regarded as final, and the disciplinary sanction sought shall be imposed.
  2. Where the disciplinary sanction sought is one of those listed in s. [UWS 17.10 \(1\) \(h\)](#) to [\(j\)](#), the investigating officer shall forward a copy of the written report under par. [\(b\)](#) to the student affairs officer. The student affairs officer shall, upon receipt of the written report, proceed under s. [UWS 17.12](#) to schedule a hearing on the matter. A hearing shall be conducted unless the respondent waives, in writing, the right to such a hearing.

### *UWS 17.12 Hearing*

- (1) A respondent who requests a hearing, or for whom a hearing is scheduled under s. [UWS 17.11 \(4\) \(c\) 2.](#) for conduct defined in s. [UWS 17.09](#), shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.
- (2) If a respondent requests a hearing under s. [UWS 17.11 \(4\) \(c\) 1.](#), or a hearing is required to be scheduled under s. [UWS 17.11 \(4\) \(c\) 2.](#), the student affairs officer shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request or written report. The hearing shall be conducted within 45 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the respondent and investigating officer or is ordered or permitted by the hearing examiner or committee.
- (3) No less than 5 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the respondent with access to or copies of the investigating officer's explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information of the type described in s. [UWS 17.11 \(4\) \(a\) 2.](#)
- (4) The hearing shall be conducted in accordance with the following guidance and requirements:
  - (a) The hearing process shall further the educational purposes and reflect the university context of nonacademic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in ch. [UWS 17](#).
  - (b) The respondent shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on their own behalf, and the right to be accompanied by an advisor of the respondent's choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified in s. [UWS 17.10 \(1\) \(a\)](#) to [\(h\)](#), the advisor may counsel the respondent but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the respondent except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in s. [UWS 17.10 \(1\) \(i\)](#) or [\(j\)](#), or where the respondent has been charged with a crime in connection

with the same conduct for which the disciplinary sanction is sought, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the respondent. In accordance with the educational purposes of the hearing, the respondent is expected to respond on their own behalf to questions asked of them during the hearing.

- (c) The hearing examiner or committee:
1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony.
  2. Shall observe recognized legal privileges.
  3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, provided, however, whatever procedure is adopted, the complainant and respondent are allowed to effectively question the witness.
- (d) The hearing examiner or committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. The respondent and the complainant may access the record, except as may be precluded by applicable state or federal law.
- (e) The hearing examiner or committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.
- (f) A hearing examiner's or committee's finding of nonacademic misconduct shall be based on one of the following:
1. Clear and convincing evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10 (1) (h) to (j).
  2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10 (1) (a) to (g).
  3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment, sexual assault, dating violence, domestic violence, or stalking
- (g) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in s. UWS 17.10 (1) (a) to (g) that differs from the recommendation of the investigating officer. Sanctions under s. UWS 17.10 (1) (h) to (j) may not be imposed unless previously recommended by the investigating officer.
- (h) The hearing shall be conducted by the hearing examiner or committee, and the university's case against the respondent shall be presented by the investigating officer or his or her designee.
- (i) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered simultaneously to the respondent and the complainant, excluding information that may be precluded by state or federal law. The decision shall become final within 14 days of the date on the written decision, unless an appeal is taken under s. UWS 17.13.
- (j) If a party fails to appear at a scheduled hearing and to proceed, the hearing examiner or committee may issue a decision based upon the information provided.
- (k) Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the respondent or complainant requests a closed hearing or if the hearing examiner or committee determines that it is necessary to hold a closed hearing, as permitted under the Wisconsin open meetings law. Deliberations of the committee shall be held in closed session, in accordance with s. 19.85, Stats. As such, proper notice and other applicable rules shall be followed.

*UWS 17.13 Appeal to the Chancellor.*

- (1) For conduct defined in s. UWS 17.09, where the sanction prescribed by the hearing examiner or committee is one of those listed in s. UWS 17.10 (1) (h) to (j), the respondent may appeal in writing to the chief administrative officer within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record.
- (2) The chief administrative officer has 30 days from receipt of an appeal to respond and shall sustain the decision unless the chief administrative officer finds any of the following

- (a) The information in the record does not support the findings or decision.
  - (b) Appropriate procedures were not followed which resulted in material prejudice to the respondent.
  - (c) The decision was based on factors proscribed by state or federal law.
- (3) If the chief administrative officers makes a finding under sub. (2), they may return the matter for consideration, or may invoke an appropriate remedy of their own. The chief administrative officer's decision shall be communicated to the respondent.

*UWS 17.14 Discretionary appeal to the Board of Regents.*

For conduct defined in s. UWS 17.09, institutional decisions under ss. UWS 17.11 to 17.13 shall be final, except that the board of regents may, at its discretion, grant a review upon the record, upon written request submitted by respondent within 14 days of the final institutional decision.

*UWS 17.15 Settlement.*

For conduct defined in s. UWS 17.09, the procedures set forth in this chapter allow the university and a respondent to enter into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the respondent and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the respondent.

*UWS 17.16 Sexual Misconduct subject to disciplinary action.*

In accordance with s. UWS 17.08, the university may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct. Conduct as defined in s. UWS 17.16 ("sexual misconduct") shall use the disciplinary procedure, hearing, appeal and settlement processes detailed in ss. UWS 17.17 to 17.21

- (1) SEXUAL HARASSMENT. When on the basis of sex, unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that when using any of the following legal "reasonable person" standard:
- 1. The conduct is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity.
  - 2. The conduct is so severe, pervasive or objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or participation in institution sponsored or supported activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.
- (2) SEXUAL ASSAULT. An offense that meets the definition of rape, fondling, incest, or statutory rape as defined below. 20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a).
- (a) Rape: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.
  - (b) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
  - (c) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (See s. 944.06, Stats.)
  - (d) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent (See s. 948.02, Stats.)
- (3) Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- (4) DOMESTIC VIOLENCE. Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a persons who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth individual who is protected from that person’s acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075)
- (5) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
- (6) SEXUAL EXPLOITATION. Attempting, taking, or threatening to take nonconsensual sexual advantage of another person. Examples include, but are not limited to:
  - (a) Engaging in any of the following conduct without the knowledge and consent of all participants:
    - 1. Observing, recording, or photographing private body parts or sexual activity of one or more persons.
    - 2. Allowing another person to observe, record, or photograph sexual activity or private body parts of one or more persons.
    - 3. Otherwise distributing recordings, photographs, or other images of the same of one or more persons.
  - (b) Masturbating, touching one’s genitals, or exposing one’s genitals in another person’s presence without the consent of that person, or inducing another person to do the same.
  - (c) Dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual contact or sexual intercourse.
  - (d) Inducing incapacitation through deception for the purpose of making another person vulnerable to non-consensual sexual activity.
  - (e) Coercing another person to engage in sexual activity for money or anything of value.
  - (f) Threatening distribution of the following, to coerce someone into sexual activity or providing money or anything of value.
    - 1. Photos, videos, or recordings depicting private body parts or sexual activity of one or more persons.
    - 2. Other information of a sexual nature including sexual history or sexual orientation.

*UWS 17.17 Sexual misconduct disciplinary procedure.*

- (1) (1) Process.
  - (a) The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. UWS 17.10 (1), for sexual misconduct defined in s. UWS 17.16, and conduct described in s. UWS 17.09 when consolidated with sexual misconduct charges pursuant to this section and consistent with s. UWS 17.08
  - (b) As required by 34 CFR Part 106, a sexual misconduct disciplinary procedure shall also be considered a “Title IX Complaint” when all of the following requirements are met:
    - 1. A “formal complaint,” as defined in 17.02(8m), is either filed by a complainant or signed by the Title IX Coordinator.
    - 2. The alleged conducts meets the definitions of sexual harassment as defined in s. UWS 17.16(1)(a) or sexual assault, dating violence, domestic violence, or stalking as defined in s. UWS 17.16 (2) to (5).
    - 3. The alleged conduct occurred within a university “education program or activity,” as defined in s. UWS 17.02(7m).
    - 4. The alleged conduct occurred against the complainant while in the United States.
    - 5. The complainant is participating in or attempting to participate in the university’s education program or activity at the time they file the complaint.
  - (c) The university shall dismiss a Title IX Complaint that does not meet all the requirements of s. sub. (1) (a) 1. to 5.
  - (d) The university may dismiss a Title IX Complaint if any of the following conditions are met at any time during the disciplinary procedure or hearing:

1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the Title IX complaint or any allegations therein.
  2. The respondent is no longer enrolled by the university.
  3. Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the Title IX Complaint or allegations therein.
- (e) Upon dismissal of a Title IX Complaint, the university shall promptly send written notice of the dismissal and reason therefore simultaneously to the complainant and respondent.
- (f) Dismissal of a Title IX Complaint does not preclude other university action under ch. UWS 17.
- (g) The university may consolidate disciplinary procedures as to allegations of sexual misconduct, as defined in s. UWS 17.16, against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.
- (2) Notice of Investigation. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly distribute a written Notice of Investigation in person, by telephone or by electronic mail, to the complainant and respondent. The Notice of Investigation shall include all of the following:
- (a) Details known at the time of issuing notice, including the following:
1. The identities of the complainant and respondent involved in the incident, if known.
  2. The conduct allegedly constituting sexual misconduct.
  3. The date and location of alleged incident, if known.
- (b) Notice to the complainant and respondent that they may have an advisor of their choice, who may be an attorney.
- (c) Notice to the complainant and respondent that they may inspect and review evidence collected during the investigation.
- (d) Notice of s. UWS 17.09(9), false statement or refusal to comply regarding a university matter.
- (e) Notice that the respondent is presumed not responsible for the alleged sexual misconduct until a determination regarding responsibility is made at the conclusion of the disciplinary procedure.
- (f) Notice if the sexual misconduct disciplinary procedure also involves a Title IX Complaint.
- (g) Information about the nonacademic misconduct process available in ch. UWS 17 and about any available informal resolution process.
- (h) If, during the course of an investigation, the university decides to investigate allegations that are not included in the Notice of Investigation, the university shall send an amended Notice of Investigation with additional allegations.
- (3) Investigation. During the investigation, the investigating officer shall meet all of the following requirements:
- (a) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- (b) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- (c) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- (d) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

- (e) Not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party's voluntary, written consent to do so for a grievance process under this section.
- (4) Review of Evidence. Prior to completion of the final investigative report, as defined in sub. (5), the university shall provide the complainant and respondent and their advisors, if any, the evidence gathered during the university's investigation that is directly related to the allegations of sexual misconduct in an electronic format or hard copy.
  - (a) The evidence subject to review includes information upon which the university does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
  - (b) The complainant and respondent shall be afforded at least 10 days to submit a written response to the evidence, which the investigator shall consider prior to completion of the final investigative report.
- (5) Final investigative report. The investigator shall create an investigative report that fairly summarizes relevant evidence.
  - (a) The final investigative report shall be delivered simultaneously to the respondent and complainant and their advisors, if any, for their review and response at least 10 days prior to a hearing.
  - (b) The final investigative report may contain recommended determinations as to whether sexual misconduct occurred, and specification of any sanction recommended.
  - (c) After receipt of the final investigative report, the complainant and respondent have the right to a hearing under s. UWS 17.18 for a formal determination as to whether sexual misconduct occurred, potential disciplinary sanctions, or both.
  - (d) Upon distribution of the final investigative report to the complainant and respondent, the university shall proceed under s. UWS 17.18 to schedule a hearing on the matter. A hearing shall be conducted unless the complainant and respondent waive, in writing, the right to such a hearing or otherwise voluntarily choose to proceed with a settlement agreement (or informal resolution) under s. UWS 17.21.UWS 17.18.

*UWS 17.18 Hearing (Sexual Misconduct)*

- (1) The university shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.
- (2) The university shall take the necessary steps to convene the hearing and shall schedule it within 15 days of the distribution of the final investigative report. The hearing shall be conducted within 45 days of the distribution of the final investigative report, unless a different time period is mutually agreed upon by the complainant, respondent and university or is ordered or permitted by the hearing examiner or committee.
- (3) No less than 10 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, the final investigative report and any additional available information of the type described in s. UWS 17.17(4).
- (4) The hearing shall be conducted in accordance with the following guidance and requirements:
  - (a) The hearing process shall further the educational purposes and reflect the university context of nonacademic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in ch. UWS 17.
  - (b) Both the complainant and respondent shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on their own behalf, and the right to be accompanied by an advisor of their choice. The advisor may be a lawyer. In accordance with the educational purposes of the hearing, the complainant and respondent are expected to respond on their own behalf to questions asked of them during the hearing.
  - (c) The hearing examiner or committee:

1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony.
  2. May not permit questions and evidence about the complainant's sexual predisposition or prior sexual behavior unless:
    - (1) Such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
    - (2) If the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
  3. Shall observe recognized legal privileges including, but not limited to, those described in s. UWS 17.17(3)(e).
  4. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, provided, however, whatever procedure is adopted, the advisors for the complainant and respondent are allowed to effectively question the party or witness.
- (5) Cross examination must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.
- (a) If a party does not have an advisor at the hearing to conduct cross-examination, the university will provide someone, without fee or charge, who may or may not be an attorney, to conduct cross-examination.
  - (b) Before a party or witness answers a cross-examination or other question, the hearing examiner or committee must first determine whether a question is relevant or not and explain any decision to exclude those questions as not relevant.
  - (c) The hearing examiner or committee cannot draw an inference regarding responsibility based solely on a party's or a witness's absence from the hearing or refusal to answer cross-examination questions
  - (d) At hearings involving a Title IX Complaint, if a party or a witness does not submit to cross-examination at the hearing, then the hearing examiner or committee may not rely on any statement of that party or witness made prior to or during the hearing in reaching a determination regarding responsibility.
- (6) If a party fails to appear at a scheduled hearing and to proceed, the hearing examiner or committee may issue a decision based upon the information provided except as described in sub (5)(d).
- (7) The hearing examiner or committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of all evidence presented at the hearing. The respondent and the complainant may access the record, except as may be precluded by applicable state or federal law.
- (8) The hearing examiner or committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing, using the preponderance of the evidence standard. The written report shall include all of the following:
- (a) Identification of the allegations potentially constituting sexual misconduct
  - (b) A description of the procedural steps taken from the receipt of the initial complaint through the determination, including any notifications to the complainant and respondent, interviews with the complainant and respondent and witnesses, site visits, methods used to gather other evidence, and hearings held.
  - (c) Findings of fact supporting the determination.
  - (d) Conclusions regarding the application of ch. UWS 17 to the facts.
  - (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility under s. UWS 17 and any Title IX Complaint, any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant.
  - (f) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in s. UWS 17.10 (1) (a) to (j).
  - (g) Procedures and permissible bases for the complainant and respondent to appeal.



- (9) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered simultaneously to the respondent and the complainant, excluding information that may be precluded by state or federal law. The decision regarding responsibility becomes final either on the date that the university provides the complainant and respondent with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (10) Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the respondent or complainant requests a closed hearing or if the hearing examiner or committee determines that it is necessary to hold a closed hearing, as permitted under the Wisconsin open meetings law. Deliberations of the committee shall be held in closed session, in accordance with s. 19.85, Stats. As such, proper notice and other applicable rules shall be followed.

*UWS 17.19 Appeal to the Chancellor (Sexual Misconduct)*

- (1) The respondent or complainant may appeal in writing to the chief administrative officer within 14 days of the date of the written decision for a review, based on the record, of the following:
  - (a) A dismissal of Title IX Complaint.
  - (b) The written decision of the hearing examiner or committee.
- (2) The chief administrative officer has 30 days from receipt of an appeal to respond in writing simultaneously to both the complainant and respondent and shall sustain the decision unless the chief administrative officer finds any of the following:
  - (a) The information in the record does not support the findings or decision.
  - (b) A procedural irregularity affected the outcome of the matter.
  - (c) The decision was based on factors proscribed by state or federal law.
  - (d) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.
  - (e) The Title IX Coordinator, investigator, hearing examiner, or a member of the hearing committee had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- (3) If the chief administrative officer makes a finding under sub. (2), the chief administrative officer may return the matter for consideration, or may invoke an appropriate remedy of their own. The chief administrative officer's written decision describing the result of the appeal and the rationale for the result shall be communicated simultaneously to the respondent and complainant.
- (4) When an appeal is filed, the chief administrative officer will notify the other party in writing and give both the complainant and respondent a reasonable, equal opportunity to submit a written statement supporting or challenging the outcome.

*UWS 17.20 Settlement (Sexual Misconduct)*

The procedures set forth in this chapter allow the university, the respondent, and the complainant to voluntarily enter into a settlement agreement (or informal resolution) regarding the alleged misconduct, after written notice has been given to the complainant and respondent and prior to any final determination regarding responsibility. Any such agreement and its terms shall be in writing and signed by both the complainant and respondent and the Title IX Coordinator or designee. If there is no identified complainant or the complainant declined to participate in the disciplinary procedure, the agreement and its terms shall be in writing and signed by only the respondent and Title IX Coordinator or designee. The case is concluded when a copy of the signed agreement is delivered to the complainant and respondent. At any time prior to agreeing to a resolution, either party has the right to withdraw from the settlement process and resume the process under ss. UWS 17.17 to 17.21.

*UWS 17.21 Discretionary appeal to the Board of Regents (Sexual Misconduct)*

University decisions under ss. UWS 17.17 to 17.19 shall be final, except that the board of regents may, at its discretion, grant a review upon the record, upon written request submitted by any party within 14 days of the final university decision. If the board of regents grants a review upon the record, it will:

- (1) Notify the other party in writing and give both the complainant and respondent a reasonable, equal opportunity to submit a written statement supporting or challenging the outcome.
- (2) Issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both the complainant and respondent.

*UWS 17.22 Effect of discipline within the institution*

A respondent who, at the time of commencement, is subject to a continuing disciplinary sanction under s. UWS 17.10 (1) or unresolved disciplinary charges as a result of a report under s. UWS 17.11 or UWS 17.17 shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding.

*UWS 17.23 Effect of suspension or expulsion within the university system.*

- (1) Suspension or expulsion shall be systemwide in effect and shall be noted on an individual's transcript, with suspension noted only for the duration of the suspension period.
- (2) An individual who is suspended from one institution in the University of Wisconsin System may not enroll in another institution in the system until the suspension has expired by its own terms, except as provided in s. UWS 17.24.
- (3) An individual who is expelled from one institution in the University of Wisconsin System may not enroll in another institution in the system, except as provided in s. UWS 17.24.
- (4) An individual who is in a state of suspension or expulsion from the university under this chapter, or who leaves or withdraws from the university while under nonacademic misconduct charges under this chapter, may not be present on any campus without the written consent of the chief administrative officer of that campus.
- (5) Upon completion of a suspension period, an individual who is academically eligible may re-enroll in the institution which suspended them, provided all conditions from previous disciplinary sanctions have been met.

*UWS 17.24 Petition for restoration of rights after suspension or expulsion.*

A respondent who has been suspended may petition to have their student status, rights, and privileges restored before the suspension has expired by its own terms under s. UWS 17.23 (2). A respondent who has been expelled may petition for the right to apply for readmission. The petition shall be in writing and directed to the chief administrative officer of the institution from which the respondent was suspended or expelled. The chief administrative officer shall make the readmission decision. In cases of sexual misconduct, the readmission decision should be made in consultation with the Title IX Coordinator and the complainant should be notified of any change to the disciplinary outcome, and shall be provided opportunity to respond regarding any review of responsibility findings.

*UWS 17.25 Emergency suspension.*

- (1) The chief administrative officer may impose an emergency suspension on a respondent, pending final institutional action on a report of nonacademic misconduct, in accordance with the procedures of this section.
- (2) The chief administrative officer of each institution may impose an emergency suspension on a respondent when all of the following conditions are met
  - (a) The investigating officer has made a reasonable attempt to offer the respondent the opportunity for discussion, either in person or by telephone.
  - (b) The investigating officer recommends a sanction of suspension or expulsion.
  - (c) The chief administrative officer concludes, based on the available information, that the misconduct occurred and that the respondent's continued presence on campus meets one or more of the following conditions:
    1. Would constitute a potential for serious harm to the respondent.

2. Would constitute a potential for serious harm to others.
  3. Would pose a threat of serious disruption of university-run or university-authorized activities.
  4. Would constitute a potential for serious damage to university facilities or property.
- (d) In cases of sexual misconduct as defined in s. UWS 17.16, the chief administrative officer has made reasonable attempts to consult with the complainant and offer protective measures.
- (3) If the chief administrative officer determines that an emergency suspension is warranted under sub. (2), the chief administrative officer shall promptly have written notification of the emergency suspension delivered to the respondent. In cases of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, the written notification of the emergency suspension shall be delivered simultaneously to the complainant and the respondent. The chief administrative officer's decision to impose an emergency suspension shall be effective immediately when delivered to the respondent and is final.
- (4) Where an emergency suspension is imposed, the hearing on the underlying allegations of misconduct shall be held, either on or outside of university lands, within 21 days of the imposition of the emergency suspension, unless the respondent agrees to a later date.
- (5) An emergency suspension imposed in accordance with this section shall be in effect until the decision in the hearing on the underlying charges pursuant to s. UWS 17.12 is rendered or the chief administrative officer rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the respondent agrees to a longer period.
- (6) If the chief administrative officer determines that none of the conditions specified in sub. (2) (c) are present, but that misconduct may have occurred, the case shall proceed in accordance with s. UWS 17.12.

### The Student Disciplinary Process

In addition to UW Ch. 17, the University of Wisconsin La Crosse has implemented supplemental disciplinary procedures for investigations and hearings involving sexual assault, domestic violence, dating violence, and/or stalking, pursuant to federal law and UWS 17.03. Sexual assault, domestic violence, dating violence, and/or stalking cases receive a prompt, fair, and impartial investigation and resolution. The process described below provides a summary of what can be expected from the student disciplinary process.

Once the Office of Title IX and Compliance receives a report, the Title IX Coordinator will attempt to obtain the identity of the complainant. If identified, the Title IX Coordinator will outreach three times to the complainant to learn a little more of what happened, offer supportive measures, and explain the Title IX/Sexual Misconduct Grievance process. The complainant has multiple options:

1. Does not respond to requests for meeting;
2. Does not file a formal complaint and does not want supportive measures;
3. Does not file a formal complaint but wants supportive measures;
4. Files a formal complaint and wants an informal resolution;
5. Files a formal complaint and wants a formal resolution (investigation).

It is important to note that a complainant does not have to file a formal complaint to seek supportive measures. Confidential resources are specific identified individuals on campus and within Counseling and Testing and the Violence Prevention office.

If, at any point, the allegations do not meet the definition of Title IX as defined by 34 C.F.R. Part 106, the case will be dismissed as Title IX and proceed under UWL's Sexual Violence and Sexual Harassment Grievance Process as noted in UWL's policy and UWS Chapters. Notification of the dismissal will be sent to both parties, allowing for an opportunity to challenge the decision. A subsequent Sexual Violence and Sexual Harassment Grievance Process Notice of Allegations will be sent to both parties.

**Option 1**

If a complainant does not respond to three outreach attempts from the Title IX Coordinator, the Title IX Coordinator will close the case until otherwise requested by the complainant that they want something different. There is no statute of limitations on Title IX and sexual misconduct cases, however, the university's ability to collect evidence and information may be impacted if the complainant wants an investigation in the future.

Generally, no outreach to the respondent is made. There may be an exception when the Title IX Coordinator signs a formal complaint and moves a case into a formal or informal resolution process.

**Option 2**

If a complainant does not file a formal complaint and does not want supportive measure, the Title IX Coordinator will close the case until the complainant wants something different. There is no statute of limitations on Title IX and sexual misconduct cases, however, the university's ability to collect evidence and information may be impacted if the complainant wants an investigation in the future.

Generally, no outreach to the respondent is made. There may be an exception when the Title IX Coordinator signs a formal complaint and moves a case into a formal or informal resolution process.

Complainants and respondents have the right to an advisor who may accompany them to any and all meetings, however their role may be limited.

**Option 3**

If a complainant does not file a formal complaint but wants supportive measures, the Title IX Coordinator will work with various offices on campus to provide supportive measures.

Generally, no outreach to the respondent is made. There may be an exception when the Title IX Coordinator signs a formal complaint and moves a case into a formal or informal resolution process.

Complainants and respondents have the right to an advisor who may accompany them to any and all meetings, however their role may be limited.

**Option 4**

If a complainant files a formal complaint and wants an to pursue an informal resolution, the following steps will occur:

1. The Title IX Coordinator will identify someone on the Title IX Investigative team to conduct the informal resolution.
2. A Title IX Grievance Process Notice of Allegations letter will be sent to both the complainant and respondent.
3. A meeting request letter will be sent by the Title IX Coordinator to the respondent to request a meeting to learn a little more of what happened, offer supportive measures, and explain the Title IX/Sexual Misconduct Grievance process.
4. If both parties want to continue in the informal resolution process, the Title IX Investigative Team member assigned will continue in the informal resolution process until a resolution is made and/or one of the parties requests a formal resolution.

The informal resolution process will not be an option for cases involving a student and an employee.

Complainants and respondents have the right to an advisor who may accompany them to any and all meetings, however their role may be limited.

**Option 5**

If a complainant files a formal complaint and wants an to pursue an informal resolution, the following steps will occur:

1. The Title IX Coordinator will identify two investigators on the Title IX Investigative team to conduct the formal resolution.
2. A Notice of Allegations letter will be sent to both the complainant and respondent.
3. A meeting request letter will be sent by the Title IX Coordinator to the respondent to request a meeting to learn a little more of what happened, offer supportive measures, and explain the Title IX/Sexual Misconduct Grievance process.
4. A letter will be sent to both parties by the Title IX Coordinator, identifying the assigned investigator(s) and allowing for parties to note any concerns regarding bias and/or impartiality to the Title IX Coordinator.
5. The investigator(s) will send outreach to the complainant, respondent, and witnesses to conduct an interview. After interviews, the investigators will send a summary of the meeting to the specific party to request review of the meeting notes/summary.
6. The investigator(s) will collect any additional information that may be relevant to the case.
7. Once all information available has been collected and the investigator(s) have conducted all interviews, they will prepare a preliminary report. The preliminary report will include a summary of information that is directly related to the case as well as all information that is relevant to the case.
8. A link to the electronic report will be sent to the complainant, respondent, and any advisor independently. Each party will have 10 days to submit a written response to the preliminary report/evidence.
9. After the 10-day comment period, the investigator(s) will consider any written responses prior to completion of the final investigative report.
10. The final investigative report, which summarizes relevant evidence, will be sent to the Title IX Coordinator, who will appoint Decision-Maker I to draw conclusions from the final investigative report. Prior to any conclusion being made, the Title IX Coordinator will send a letter to both parties, identifying Decision-Maker I and allowing for parties to note any concerns regarding bias and/or impartiality to the Title IX Coordinator.
11. **For non-Title IX misconduct**, parties can accept the findings and conclusions, or request a hearing. No less than 10 days in advance of the hearing, parties will be provided with the final investigative report as well as the name of Decision-Maker II and allowing for parties to note any concerns regarding bias and/or impartiality to the Title IX Coordinator. All hearings will be conducted virtually. Hearings will proceed as noted in UWS Chapters and UWL's Sexual Violence and Sexual Harassment Policy. Any and all appeals will also proceed as noted UWS Chapters and UWL's Sexual Violence and Sexual Harassment Policy.
12. **For Title IX misconduct**, all cases will proceed to a hearing. No less than 10 days in advance of the hearing, parties will be provided with the final investigative report as well as the name of Decision-Maker II and allowing for parties to note any concerns regarding bias and/or impartiality to the Title IX Coordinator. All hearings will be conducted virtually. Hearings will proceed as noted in UWS Chapters and UWL's Sexual Violence and Sexual Harassment Policy. Any and all appeals will also proceed as noted UWS Chapters and UWL's Sexual Violence and Sexual Harassment Policy.

It is important to note that complainants and respondents have the right to an advisor who may accompany them to any and all meetings, however their role may be limited.

Complainants and respondents have the right to an advisor for cross-examination purposes in all hearings. If a party does not have an advisor for cross-examination purposes, one will be appointed to them, free of charge, by the university.

Any information not subject to cross-examination in hearings cannot be relied upon to draw conclusions.

Rape-shield protections are provided to the complainant.

## Employee Disciplinary Procedures

The University of Wisconsin La Crosse has three major categories of employees:

- faculty,
- academic staff, and
- university staff.

Each of these categories of employees has distinct procedures for discipline and dismissal, which are provided below. In addition, the University of Wisconsin La Crosse has various types of at-will employees, including:

- limited appointees,
- teaching assistants (TA),
- project assistants (PA),
- postdoctoral trainees,
- other employees-in-training,
- and student hourlies.

All employees may be subject to one or more of the following disciplinary responses:

- written reprimand,
- unpaid suspension,
- dismissal,
- demotion,
- revocation of responsibilities,
- reassignment, and
- retraining.

All University of Wisconsin System institutions develop individual procedures for discipline and dismissal based on the Wisconsin Administrative Code provisions and UW System policies included below. The discipline and dismissal procedures for Faculty and Academic Staff members are developed through shared-governance processes. The discipline and dismissal procedures for University Staff employees are based upon standards developed under the State classified civil service requirements.

The University of Wisconsin La Crosse will ensure that all employee disciplinary procedures are compliant with federal law. All employee disciplinary actions originating from a complaint of sexual assault, domestic violence, dating violence, and/or stalking will include the following components:

- Proceedings will be prompt, fair and impartial.
- Proceedings will be conducted by officials who receive, at minimum, annual training on issues related to sexual assault, domestic violence, dating violence and/or stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- A hearing examiner's or committee's finding of misconduct will be based on a preponderance of the evidence standard.
- The complainant will have the same opportunity as the respondent to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the support person of their choice.
- University of Wisconsin La Crosse will not limit the choice of support person or presence of support person for either the respondent or the complainant in any meeting or institutional disciplinary proceeding; however, the University of Wisconsin La Crosse may establish restrictions regarding the extent to which the support person may participate in the proceedings that apply equally to both parties.
- The complainant and respondent will receive simultaneous notification of:

1. The result of any institutional disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence and/or stalking.
  2. University of Wisconsin La Crosse procedures for the complainant and respondent to appeal the result, if available.
  3. Any change to the result.
  4. When the result becomes final.
- Proceedings will be completed with reasonably prompt timeframes and will include a process that allows for extension of the frames for good cause with written notice to the complainant and respondent of the delay and reason for delay.
  - The complainant and respondent will be provided timely notice of any meeting at which the respondent or complainant or both may be present.
  - The complainant, respondent, and appropriate officials will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.
  - Proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.

More information regarding employee discipline can be found on UWL's Sexual Misconduct/Title IX [website](#), UWL's Equity and Affirmative Action [website](#), or by visiting the Office of Human Resources located at 144 Graff Main Hall.

#### UWS Chapter 4, Wis. Admin. Code: Procedures for Faculty Dismissal and Discipline in Title IX Cases

##### UWS 4.01 Dismissal for Cause

- (1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his/her term of appointment only by the board and only for just cause and only after due notice and hearing. A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal.
- (2) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic community. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.
- (3) Faculty dismissal for cause and lesser discipline based on allegations of Title IX misconduct as defined in UWS 4.12 shall be governed by UWS 4.11 to UWS 4.24. UWS 4.01 to UWS 4.10 shall not apply to faculty dismissal based on Title IX misconduct.

##### UWS 4.015 Definitions.

The following terms shall have the meaning given below and shall apply to ss. UWS 4.01 to UWS 4.10:

- (1) "Clear and convincing evidence" means information that would persuade a reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than "preponderance of the evidence."
- (2) "Complainant" means any individual who is alleged to be the subject of sexual misconduct, as defined in s. UWS 4.12.
- (3) "Complaint" means an allegation against a faculty member reported to an appropriate university official.
- (3m) "Consent" means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in the in this section and s. UWS 4.12. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.
- (4) "Consult" or "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.
- (5) "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be

determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- (6) "Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin.

Note: See ss. 813.12(1)(am) and 968.075

- (6m) "Incapacitation" means the state of being unable to physically or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
- (7) "Preponderance of the evidence" means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than "clear and convincing evidence."
- (8) "Reporting Party" means one or more individuals or groups filing a complaint as defined in sub. (3). A reporting party may also be a complainant as defined in sub. (2).
- (8m) "Sexual Exploitation" occurs when an individual attempts, takes or threatens to take, nonconsensual sexual advantage of another person. Examples include, but are not limited to:
- (a) Engaging in the following conduct without the knowledge and consent of all participants:
    - i. Observing, recording, or photographing private body parts or sexual activity of the complainant.
    - ii. Allowing another person to observe, record, or photograph sexual activity or private body parts of the complainant.
    - iii. Otherwise distributing recordings, photographs, or other images of the sexual activity or private body parts of the complainant.
  - b) Masturbating, touching one's genitals, or exposing one's genitals in the complainant's presence without the consent of the complainant, or inducing the complainant to do the same.
  - c) Dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual activity.
  - d) Inducing incapacitation through deception for the purpose of making the complainant vulnerable to non-consensual sexual activity.
  - e) Coercing the complainant to engage in sexual activity for money or anything of value.
  - f) Threatening distribution of any of the following, to coerce someone into sexual activity or providing money or anything of value:
    - 1) Photos, videos, or recordings depicting private body parts or sexual activity of the complainant.
    - 2) Other information of a sexual nature involving the complainant, including sexual history or sexual orientation.
- (9) "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
- a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct.
  - b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal "reasonable person" standards:
    - 1. The conduct is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity; or
    - 2. The conduct is so severe or pervasive, and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or participation in



a university sponsored or supported activity or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.

- (10) "Sexual assault" means an offense that meets any of the following definitions found in 20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a):
- (a) "Rape" means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
  - (b) "Fondling" means the touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  - (c) "Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (See s. 944.06, Stats.)
  - (d) "Statutory Rape" means sexual intercourse with a complainant who is under the statutory age of consent as provided in s. 944.06, Stats.
- (11) "Stalking" means engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

#### *UWS 4.02 Responsibility for Charges*

- (1) Whenever the Chancellor of an institution within the University of Wisconsin system receives a complaint against a faculty member which the Chancellor deems substantial and which, if true, might lead to dismissal under s. UWS 4.01, the Chancellor, or designee, shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member. For complaints of sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the Chancellor, or designee, shall appoint the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The Chancellor, or designee, shall also offer to discuss the matter informally with the complainant, and provide information regarding rights under this chapter. Both the faculty member and the complainant shall have the right to be accompanied by an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process. A faculty member may be dismissed only after receipt of a written statement of specific charges from the Chancellor as the chief administrative officer of the institution and, if a hearing is requested by the faculty member, in accordance with the provisions of this chapter. If the faculty member does not request a hearing, action shall proceed along normal administrative lines but the provisions of ss. UWS 4.02, 4.09, and 4.10 shall still apply.
- (2) Any formal statement of specific charges for dismissal sent to a faculty member shall be accompanied by a statement of the appeal procedures available to the faculty member.
- (3) The statement of charges shall be served personally, by electronic means, or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the statement of charges includes sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

#### *UWS 4.03 Standing Faculty Committee*

The faculty of each institution shall provide a standing committee charged with hearing dismissal cases and making recommendations under this chapter. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.46 (4), Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the board according to s. UWS 4.07.

*UWS 4.04 Hearing.*

If the faculty member requests a hearing within 20 days of notice of the statement of charges (25 days if notice is by first class mail and publication), such a hearing shall be held not later than 20 days after the request except that this time limit may be enlarged by mutual written consent of the parties, or by order of the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the standing faculty committee created under s. UWS 4.03.

*UWS 4.05 Adequate Due Process.*

- (1) A fair hearing for a faculty member whose dismissal is sought under s. UWS 4.01 shall include the following:
  - (a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;
  - (b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
  - (c) A right to be heard in the faculty member's defense;
  - (d) A right to an advisor, counsel, or other representatives, and to offer witnesses;
  - (e) A right to confront and cross-examine adverse witnesses. If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the hearing committee may reasonably restrict the faculty member or the complainant from questioning each other;
  - (f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
  - (g) Written findings of fact and decision based on the hearing record;
  - (h) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.
- (2) If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the complainant shall have all the rights provided to the faculty member in sub. (1) (a) to (h), except as may be precluded by applicable state or federal law.

*UWS 4.06 Procedural Guarantees*

- (1) Any hearing held shall comply with the requirements set forth in s. UWS 4.05. The following requirements shall also be observed:
  - (a) The burden of proof of the existence of just cause is on the administration or its representatives;
  - (am) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the standard of proof shall be a preponderance of the evidence;
  - (b) No faculty member who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;
  - (c) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);
  - (d) The faculty hearing committee may, on motion of either party, and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, on the motion of the complainant, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. UWS 4.03;
  - (e) The faculty hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
  - (f) If the faculty hearing committee requests, the Chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee

within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under s. UWS 4.03;

- (g) If a proceeding on charges against a faculty member not holding tenure is not concluded before the faculty member's appointment would expire, faculty member may elect that such proceeding be carried to a final decision. Unless the faculty member so elects in writing, the proceeding shall be discontinued at the expiration of the appointment;
- (h) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;
- (i) Nothing in this section shall prevent the settlement of cases by mutual agreement between the administration and the faculty member, with board approval, at any time prior to a final decision by the board;
- (j) Adjournment shall be granted to enable the parties, including the complainant, to investigate evidence as to which a valid claim of surprise is made.

*UWS 4.07 Recommendations: To the Chancellor: To the Regents*

- (1) The faculty hearing committee shall send to the Chancellor and to the faculty member concerned, as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. The committee may determine that while adequate cause for discipline exists, some sanction less severe than dismissal is more appropriate. Within 20 days after receipt of this material the Chancellor shall review it and afford the faculty member an opportunity to discuss it. The Chancellor shall prepare a written recommendation within 20 days following the meeting with the faculty member, unless the Chancellor's proposed recommendation differs substantially from that of the committee. If the Chancellor's proposed recommendations differ substantially from those of the faculty hearing committee, the Chancellor shall promptly consult the faculty hearing committee and provide the committee with a reasonable opportunity for a written response prior to forwarding the recommendation. If the recommendation is for dismissal, the recommendation shall be submitted through the president of the system to the board. A copy of the faculty hearing committee's report and recommendations shall be forwarded through the president of the system to the board along with the Chancellor's recommendation. A copy of the Chancellor's recommendation shall also be sent to the faculty member concerned and to the faculty committee. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the complainant shall have all rights provided to the faculty member in this paragraph, including the right to receive a copy of the Chancellor's recommendation, except as may be precluded by applicable state or federal law.
- (2) Disciplinary action other than dismissal may be taken by the Chancellor, after affording the faculty member an opportunity to be heard on the record, except that, upon written request by the faculty member, such action shall be submitted as a recommendation through the president to the board together with a copy of the faculty hearing committee's report and recommendation. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the complainant shall have all the rights provided to the faculty member in this paragraph.

*UWS 4.08 Board Review*

- (1) If the Chancellor recommends dismissal, the board shall review the record before the faculty hearing committee and provide an opportunity for filing exceptions to the recommendations of the hearing committee or Chancellor, and for oral arguments, unless the board decides to drop the charges against the faculty member without a hearing or the faculty member elects to waive a hearing. This hearing shall be closed unless the faculty member requests an open hearing (see subch. V of ch. 19, Stats., Open Meeting Law). For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the complainant shall have the same opportunity for filing exceptions to the recommendations of the hearing committee or Chancellor, and for oral arguments, as the faculty member.

- (2) If, after the hearing, the board decides to take action different from the recommendation of the faculty hearing committee and/or the Chancellor, then before taking final action the board shall consult with the faculty hearing committee and/or the Chancellor, as appropriate.
- (3) If a faculty member whose dismissal is sought does not request a hearing pursuant to s. UWS 4.04 the board shall take appropriate action upon receipt of the statement of charges and the recommendation of the Chancellor.
- (4) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the faculty member and complainant shall be simultaneously notified of the board's final decision.

#### *UWS 4.09 Suspension from Duties*

Pending the final decision as to dismissal, the faculty member shall not normally be relieved of duties; but if, after consultation with appropriate faculty committees the Chancellor finds that substantial harm to the institution may result if the faculty member is continued in his/her position, the faculty member may be relieved immediately of the faculty member's duties, but the faculty member's pay shall continue until the board makes its decision as to dismissal, unless the Chancellor also makes the determinations set forth in s. UWS 7.06 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 7.06 shall apply.

#### *UWS 4.10 Date of dismissal*

A decision by the board ordering dismissal shall specify the effective date of the dismissal.

#### *UWS 4.11 Dismissal for cause or lesser discipline for Title IX misconduct.*

- (1) The board may dismiss a faculty member for cause, or impose lesser discipline on a faculty member, for engaging in, attempting to engage in, or assisting others to engage Title IX misconduct.
- (2) Title IX misconduct allegations against faculty shall follow the disciplinary procedure in ss. UWS 4.11 to 4.24. The board may dismiss a faculty member having tenure only for just cause and may otherwise discipline a faculty member having tenure only after due notice and hearing. The board may dismiss a faculty member having a probationary appointment prior to the end of the faculty member's term of appointment only for just cause and may otherwise discipline the faculty member only after due notice and hearing.
- (3) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic community. These rights and privileges shall be observed in determining whether or not just cause for dismissal, or grounds for other discipline, exists.
- (4) The faculty member is presumed to be not responsible for the alleged Title IX misconduct until a final decision regarding responsibility is made at the conclusion of the disciplinary process. The burden of proof of the existence of just cause for a dismissal, or of grounds for other discipline, is on the university administration.

### *Subchapter II — Procedures for Faculty Dismissal and Discipline in Non-Title IX Cases*

#### *UWS 4.12 Definitions.*

In this chapter:

- (1) "Complainant" means any individual who is alleged to be the subject of Title IX misconduct, as defined in this section.
- (2) "Consent" means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in the in this section and s. UWS 4.015. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.
- (3) "Consult" or "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.

- (4) "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (5) "Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075).
- (6) "Education program or activity" means, for purposes of Title IX Complaint only, locations, events, or circumstances at which the university exercised substantial control over both the faculty member and the context in which the misconduct occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.
- (7) "Formal complaint" means, for the purposes of Title IX complaint only, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against a faculty member and requesting that the university investigate the allegations. At the time of filing of the formal complaint, the complainant shall be participating in or attempting to participate in an educational program or activity. A formal complaint may be filed in person, by mail, or electronic mail, or any other method designated by the university. A formal complaint shall include a physical or digital signature of the complainant or the Title IX Coordinator.
- (8) "Incapacitation" means the state of being unable to physically or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; and capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
- (9) "Preponderance of the evidence" means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than "clear and convincing evidence."
- (10) "Respondent" means an individual who has been reported to be the perpetrator of sexual misconduct as defined in this section.
- (11) "Sexual assault" means an offense that meets any of the following definitions found in 20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a).
  - (a) "Rape" means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
  - (b) "Fondling" means the touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  - (c) "Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law as provided in s. 944.06, Stats.
  - (d) "Statutory Rape" means sexual intercourse with a complainant who is under the statutory age of consent as provided in s. 948.02, Stats.
- (12) "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
  - (a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct;

- (b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal “reasonable person” standard:
1. Is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity.
  2. The conduct is so severe, pervasive, or objectively offensive that it has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or participation in an institution’s education program or activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.
- (13) “Stalking” means engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
- (14) “Title IX misconduct” means sexual harassment, sexual assault, stalking, dating violence, or domestic violence.

*UWS 4.13 Application of Title IX misconduct disciplinary procedure.*

This disciplinary procedures under ss. UWS 4.13 to 4.23 will be used only when all of the following requirements are met:

- (1) There is a formal complaint alleging Title IX misconduct.
- (2) The conduct occurred in the United States.
- (3) The conduct occurred within a university education program or activity.
- (4) The complainant shall be participating in or attempting to participate in the education program or activity of the university at the time of filing the complaint.
- (5) The complainant or Title IX coordinator has submitted a formal complaint.

*UWS 4.14 Dismissal of formal Title IX complaint and related appeal.*

- (1) The university shall dismiss a formal complaint consisting of allegations that are any of the following:
  - (a) Would not constitute sexual harassment if proved.
  - (b) Did not occur in a university education program or activity.
  - (c) Did not involve actions against someone physically located in the United States.
- (2) The university may dismiss a formal complaint when any of the following applies:
  - (a) The complainant formally requests in writing to withdraw the formal complaint.
  - (b) The faculty member is no longer employed by the university.
  - (c) Specific circumstances prevent the university from gathering evidence sufficient to reach a determination on the allegations contained in the formal complaint.
- (3) The university generally shall decide whether to dismiss a formal complaint within 30 days of receipt of the formal complaint, but the university may extend that timeline as necessary. If a formal complaint is dismissed, then the university shall provide notice of the dismissal and reasons therefore to the faculty member and complainant in writing.
- (4) Within 20 days of receipt of the notice of dismissal, the complainant may appeal the dismissal by filing a written appeal with the Chancellor. The complainant may appeal on the following bases:
  - (a) Procedural irregularity that affected the outcome of the matter.
  - (b) New evidence that was not reasonably available at the time of the dismissal that could affect the outcome of the matter.
  - (c) The university employee making the dismissal decision had a conflict of interest or bias for the faculty member or against the complainant, or against complainants or respondents generally, that affected the dismissal decision.
- (5) The Chancellor shall provide the faculty member and complainant the opportunity to provide a written statement supporting or challenging the dismissal. The Chancellor shall simultaneously issue a decision to the complainant and the faculty member within 30 days of receipt of a written appeal. The Chancellor’s decision shall include the Chancellor’s rationale for the decision and shall be final.

- (6) Dismissal of a Title IX formal complaint does not preclude the university from otherwise pursuing discipline against the faculty member under other administrative rules or university policies.

*UWS 4.15 Investigation of Title IX misconduct allegations.*

- (1) Unless the university dismisses a formal complaint, the university shall appoint an investigator to conduct an investigation of the allegations in the formal complaint.
- (2) The investigator shall provide the faculty member and the complainant with a notice of investigation. The notice shall include all of the following:
  - (a) The grievance process, including informal resolution options.
  - (b) The allegations of Title IX misconduct with sufficient detail for the faculty member to prepare a response to the allegations, including but not limited to, the identity of the complainant as well as the date and location of the incident if available.
  - (c) A statement affirming the faculty member is presumed not responsible for the alleged violation.
  - (d) The faculty member and complainant have the right to an advisor of their choice.
  - (e) The faculty member and complainant have the right to inspect and review the evidence.
  - (f) Information about any code of conduct rules which prohibit the faculty member or the complainant from knowingly making false statements or submitting false information during the disciplinary process.
- (3) The faculty member and complainant shall receive an amended notice of investigation any time additional charges are added during the course of an investigation. Formal complaints involving more than one complainant or respondent may be consolidated if they arise out of the same facts or circumstances.
- (4) The university's investigator shall do all of the following:
  - (a) Provide both the faculty member and the complainant an equal opportunity to provide witnesses (including fact and expert witnesses) who may be interviewed by the investigator, and other inculpatory and exculpatory evidence.
  - (b) Not restrict the ability of either the faculty member or complainant to discuss the allegations under investigation or to gather and present relevant evidence.
  - (c) Provide the faculty member and complainant the same opportunity to be accompanied by an advisor of their choice during meetings relating to the investigation but may limit the participation by the advisor so long as those limits are applied equally.
  - (d) Provide both the faculty member and the complainant an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a faculty member, complainant, or other source, so that the faculty member and complainant can meaningfully respond to the evidence prior to conclusion of the investigation.
- (5) As part of its investigation and disciplinary process, the university may not access, consider, disclose, or otherwise use a faculty member's or complainant's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the faculty member or complainant, unless the university obtains the faculty member's or complainant's voluntary, written consent to do so in relation to the investigation and disciplinary process.
- (6) The university's investigator generally shall complete the investigation and issue a final investigative report within 90 days of the investigator's appointment. However, the investigator may extend the investigation's time frame where circumstances warrant.

*UWS 4.16 Review of evidence.*

- (1) Prior to completion of the final investigative report, the investigator shall send to the faculty member and complainant and their respective advisors, if any, the evidence gathered during the investigation for inspection and

review by the faculty member and the complainant. The evidence may be provided in an electronic format or a hard copy. The evidence provided includes evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from the faculty member, complainant or other source, to permit the faculty member and complainant to meaningfully respond to the evidence prior to conclusion of the investigation.

- (2) The faculty member and the complainant shall be provided at least 10 days to submit a written response to the evidence. The investigator shall consider any written responses prior to completion of the final investigative report.

*UWS 4.17 Final investigative report.*

The investigator shall create a final investigative report that fairly summarizes relevant evidence and send the report to the faculty member and complainant, and their advisors, if any, for their review and response at least 10 days prior to a hearing. The written report shall be delivered simultaneously to the faculty member and complainant. The university shall, upon receipt of the final investigative report, proceed to schedule a live hearing on the matter. A hearing shall be conducted unless both the faculty member and the complainant waive, in writing, the right to such a hearing.

*UWS 4.18 Standing faculty committee and hearing examiner.*

- (1) The Chancellor of each university, in consultation with faculty representatives, shall adopt policies providing for the designation of a Title IX conduct hearing examiner. A hearing examiner shall be selected by the Chancellor pursuant to these policies to hear faculty dismissal and discipline cases. Additionally, the faculty of each university shall provide a standing hearing committee charged with hearing faculty dismissal and discipline cases. The Chancellor shall appoint the presiding member of the hearing committee, who may be a hearing examiner. The university shall decide whether the matter will be heard by a hearing examiner or a hearing committee.
- (2) The hearing committee or the hearing examiner described in sub. (1) shall conduct the hearing, make a verbatim record of the hearing, and transmit such record along with factual findings and decision to the Chancellor. The hearing shall be held not later than 45 days after completion of the final investigative report except that this time limit may be extended by the hearing committee or the hearing examiner.

*UWS 4.19 Adequate due process.*

- (1) A fair hearing for a faculty member against whom dismissal or other discipline is sought shall include all of the following:
  - (a) Service of written notice of a live hearing on the allegations in the formal complaint at least 10 days prior to the hearing.
  - (b) A right to the names of witnesses and of access to documentary and other evidence upon the basis of which dismissal or other discipline is sought.
  - (c) A right to be heard in the faculty member's defense.
  - (d) A right to an advisor, counsel, or other representatives, and to offer witnesses. The faculty member's advisor or counsel may ask all witnesses relevant questions and follow-up questions, including those challenging credibility. Credibility determinations, however, may not be made based on a person's status as a complainant, respondent, or witness. If the faculty member does not have an advisor, the university shall provide the faculty member, without charge, an advisor of the university's choice to conduct cross-examination on behalf of the faculty member. The advisor may be an attorney.
  - (e) A right to confront and cross-examine adverse witnesses. Cross examination shall be conducted directly, orally, and in real time by the faculty member's advisor. The faculty member and the complainant may not personally conduct cross examination. If the faculty member, the complainant, or a witness does not submit to cross-examination at the hearing, the hearing committee or the hearing examiner may not rely on any statement of the faculty member, complainant, or witness in reaching its findings and recommendations. However, the hearing committee or hearing examiner may not draw a negative inference in reaching its findings and



recommendations based solely on the absence of a faculty member, complainant, or witness from the hearing or refusal to answer cross-examination or other questions.

- (f) A verbatim record of all hearings, which might be a sound recording, made available at no cost for inspection and review.
- (g) Written findings of fact and recommendations based on the hearing record. The written findings of fact and recommendations shall include all of the following:
  - 1. Identification of the allegations potentially constituting Title IX misconduct
  - 2. A description of the procedural steps taken from the receipt of the formal complaint through the hearing committee's or hearing examiner's completion of written findings and recommendations, including any notifications to the faculty member and the complainant, interviews with the faculty member, the complainant, and witnesses, site visits, methods used to gather evidence, and hearings held.
  - 3. Conclusions regarding the application of the university's conduct rules and policies to the facts; a statement of, and rationale for, the result as to each allegation, including a recommendations regarding responsibility, any disciplinary sanction recommended to be imposed, and whether remedies designed to restore or preserve equal access to the university's educational program or activity will be provided to the complainant.
  - 4. The university's procedures and permissible bases for the complainant and faculty member to appeal.
- (h) Admissibility of evidence shall be governed by s. 227.45 (1) to (4), Stats. Only relevant questions may be asked of the faculty member, the complainant, and any witnesses. The hearing committee or hearing examiner shall determine whether a question is relevant and explain the decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence are offered to prove that someone other than the faculty member committed the conduct alleged by the complainant, or unless the questions or evidence concern specific incidents of the complainant's prior sexual behavior with the faculty member and are offered to prove consent.
- (i) The hearing may be conducted with all participants physically present in the same location, or at the hearing committee's or hearing examiner's discretion, any or all participants may appear at the hearing virtually, with technology enabling the participants simultaneously to see and hear each other. Upon the faculty member's request, the university shall provide for the hearing to occur with faculty member and complainant located in separate rooms with technology enabling the hearing committee or hearing examiner, the faculty member, and the complainant to simultaneously see and hear witnesses answering questions.

(2) The complainant shall have all the rights provided to the faculty member in sub. (1) (a) to (i).

#### *UWS 4.20 Procedural guarantees.*

- (1) Any hearing held shall comply with the requirements set forth in UWS 4.19. The hearing shall observe all of the following requirements:
  - (a) The burden of proof of the existence of just cause to support dismissal, or of grounds to support other discipline, is on the university administration.
  - (am) The standard of proof shall be a preponderance of the evidence.
  - (b) No faculty member who participated in the investigation of a formal complaint, or who is a material witness, shall be qualified to sit on the hearing committee addressing that complaint. No university employee or other person who participated in the investigation of a formal complaint, or who is a material witness, shall be qualified to serve as the hearing examiner addressing that complaint.
  - (c) The hearing shall be closed unless the faculty member or the complainant requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law).
  - (d) The hearing committee may, on motion of the complainant or the faculty member, disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the

number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under this rule.

- (e) The hearing committee or the hearing examiner shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges unless the person holding the privilege has waived it. The hearing committee or the hearing examiner shall follow the evidentiary rules in s. UWS 4.19(1)(h).
- (f) If the hearing committee requests, the Chancellor shall provide legal counsel after consulting with the hearing committee concerning its wishes in this regard. The function of legal counsel shall be to advise the hearing committee, consult with them on legal matters, and such other responsibilities as shall be determined by the hearing committee within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under this policy.
- (g) If the Title IX disciplinary process described in ss. UWS 4.11 to 4.24 against a faculty member not holding tenure is not concluded before the faculty member's appointment would expire, the faculty member may elect that such process be carried to a final decision. Unless the faculty member so elects in writing, the process shall be discontinued at the expiration of the appointment.
- (h) Nothing in this section shall prevent the settlement of cases by mutual agreement between the university administration, the complainant, and the faculty member.
- (i) Delay or adjournment of the hearing for good cause may be granted. Good cause includes:
  - 1. The need to investigate evidence as to which a valid claim of surprise is made.
  - 2. To ensure the presence of the faculty member or the complainant, an advisor, or a witness.
  - 3. To provide language assistance or accommodation of disabilities.
  - 4. To accommodate concurrent law enforcement activity.

#### *UWS 4.21 Findings and recommendations to the Chancellor.*

The hearing committee or hearing examiner shall simultaneously send to the Chancellor, to the complainant, and to the faculty member concerned, within 30 days after the conclusion of the hearing, or otherwise as soon as practicable, a verbatim record of the testimony and a copy of its factual findings and recommendations.

#### *UWS 4.22 Chancellor's decision.*

- (1) Within 20 days after receipt of the record and findings and recommendations from the hearing committee or the hearing examiner the Chancellor shall review those materials and afford the faculty member and the complainant an opportunity to discuss them. The Chancellor's decision shall be based on the record created before the hearing committee or the hearing examiner. The Chancellor shall prepare a written decision within 20 days after completing the meetings with the faculty member and the complainant, unless the Chancellor's proposed decision differs substantially from the recommendations of the hearing committee or hearing examiner. If the Chancellor's proposed decision differs substantially from those recommendations, the Chancellor shall promptly consult the hearing committee or the hearing examiner and provide the committee or the hearing examiner with a reasonable opportunity for a written response prior to making a decision.
- (2) The Chancellor may adopt the hearing committee or hearing examiner's findings and recommendations as the Chancellor's decision. The Chancellor shall explain in the decision any substantial differences from those findings and recommendations.
- (3) The Chancellor's decision shall be simultaneously sent to the faculty member concerned, the complainant, and to the hearing committee or the hearing examiner within 45 days of the Chancellor's receipt of the hearing committee's or hearing examiner's materials. The Chancellor's decision also shall be submitted through the president of the system to the board, accompanied by a copy of the hearing committee's or hearing examiner's

findings and recommendations. The Chancellor's decision and the findings and recommendations shall be forwarded through the president of the system to the board for its review.

*UWS 4.23 Appeal to board.*

- (1) The board shall provide the faculty member and the complainant an opportunity for filing exceptions to the Chancellor's decision, and for oral arguments, unless the faculty member and the complainant waive in writing the right to file exceptions and for oral arguments. The hearing of any oral arguments shall be closed unless the faculty member or the complainant requests an open hearing.

Note: See subch. V of ch. 19, Stats., Open Meeting Law

- (2) The faculty member or complainant may file written exceptions to the Chancellor's decision, and the board shall conduct its review of the Chancellor's decision, on the following bases:
  - (a) Procedural irregularity that affected the outcome of the matter.
  - (b) New evidence that was not reasonably available at the time of the live hearing that could affect the outcome of the matter.
  - (c) The Title IX Coordinator, investigator, the Chancellor, the hearing examiner, or the hearing committee members had a conflict of interest or bias for or against the faculty member or complainant, or against complainants and respondents generally, that affected the outcome.
- (3) If the board decides to take action different from the decision of the Chancellor, then before taking final action the board shall consult with the Chancellor.
- (4) The board shall make its decision based on the record created before the hearing committee or hearing examiner. Within 60 days of receipt of the Chancellor's decision, or otherwise as soon as practicable, the board shall simultaneously notify the faculty member and the complainant of the board's final decision, which shall include the board's rationale for its decision.
- (5) A decision by the board ordering dismissal of a faculty member shall specify the effective date of the dismissal.

*UWS 4.24 Suspension from duties.*

Pending the final decision on dismissal or other discipline, the faculty member may not normally be relieved of duties; but if, after consultation with appropriate faculty committees the Chancellor finds that substantial harm to the university may result if the faculty member is continued in the faculty member's position, the faculty member may be relieved immediately of the faculty member's duties, but the faculty member's pay shall continue until a final decision as to dismissal, unless the Chancellor also makes the determinations set forth in s. UWS 7.06 in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 7.06 shall apply.

*UWS Chapter 7, Wis. Admin. Code: Procedures for Faculty Dismissal in Special Cases*

*UWS 7.01 Declaration of Policy*

University faculty members are responsible for advancing the university's missions of teaching, research, and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness, credibility, and ability to maintain public trust are undermined by criminal activity that poses a substantial risk to the safety of others, seriously impairs the university's ability to fulfill its missions, or seriously impairs the faculty member's fitness or ability to fulfill their duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The Board of Regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.

*UWS 7.02 Serious Criminal Misconduct*

- (1) In this chapter, "serious criminal misconduct" means:

- (a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:
  - 1. Causing serious physical injury to another person.
  - 2. Creating a serious danger to the personal safety of another person.
  - 3. Sexual assault.
  - 4. Theft, fraud or embezzlement.
  - 5. Criminal damage to property.
  - 6. Stalking or harassment.
- (b) A substantial risk to the safety of members of the university community or others is posed.
- (c) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.
- (d) The faculty member's fitness or ability to fulfill the duties of the faculty member's position is seriously impaired.
- (e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.
- (2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.
- (3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 7.03 to 7.06.
- (4) Any act required or permitted by ss. UWS 7.03 to 7.06 to be done by the Chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the Board of Regents under s. UWS 2.02.

#### *UWS 7.03 Dismissal for Cause*

- (1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of the term of appointment only by the board and only for just cause and only after due notice and hearing.
- (2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

#### *UWS 7.04 Reporting Responsibility*

Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, shall immediately report that fact to the Chancellor.

#### *UWS 7.05 Expedited Process*

- (1) Whenever the Chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 7.04 or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, the Chancellor shall:
  - (a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the Chancellor as to whether to proceed under this section or ch. UWS 4. If the university knows the identity of an affected party, the university shall make a reasonable attempt to notify the affected party of the report or information at the same time as the faculty member.
  - (b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the Chancellor determines that a request for disqualification should be granted, the Chancellor shall, within 2 working days of the determination, appoint a different investigator. The faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.
- (2) The investigator shall complete and file a report with the Chancellor not later than 10 working days following the investigator's appointment.

- (3) Within 3 working days of receipt of the investigator's report, the Chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings.
  - (a) If the Chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the Chancellor shall file charges within 2 working days of reaching the decision.
  - (b) If the Chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the Chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. UWS 4, the Chancellor receives a report under s. UWS 7.04 or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, the Chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.
  - (c) If the Chancellor decides to seek an alternative disciplinary sanction, the procedures under chs. UWS 4 and 6, and implementing institutional policies, shall be followed.
- (4) If charges seeking dismissal are filed under sub. (3) (a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 4.05 to 4.06, except that the hearing shall be concluded, and written findings and a recommendation to the Chancellor shall be prepared, within 15 working days of the filing of charges.
- (5)
  - (a) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the Chancellor shall prepare a written recommendation on the matter.
  - (b) If the recommendation is for dismissal, the Chancellor shall transmit it to the board for review.
  - (c) Disciplinary action other than dismissal may be taken by the Chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member. The faculty member shall receive a copy of the Chancellor's final decision. If the university knows the identity of an affected party, the university shall make a reasonable attempt to provide the affected party a copy of the Chancellor's final decision at the same time as the faculty member.
- (6) Upon receipt of the Chancellor's recommendation, the full board shall review the record before the institutional hearing committee and shall offer an opportunity for filing exceptions to the recommendation, and for oral argument. If the university knows the identity of an affected party, the board shall make a reasonable attempt to notify the affected party of its decision at the same time as the faculty member. The full board shall issue its decision on the matter within 15 working days of receipt of the Chancellor's recommendation. If the university knows the identity of an affected party, the board shall make a reasonable attempt to notify the affected party of its decision at the same time as the faculty member.
- (7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the Chancellor.
- (8) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration must demonstrate by clear and convincing evidence that the faculty member engaged in serious criminal misconduct, as defined in s. UWS 7.02.
- (9) The chair of the faculty hearing body, subject to the approval of the Chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

*UWS 7.06 Temporary Suspension Without Pay*

- (1) The Chancellor, after consulting with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to dismissal where:
  - (a) The faculty member has been charged with a felony of a type listed in s. UWS 7.02 (1) (a) and the Chancellor, after following the provisions of s. UWS 7.05 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, and 2) that the faculty member has engaged in the conduct as alleged; or
  - (b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or
  - (c) The faculty member has pleaded guilty or no contest to or been convicted of a felony of a type listed in s. UWS 7.02 (1) (a) and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present.
- (2) If the Chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.
- (3) If, after affording the faculty member the opportunity to be heard, the Chancellor determines to suspend without pay, the Chancellor shall inform the faculty member of the suspension, in writing. The Chancellor's decision to suspend without pay under this section shall be final, except that:
  - (a) If the Chancellor later determines that the faculty member should not be dismissed, the Chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, and, except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.
  - (b) If the board later determines that the faculty member should not be dismissed, the board may order a lesser penalty and shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.
  - (c) If the Chancellor or board later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the faculty member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the faculty member.
- (4) If, after affording the faculty member the opportunity to be heard, the Chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

*University of Wisconsin La Crosse Faculty Discipline and Dismissal for Cause*

The University of Wisconsin La Crosse utilizes University Personnel System Chapters 3, 4, 6, and 7 for faculty discipline and dismissal for cause and can be found [here](#).

Tenured faculty are entitled to have notice to the Faculty Senate prior to pre-discipline occurs. This could potentially be at the initiation of an investigation.

*UWS Chapter 11: Wis. Admin. Code: Procedures for Academic Staff Dismissal and for Discipline and Dismissal in Title IX Cases*

*Subchapter I - General*

*UWS 11.01 Dismissal for Cause—Indefinite Academic Staff Appointments*

- (1) A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. UWS 11.02 through 11.106 or for reasons of budget or program under ch. UWS 12.
- (2) The board's policy is that members of the academic staff are entitled to enjoy and exercise all rights of United States citizens and to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be

observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

- (3) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 11.102
- (4) Indefinite appointment academic staff dismissal for cause and lesser discipline based on allegations of Title IX misconduct as defined in s. UWS 11.14 shall be governed by ss. UWS 11.13 to UWS 11.26. Sections UWS 11.01 to UWS 11.12 may not apply to academic staff dismissal based on Title IX misconduct.

*UWS 11.015 Definition.*

The following terms shall have the meaning given below and shall apply to UWS 11.01 to UWS 11.12:

- (1) "Clear and convincing evidence" means information that would persuade a reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than "preponderance of the evidence."
- (2) "Complainant" means any individual who is alleged to be the subject of sexual misconduct, as defined in s. UWS 11.14.
- (3) "Complaint" means an allegation against an academic staff member reported to an appropriate university official.
- (4) "Consult" or "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.
- (5) "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship..
- (6) "Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075).
- (7) "Preponderance of the evidence" means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than "clear and convincing evidence."
- (8) "Reporting Party" means one or more individuals or groups filing a complaint as defined in sub. (3). A reporting party may also be a complainant as defined in sub. (2).
- (9) "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
  - (a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct.
  - (b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal "reasonable person" standard:
    - 1. Is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity; or
    - 2. Is so severe or pervasive, and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or participation in a university sponsored or supported activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.
- (10) "Sexual assault" means an offense that meets any of the following definitions found in 20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a):
  - (a) "Rape" means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
  - (b) "Fondling" means the touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- (c) "Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (See s. 944.06, Stats.)
- (d) "Statutory Rape" means sexual intercourse with a complainant who is under the statutory age of consent as per s. 948.02, Stats.
- (11) "Stalking" means engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
- (12) "Consent" means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in this section and s. UWS 11.14. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.
- (13) "Incapacitation" means the state of being unable to physically or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
- (14) "Sexual exploitation" occurs when an individual attempts, takes or threatens to take, nonconsensual sexual advantage of another person. Examples include, but are not limited to:
  - (a) Engaging in the following conduct without the knowledge and consent of all participants:
    - 1. Observing, recording, or photographing private body parts or sexual activity of the complainant.
    - 2. Allowing another person to observe, record, or photograph sexual activity or private body parts of the complainant.
    - 3. Otherwise distributing recordings, photographs, or other images of the sexual activity or private body parts of the complainant(s).
  - (b) Masturbating, touching one's genitals, or exposing one's genitals in the complainant's presence without the consent of the complainant, or inducing the complainant to do the same.
  - (c) Dishonesty or deception regarding the use of contraceptives or condoms during the course of sexual contact or sexual intercourse
  - (d) Inducing incapacitation through deception for the purpose of making the complainant vulnerable to non-consensual sexual activity.
  - (e) Coercing the complainant to engage in sexual activity for money or anything of value.
  - (f) Threatening distribution of any of the following, to coerce someone into sexual activity or not providing money or anything of value:
    - 1. Photos, videos, or recordings depicting private body parts or sexual activity of the complainant.
    - 2. Other information of a sexual nature involving the complainant, including sexual history or sexual orientation.

#### *UWS 11.02 RESPONSIBILITY FOR CHARGES*

- (1) Whenever the Chancellor of an institution receives an allegation which concerns an academic staff member holding an indefinite appointment which appears to be substantial and which, if true, might lead to dismissal under s. UWS 11.01, the Chancellor shall request within a reasonable time that the appropriate dean, director, or designee investigate the allegation. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the Chancellor shall direct the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The dean, director, or designee shall offer to discuss it informally with the academic staff member, and, if the allegation involves sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, with the complainant and provide information of rights under this chapter. Both the academic staff member and the complainant shall have the right to be accompanied by



an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process. If such an investigation and discussion does not result in a resolution of the allegation and if the allegation is deemed sufficiently serious to warrant dismissal, the dean, director, or designee shall prepare a written statement of specific charges. A member of the academic staff may be dismissed only after receipt of such a statement of specific charges and, if a hearing is requested by the academic staff member, after a hearing held in accordance with the provisions of this chapter and the subsequently adopted procedures of the institution. If the staff member does not request a hearing, dismissal action shall proceed along normal administrative lines but the provisions of ss. UWS 11.02, 11.08, and 11.09 shall apply. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the Chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

- (2) Any formal statement of specific charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the formal statement of specific charges involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the formal statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

#### *UWS 11.03 Hearing Body*

- (1) The Chancellor of each institution shall provide for a hearing body charged with hearing dismissal cases and making a report and recommendations under this chapter. Throughout this chapter, the term "hearing body" is used to indicate either a hearing committee or a hearing examiner as designated in the institutional procedures. This hearing body shall operate as the hearing agent for the Chancellor pursuant to s. 227.46 (4), Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of fact and decision to the Chancellor according to s. UWS 11.07.
- (2) With the concurrence of the faculty and the academic staff advisory committee of each institution, the Chancellor may provide that dismissal for cause of a member of the academic staff having teaching responsibilities may be heard by the hearing body specified in s. UWS 4.03. If so provided, the hearing shall be held pursuant to the provisions of ch. UWS 11.

#### *UWS 11.04 Hearing*

If the staff member requests a hearing within 20 days from the service of the statement of charges (25 days if notice is by first class mail and publication), such hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The request for a hearing shall be addressed in writing to the hearing body established pursuant to s. UWS 11.03. Service of written notice of hearing on the specific charges shall be provided at least 10 days prior to the hearing.

#### *UWS 11.05 Adequate Due Process*

- (1) Each institution shall develop policies and procedures to provide for a fair hearing upon request in the event of dismissal. A fair hearing for an academic staff member whose dismissal is sought under s. UWS 11.01 shall include the following:
  - (a) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
  - (b) A right to be heard in their defense;
  - (c) A right to an advisor, counsel, or other representative, and to offer witnesses;
  - (d) A right to confront and cross-examine adverse witnesses. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the hearing committee may reasonably restrict the academic staff member and the complainant from questioning each other;

- (e) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
  - (f) Written findings of fact and decision based on the hearing record;
  - (g) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.
- (2) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the complainant shall have all the rights provided to the academic staff member in s. UWS 11.05 (1) (a) to (g), except as may be precluded by applicable state or federal law.

*UWS 11.06 Procedural Guarantees*

- (1) The following requirements shall also be observed:
- (a) Any person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall not be qualified to participate as a member of the hearing body;
  - (b) The hearing shall be closed unless the staff member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);
  - (c) The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
  - (d) The burden of proof of the existence of just cause is on the administration or its representatives;
  - (dm) For complaints of sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the standard of proof shall be a preponderance of the evidence;
  - (e) If a staff member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;
  - (f) Nothing in this section shall prevent the settlement of cases by mutual agreement between the administration and the staff member, with the Chancellor's approval, at any time prior to a final decision by the Chancellor; or when appropriate, with the board's approval prior to a final decision by the board;
  - (g) Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.
- (2) If the institutional policies and procedures provide that dismissal cases be heard by a hearing committee, the following requirements shall be observed:
- (a) The committee may, on motion of either party, and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, on the motion of the complainant, disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of replacements equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the policies and procedures adopted by the institution;
  - (b) If the hearing committee requests, the Chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the policies and procedures adopted by the institution.

*UWS 11.07 Recommendations: To the Chancellor*

The hearing body shall send to the Chancellor and to the academic staff member concerned, as soon as practicable after conclusion of a hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. After reviewing the matter on record and considering arguments if submitted by the parties, the Chancellor shall issue a decision. In that decision, the Chancellor may order dismissal of the academic staff member, may impose a lesser disciplinary action, or may find in favor of the academic staff member. The academic staff member shall be notified of the Chancellor's decision in writing. In cases involving sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the complainant shall be notified of the Chancellor's decision at the same time as the academic staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants

review based on the record. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the complainant shall have all rights provided to the academic staff member in this paragraph.

*UWS 11.08 Suspension from Duties*

Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except where, after consulting with the appropriate administrative officer, the Chancellor finds that substantial harm may result if the staff member is continued in their position. Where such determination is made, the staff member may be relieved of their position immediately, or be assigned to another administrative unit, but their salary shall continue until the Chancellor makes a decision as to dismissal, unless the Chancellor also makes the determinations set forth in s. UWS 11.105 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.105 shall apply.

*UWS 11.09 Date of Dismissal*

A decision by the Chancellor ordering dismissal shall specify the effective date of the dismissal.

*UWS 11.10 Board Review*

A member of the academic staff on indefinite appointment who has been dismissed for cause by the Chancellor following a hearing may appeal this action to the board. Any appeal must be made within 30 days of the date of the decision of the Chancellor to dismiss. Upon receiving an appeal, the board shall review the case on the record. Following such review, the board may confirm the Chancellor's decision, or direct a different decision, or approve a further hearing before the board with an opportunity for filing exceptions to the hearing body's recommendations or the Chancellor's decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing. (See subch. V of ch. 19, Stats., Open Meeting Law.) All decisions of the board, whether after review on the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the complainant shall have the same opportunity to appeal, file exceptions to the recommendations of the hearing committee or Chancellor, and oral arguments, as provided to the academic staff member.

*UWS 11.101 Dismissal for Cause in Special Cases—Indefinite Academic Staff Appointments*

A member of the academic staff holding an indefinite appointment may be dismissed for serious criminal misconduct, as defined in s. UWS 11.102. History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

*UWS 11.102 Serious Criminal Conduct*

(1) In this chapter, "serious criminal misconduct" means:

- (a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d), or (e) are present, and the felony involves any of the following:
  - 1. Causing serious physical injury to another person.
  - 2. Creating a serious danger to the personal safety of another person.
  - 3. Sexual assault.
  - 4. Theft, fraud or embezzlement.
  - 5. Criminal damage to property.
  - 6. Stalking or harassment.
- (b) A substantial risk to the safety of members of the university community or others is posed.
- (c) The university's ability, or the ability of the academic staff member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.
- (d) The academic staff member's fitness or ability to fulfill the duties of their position is seriously impaired.

- (e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.
- (2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.
- (3) Except as otherwise expressly provided, an academic staff member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 11.103 to 11.106.
- (4) Any act required or permitted by ss. UWS 11.103 to 11.106 to be done by the Chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the Board of Regents under s. UWS 9.02.
- (5) "Affected party" means any student, employee, or visitor, or an individual participating in a university program or activity, who is a victim of serious criminal misconduct by a faculty member.

#### *UWS 11.103 Reporting Responsibility*

Any academic staff member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 11.102 (1) (a), in state or federal court, shall immediately report that fact to the Chancellor.

#### *UWS 11.104 Expedited Process*

- (1) Whenever the Chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 11.103 or other credible information that an academic staff member holding an indefinite appointment has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), in state or federal court, the Chancellor shall:
  - (a) Within 3 working days of receipt of the report or information, inform the academic staff member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and advise the Chancellor as to whether to proceed under this section or ss. UWS 11.02 to 11.10 or ss. UWS 11.13 to 11.25. If the university knows the identity of an affected party, the university shall make a reasonable attempt to notify the affected party of the report or information at the same time as the academic staff member.
  - (b) Upon appointing an investigator and notifying the academic staff member, afford the academic staff member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the Chancellor determines that a request for disqualification should be granted, the Chancellor shall, within 2 working days of the determination, appoint a different investigator. The academic staff member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.
- (2) The investigator shall be complete and file a report with the Chancellor not later than 10 working days following the investigator's appointment.
- (3) Within 3 working days of receipt of the investigator's report, the Chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, to seek dismissal of the academic staff member pursuant to ss. UWS 11.13 to 11.25, to seek an alternative disciplinary sanction, or to discontinue the proceedings.
  - (a) If the Chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, the Chancellor shall file charges within 2 working days of reaching the decision.
  - (b) If the Chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10 or ss. UWS 11.13 to 11.26, the Chancellor shall proceed in accordance with the provisions of those sections of this chapter and implementing institutional policies. If, during the course of proceedings under ss. UWS 11.02 to 11.10 or ss. UWS 11.13 to 11.26, the Chancellor receives a report under s. UWS 11.103 or other credible information that the academic staff member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), and one or more of the factors listed in s. UWS 11.102 (1) (b) through (e) are present, the Chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this section.

- (c) If the Chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 13 or ss. UWS 11.13 to 11.26, and implementing institutional policies, shall be followed.
- (d) If the Chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.13 to 11.25, the Chancellor shall file charges within 2 working days of reaching the decision.
- (4) If charges seeking dismissal are filed under sub. (3) (a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05 to 11.06, except that the hearing must be concluded, and written findings and a recommendation to the Chancellor must be prepared, within 15 working days of the filing of charges.
  - (a) If charges seeking dismissal are filed under sub. (3) (a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05 to 11.06, except that the hearing must be concluded, and written findings and a recommendation to the Chancellor must be prepared, within 15 working days of the filing of charges.
  - (b) If charges seeking dismissal are filed under sub. (3) (c), the academic staff member shall be afforded a hearing before the institutional standing committee or hearing examiner charged with hearing dismissal cases and making recommendations under s. UWS 11.23. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.21 to 11.23, except that the hearing must be concluded, and written findings and a recommendation to the Chancellor must be prepared, within 15 working days of the filing of charges.
- (5) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the Chancellor shall prepare a written decision on the matter. In the decision, the Chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. The staff member shall be notified of the Chancellor's decision in writing. If the university knows the identify of an affected party, the university shall make a reasonable attempt to provide the affected party a copy of the Chancellor's final decision at the same time as the academic staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants a review based on the record.
- (6) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration must demonstrate by clear and convincing evidence that the academic staff member engaged in serious criminal misconduct, as defined in s. UWS 11.102.
- (7) The chair of the academic staff hearing body, subject to the approval of the Chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

*UWS 11.105 Temporary Suspension of Duties Without Pay*

- (1) The Chancellor, after consulting with appropriate academic staff governance representatives, may suspend an academic staff member holding an indefinite appointment from duties without pay pending the final decision as to dismissal where:
  - (a) The academic staff member has been charged with a felony of a type listed in s. UWS 11.102 (1) (a) and the Chancellor, after following the provisions of s. UWS 11.104 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 11.102 (1) (b) through (e) are present, and 2) that the academic staff member has engaged in the conduct as alleged; or The academic staff member is unable to report for work due to incarceration, conditions of bail or similar cause; or
  - (b) The academic staff member is unable to report for work due to incarceration, conditions of bail or similar cause; or
  - (c) The academic staff member has pleaded guilty or no contest to or been convicted of a felony of the type listed in s. UWS 11.102 (1) (a) and one or more of the conditions in s. UWS 11.102 (1) (b) through (e) are present.
- (2) If the Chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the academic staff member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide

the academic staff member with an opportunity to be heard with regard to the matter. The academic staff member may be represented by counsel or another at this meeting.

(3)

(a) If, after affording the academic staff member the opportunity to be heard, the Chancellor determines to suspend without pay, the Chancellor shall inform the academic staff member of the suspension, in writing. The Chancellor's decision to suspend without pay under this section shall be final, except that:

(b) If the Chancellor later determines that the academic staff member should not be dismissed the Chancellor may discontinue the proceedings, or may impose a lesser penalty, and except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the academic staff member was willing and able to report for work;

(c) If the Chancellor later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the academic staff member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the academic staff member.

(4) If, after affording the academic staff member the opportunity to be heard, the Chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.

#### *UWS 11.106 Board Review*

A member of the academic staff on an indefinite appointment who has been dismissed for serious criminal misconduct may appeal this action to the board as provided in s. UWS 11.10. If the identity of an affected party is known to the university, the board shall make a reasonable attempt to notify the affected party of its decision at the same time as the academic staff member.

#### *UWS 11.11 Dismissal for Cause—Fixed Term or Probationary Academic Staff Appointments*

A member of the academic staff holding a probationary appointment, or a member of the academic staff holding a fixed term appointment and having completed an initial specified period of time, may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program under ch. UWS 12. A nonrenewal of such an appointment is not a dismissal under this section. A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a hearing before the appropriate dean or director or his/her designee. If such hearing is requested, a determination of just cause and notification of dismissal shall be made by the dean or director or designee. If no hearing is requested the dismissal is effected by the specifications in the original notification of charges. The hearing before the dean, director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be effective immediately on receipt of written notification of the decision of the dean or director or designee unless a different dismissal date is specified by the dean or director. Dismissals for cause shall be appealable by filing an appeal with the hearing body established under s. UWS 11.03. The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. The provisions of s. UWS 11.04, procedural guarantees, contained in ss. UWS 11.05 and 11.06 and the review provisions of s. UWS 11.07, shall be applicable to the appeal proceeding. In no event, however, shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the Chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the Chancellor's decision or the end of the contract period, whichever is earlier, shall be restored. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the Chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all procedural rights provided to the academic staff member in this section and the standard of

proof shall be by a preponderance of the evidence. Dismissal for cause and lesser discipline based on allegations of Title IX misconduct as defined in UWS 11.14 shall be governed by UWS 11.13 to UWS 11.26.

*UWS 11.12 Dismissal for Cause—Teaching Members of the Academic Staff*

The policies and procedures of each institution may provide that dismissal for cause of a member of the academic staff having teaching responsibilities and holding a probationary appointment or a fixed term appointment may proceed under ss. UWS 11.02 to 11.10. If the institutional policies and procedures do not specifically make such provisions, dismissal for cause shall be made pursuant to s. UWS 11.11. Dismissal for cause and lesser discipline based on allegations of Title IX misconduct as defined in UWS 11.14 shall be governed by UWS 11.13 to UWS 11.26.

*UWS 11.13 Dismissal for cause or lesser discipline for Title IX misconduct.*

- (1) The board may dismiss an academic staff member for cause, or impose lesser discipline on an academic staff member, for engaging in, attempting to engage in, or assisting others to engage in sexual harassment, sexual assault, stalking, dating violence, and domestic violence as those terms are defined in s. UWS 11.14 (“Title IX misconduct”):
- (2) Title IX misconduct allegations against academic staff shall follow the disciplinary procedure in s. UWS 11.13 – s. UWS 11.26. An academic staff member may be dismissed only for just cause and may otherwise be disciplined only after due notice and hearing.
- (3) The board's policy is that members of the academic staff are entitled to enjoy and exercise all rights of United States citizens and to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be observed in determining whether or not just cause for dismissal, or grounds for other discipline, exists. The burden of proof of the existence of just cause for a dismissal, or grounds for other discipline, is on the administration.
- (4) The academic staff member is presumed to be not responsible for the alleged Title IX misconduct until a final decision regarding responsibility is made at the conclusion of the disciplinary process. The burden of proof of the existence of just cause for a dismissal, or grounds other discipline, is on the university administration.

*UWS 11.14 Definitions.*

As used in s. UWS 11.13-11.26, the following terms shall have the meaning given below:

- (1) “Complainant” means any individual who is alleged to be the subject of sexual misconduct, as defined in this section.
- (2) “Consent” means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in this section and s. UWS 11.015. A person is unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness.
- (3) “Consult” or “consulting” means thoroughly reviewing and discussing the relevant facts and discretionary issues.
- (4) “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (5) “Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family violence laws of Wisconsin. (See ss. 813.12(1)(am) and 968.075)
- (6) “Education program or activity” means, for purposes of Title IX misconduct only, locations, events, or circumstances over which the university exercised substantial control over both the respondent and the context in which the misconduct occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.

- (7) "Formal complaint" means, for the purposes of a Title IX misconduct only, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against an academic staff member and requesting that the institution investigate the allegations. At the time of filing of the formal complaint, the complainant must be participating in or attempting to participate in an educational program or activity. A formal complaint may be filed in person, by mail, or electronic mail, or any other method designated by the university. A formal complaint must include a physical or digital signature of the complainant or the Title IX Coordinator.
- (8) "Incapacitation" means the state of being unable to physically or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
- (9) "Preponderance of the evidence" means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than "clear and convincing evidence."
- (10) "Respondent" means an individual who has been reported to be the perpetrator of Title IX misconduct as defined in this section.
- (11) "Sexual assault" means an offense that meets any of the following definitions found in 20 U.S.C. 1092(f)(6)(A)(v), 34 CFR 668.46(a):
- (a) "Rape" means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
  - (b) "Fondling" means the touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  - (c) "Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law as per s. 944.06, Stats.
  - (d) "Statutory Rape" means sexual intercourse with a complainant who is under the statutory age of consent as per s. 948.02, Stats.
- (12) "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
- (a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct.
  - (b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal "reasonable person" standard:
    - 1. Is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity.
    - 2. The conduct is so severe, pervasive, or objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or participation in an institution's education program or activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.
- (13) "Stalking" means engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

*UWS 11.15 Application of Title IX misconduct disciplinary procedure.*

This disciplinary procedure for Title IX misconduct will be used only when all of the following requirements are met:

- (1) There is a complaint alleging Title IX misconduct.
- (2) The conduct occurred in the United States as defined in s. UWS 4.12.
- (3) The conduct occurred within the university's programs or activities.



- (4) The complainant must be participating in or attempting to participate in the education program or activity of the university at the time of filing the complaint.
- (5) The complainant or Title IX Coordinator have submitted a written formal complaint as defined in s. UWS 4.12.

*UWS 11.16 Dismissal of formal Title IX complaint and related appeal.*

- (1) The university must dismiss formal complaints consisting of allegations that meet any of the following conditions:
  - (a) The conduct would not constitute sexual harassment if proved.
  - (b) The conduct did not occur in a university program or activity.
  - (c) The conduct did not involve actions against someone physically located in the United States.
- (2) The university may dismiss formal complaints under any of the following conditions:
  - (a) The complainant formally requests in writing to withdraw the formal complaint.
  - (b) The academic staff member is no longer employed by the university.
  - (c) Specific circumstances prevent the university from gathering evidence sufficient to reach a determination on the allegations contained in the formal complaint.
- (3) The university generally shall decide whether to dismiss a formal complaint within 30 days of receipt of the formal complaint, but the university may extend that timeline as necessary. If a formal complaint is dismissed, then the university must provide notice of the dismissal and reasons therefore to the academic staff member and complainant in writing.
- (4) Within 20 days of receipt of the notice of dismissal, the complainant may appeal the dismissal by filing a written appeal with the Chancellor. The complainant may appeal on any of the following bases:
  - (a) Procedural irregularity that affected the outcome of the matter.
  - (b) New evidence that was not reasonably available at the time of the dismissal that could affect the outcome of the matter.
  - (c) The university employee making the dismissal decision had a conflict of interest or bias for the academic staff member or against the complainant, or against complainants or respondents generally, that affected the dismissal decision.
- (5) The Chancellor shall simultaneously issue a decision to the complainant and the academic staff member within 20 days of receipt of a written appeal. The Chancellor's decision on the appeal of a dismissal shall be final.
- (6) Dismissal of a Title IX Complaint does not preclude the university from otherwise pursuing discipline against the academic staff member under other administrative rules or university policies.

*UWS 11.17 Investigation of Title IX misconduct allegations.*

- (1) Unless the university dismisses a formal complaint, the university shall appoint an investigator to conduct an investigation of the allegations in the formal complaint.
- (2) The investigator shall provide the academic staff member and the complainant with a notice of investigation. The notice must include:
  - (a) Information about the grievance process, including informal resolution options.
  - (b) The allegations of Title IX sexual misconduct with sufficient detail for the academic staff member to prepare a response to the allegations, including the identity of the complainant as well as the date and location of the incident if available.
  - (c) A statement affirming the academic staff member is presumed not responsible for the alleged violation until the disciplinary process finds otherwise.
  - (d) The academic staff member and complainant have the right to an advisor of their choice.
  - (e) The academic staff member and complainant have the right to inspect and review the evidence.
  - (f) Information about any code of conduct rules which prohibit the academic staff member or the complainant from knowingly making false statements or submitting false information during the disciplinary process.

- (3) The parties shall receive an amended notice of investigation any time additional charges are added during the course of an investigation. Formal Title IX complaints involving more than one complainant or respondent may be consolidated if they arise out of the same facts or circumstances.
- (4) The university's investigator shall meet all of the following requirements:
  - (a) Provide both the academic staff member and the complainant an equal opportunity to provide witnesses (including fact and expert witnesses) who may be interviewed by the investigators and other inculpatory and exculpatory evidence.
  - (b) Not restrict the ability of either the academic staff member or complainant to discuss the allegations under investigation or to gather and present relevant evidence.
  - (c) Provide the academic staff member and complainant the same opportunity to be accompanied by an advisor of their choice during meetings relating to the investigation but may limit the participation by the advisor so long as those limits are applied equally.
  - (d) Provide both the academic staff member and the complainant an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from an academic staff member, complainant, or other source, so that the academic staff member and complainant can meaningfully respond to the evidence prior to conclusion of the investigation.
- (5) The university's investigator generally shall complete the investigation and issue a final investigative report within 90 days of the investigator's appointment. However, the investigator may extend the investigation's time frame where circumstances warrant.

*UWS 11.18 Review of evidence.*

- (1) Prior to completion of the final investigative report, the investigator shall send to the academic staff member and complainant and their respective advisors, if any, the evidence gathered during the investigation for inspection and review by the academic staff member and the complainant. The evidence may be provided in an electronic format or a hard copy. The evidence provided includes evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from the academic staff member, complainant or other source to permit the academic staff member and complainant to meaningfully respond to the evidence prior to conclusion of the investigation.
- (2) As part of its investigation and disciplinary process, the university may not access, consider, disclose, or otherwise use an academic staff member's or complainant's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the academic staff member or complainant, unless the university obtains the academic staff member's or complainant's voluntary, written consent to do so in relation to the investigation and disciplinary process.
- (3) The academic staff member and the complainant shall have at least 10 days to submit a written response to the initial investigative report and related evidence. The investigator shall consider any written responses prior to completion of the final investigative report.

*UWS 11.19 Final investigative report.*

The investigator shall create a final investigative report that fairly summarizes relevant evidence and send the report to the academic staff member and complainant, and their advisors, if any, for their review and response at least 10 days prior to a hearing. The written report shall be delivered simultaneously to the academic staff member and complainant. The university shall, upon receipt of the final investigative report, proceed to schedule a live hearing on the matter. A hearing shall be conducted unless the academic staff member and the complainant both waive, in writing, the right to such a hearing.

*UWS 11.20 Standing academic staff committee and hearing examiner.*

- (1) The Chancellor of each university, in consultation with academic staff representatives, shall adopt policies providing for the designation of a Title IX misconduct hearing examiner (“hearing examiner”). A hearing examiner shall be selected by the Chancellor pursuant to these policies to hear academic staff dismissal and discipline cases. Additionally, the academic staff of each university shall provide a standing committee (“hearing committee”) charged with hearing academic staff dismissal and discipline cases. The Chancellor shall appoint the presiding member of the hearing committee, who may be a hearing examiner. The university shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.
- (2) The hearing committee or the hearing examiner shall conduct the hearing, make a verbatim record of the hearing, and transmit such record along with factual findings and decision to the Chancellor. The hearing shall be held not later than 45 days after completion of the final investigative report except that this time limit may be extended by the hearing committee or the hearing examiner.

*UWS 11.21 Hearing process.*

- (1) A fair hearing for an academic staff member against whom dismissal or other discipline is sought shall include all of the following:
  - (a) Service of written notice of a live hearing on the allegations in the formal complaint at least 10 days prior to the hearing.
  - (b) A right to the names of witnesses and of access to documentary and other evidence upon the basis of which dismissal or other discipline is sought.
  - (c) A right to be heard in his or her defense.
  - (d) A right to an advisor, counsel, or other representatives, and to offer witnesses. The academic staff member’s advisor or counsel may ask all witnesses relevant questions and follow-up questions, including those challenging credibility. Credibility determinations, however, may not be made based on a person’s status as a complainant, respondent, or witness. If the academic staff member does not have an advisor, the university shall provide the academic staff member, without charge, an advisor of the university’s choice to conduct cross-examination on behalf of the academic staff member. The advisor may be an attorney.
  - (e) A right to confront and cross-examine adverse witnesses. Cross examination shall be conducted directly, orally, and in real time by the academic staff member’s advisor. The academic staff member and the complainant may not personally conduct cross examination. If the academic staff member, the complainant, or a witness does not submit to cross-examination at the hearing, the hearing committee or the hearing examiner may not rely on any statement of the academic staff member, complainant, or witness in reaching its findings and recommendations. However, the hearing committee or hearing examiner may not draw a negative inference in reaching its findings and recommendations based solely on the absence of an academic staff member, complainant, or witness from the hearing or refusal to answer cross-examination or other questions.
  - (f) A verbatim record of all hearings, which might be a sound recording, made available at no cost for inspection and review.
  - (g) Written findings of fact supporting the decision based on the hearing record. The written findings of fact and decision shall include all of the following:
    1. Identification of the allegations potentially constituting misconduct as defined in this chapter.
    2. A description of the procedural steps taken from the receipt of the formal complaint through the hearing committee’s or hearing examiner’s decision, including any notifications to the academic staff member and the complainant, interviews with the academic staff member, the complainant, and witnesses, site visits, methods used to gather evidence, and hearings held.
    3. Conclusions regarding the application of the university’s conduct rules and policies to the facts; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any

disciplinary sanction recommended to be imposed, and whether remedies designed to restore or preserve equal access to the university's educational program or activity will be provided to the complainant.

4. The university's procedures and permissible bases for complainant and academic staff member to appeal.

(h) Admissibility of evidence shall be governed by s. 227.45 (1) to (4), Stats. Only relevant questions may be asked of the academic staff member, the complainant, and any witnesses. The hearing committee or hearing examiner shall determine whether a question is relevant and explain the decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence are offered to prove that someone other than the academic staff member committed the conduct alleged by the complainant, or unless the questions or evidence concern specific incidents of the complainant's prior sexual behavior with the academic staff member and are offered to prove consent.

(i) The hearing may be conducted with all participants physically present in the same location, or at the hearing committee's or hearing examiner's discretion, any or all participants may appear at the hearing virtually, with technology enabling the participants simultaneously to see and hear each other. Upon the academic staff member's request, the university shall provide for the hearing to occur with academic staff member and complainant located in separate rooms with technology enabling the hearing committee or hearing examiner, the academic staff member, and the complainant to simultaneously see and hear witnesses answering questions.

(2) The complainant shall have all the rights provided to the academic staff member in sub. (1) (a) to (i).

*UWS 11.22 Procedural guarantees.*

(6) Any hearing held shall comply with the requirements set forth in the preceding section. All of the following requirements shall also be observed:

(a) The burden of proof of the existence of just cause to support dismissal, or of adequate cause to support other discipline, is on the university administration.

(b) The standard of proof shall be a preponderance of the evidence.

(c) No academic staff member who participated in the investigation of allegations leading to the filing of a statement of charges, or who participated in the filing of a statement of charges, or who is a material witness, shall be qualified to sit on the hearing committee in that case. No university employee or other person who participated in the investigation of allegations leading to the filing of a statement of charges, or who participated in the filing of a statement of charges, or who is a material witness, shall be qualified to serve as the hearing examiner in that case.

(d) The hearing shall be closed unless the academic staff member requests an open hearing; in which case it shall be open as per subch. V of ch. 19, Stats.

(e) The hearing committee may, on motion the complainant, or the academic staff member disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the academic staff equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the academic staff establishing the standing committee under this rule.

(f) The hearing committee or the hearing examiner may not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges unless the person holding the privilege has waived it. The hearing committee or the hearing examiner shall follow the evidentiary rules in s. UWS 11.21(1)(h).

(g) If the hearing committee requests, the Chancellor shall provide legal counsel after consulting with the hearing committee concerning its wishes in this regard. The function of legal counsel shall be to advise the hearing committee, consult with them on legal matters, and such other responsibilities as shall be determined by the

hearing committee within the provisions of the rules and procedures adopted by the academic staff of the institution in establishing the standing academic staff committee under this policy.

- (h) If the Title IX disciplinary process described in ss. UWS 11.13 to UWS 11.26 against an academic staff member is not concluded before the academic staff member's appointment would expire, the academic staff member may elect that such process be carried to a final decision. Unless the academic staff member so elects in writing, the process shall be discontinued at the expiration of the appointment.
- (i) Nothing in this section shall prevent the settlement of cases by mutual agreement between the university administration, the complainant, and the academic staff member.
- (j) Delay or adjournment of the hearing for good cause may be granted. Good cause includes any of the following:
  1. The need to investigate evidence as to which a valid claim of surprise is made.
  2. To ensure the presence of the academic staff member or the complainant, an advisor, or a witness.
  3. To provide language assistance or accommodation of disabilities.
  4. To accommodate concurrent law enforcement activity.

*UWS 11.23 Hearing committee or hearing examiner findings and recommendations to the Chancellor.*

The hearing committee or hearing examiner shall simultaneously send to the Chancellor, to the complainant, and to the academic staff member concerned, within 30 days after the conclusion of the hearing, or otherwise as soon as practicable, a verbatim record of the testimony and a copy of its factual findings and recommendations.

*UWS 11.24 Chancellor's decision*

- (21) After reviewing the matter on record and considering arguments if submitted by the parties, the Chancellor shall issue a decision. In that decision, the Chancellor may order dismissal of the academic staff member, may impose a lesser disciplinary action, or may find in favor of the academic staff member. The academic staff member shall be notified of the Chancellor's decision in writing. The complainant shall be notified of the Chancellor's decision at the same time as the academic staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants review based on the record.
- (22) The Chancellor decision shall be based on the record created before the hearing committee or hearing examiner, and the Chancellor shall include the Chancellor's rationale in the decision. The Chancellor's decision shall be simultaneously sent to the academic staff member concerned, the complainant, and to the hearing committee or the hearing examiner within 45 days of the Chancellor's receipt of the hearing committee's or hearing examiner's materials. A decision by the Chancellor ordering dismissal shall specify the effective date of the dismissal.

*UWS 11.25 Appeal to the board.*

- (1) A member of the academic staff who has been dismissed for cause by the Chancellor following a hearing may appeal this action to the board. Any appeal shall be made within 30 days of the date of the decision of the Chancellor to dismiss. The board shall provide the academic staff member and the complainant an opportunity for filing exceptions to the Chancellor's decision, and for oral arguments, unless the academic staff member and the complainant waive in writing the right to file exceptions and for oral arguments. The hearing of any oral arguments shall be closed unless the academic staff member or the complainant requests an open hearing (see subch. V of ch. 19, Stats., Open Meeting Law).
- (2) The academic staff member or complainant may file exceptions to the Chancellor's decision, and the board shall conduct its review of the Chancellor's decision, on any of the following bases:
  - (a) Procedural irregularity that affected the outcome of the matter.
  - (b) New evidence that was not reasonably available at the time of the live hearing that could affect the outcome of the matter.

- (c) The Title IX Coordinator, investigator(s), the Chancellor, the hearing examiner, or the hearing committee members had a conflict of interest or bias for or against the academic staff member or complainant, or against complainants and respondents generally, that affected the outcome.
- (3) If the board decides to take action different from the decision of the Chancellor, then before taking final action the board shall consult with the Chancellor.
- (4) The board shall make its decision based on the record created before the hearing committee or hearing examiner. Within 60 days of receipt of the Chancellor's decision, or otherwise as soon as practicable, the board shall simultaneously notify the academic staff member and the complainant of the board's final decision, which shall include the board's rationale for its decision.
- (5) A decision by the board ordering dismissal of an academic staff member shall specify the effective date of the dismissal.

*UWS 11.26 Suspension from duties in Title IX dismissal cases.*

Pending the final decision as to dismissal, an academic staff member with an indefinite appointment may not be relieved of duties, except where, after consulting with the appropriate administrative officer, the Chancellor finds that substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the Chancellor makes a decision as to dismissal, unless the Chancellor also makes the determinations set forth in s. UWS 11.105 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.105 shall apply.

*Subchapter IV — Procedures for Dismissal for Cause in Special Cases – Indefinite Academic Staff Appointments*

*UWS 11.27 Subchapter IV definition.*

In this subchapter, "affected party" means any student, employee, visitor, or an individual participating in a university program or activity, who is a victim of an academic staff member's serious criminal misconduct.

*UWS 11.28 Dismissal for cause in special cases—indefinite academic staff appointments.*

A member of the academic staff holding an indefinite appointment may be dismissed for serious criminal misconduct, as defined in s. UWS 11.29.

*UWS 11.29 Serious criminal misconduct.*

- (6) In this chapter, "serious criminal misconduct" means:
  - (a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d), or (e) are present, and the felony involves any of the following:
    - 1. Causing serious physical injury to another person.
    - 2. Creating a serious danger to the personal safety of another person.
    - 3. Sexual assault.
    - 4. Theft, fraud or embezzlement.
    - 5. Criminal damage to property.
    - 6. Stalking or harassment.
  - (b) A substantial risk to the safety of members of the university community or others is posed.
  - (c) The university's ability, or the ability of the academic staff member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.
  - (d) The academic staff member's fitness or ability to fulfill the duties of their position is seriously impaired.
  - (e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.
- (7) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

- (8) Except as otherwise expressly provided, an academic staff member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 11.30 to 11.33.
- (9) Any act required or permitted by ss. UWS 11.30 to 11.33 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the Board of Regents under s. UWS 9.02.

*UWS 11.30 Reporting responsibility.*

Any academic staff member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 11.29 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

*UWS 11.31 Expedited process.*

- (8) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 11.30 or other credible information that an academic staff member holding an indefinite appointment has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 11.29 (1) (a), in state or federal court, the chancellor shall:
  - (a) Within 3 working days of receipt of the report or information, inform the academic staff member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and advise the chancellor as to whether to proceed under this section or ss. UWS 11.02 to 11.10 or ss. UWS 11.13 to 11.26. If the university knows the identity of an affected party, the university shall make a reasonable attempt to notify the affected party of the report or information at the same time as the academic staff member.
  - (b) Upon appointing an investigator and notifying the academic staff member, afford the academic staff member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The academic staff member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.
- (9) The investigator shall be complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.
- (10) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the academic staff member pursuant to ss. UWS 11.28 to 11.33, to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, to seek dismissal of the academic staff member pursuant to ss. UWS 11.13 to 11.25, to seek an alternative disciplinary sanction, or to discontinue the proceedings as follows.
  - (a) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.28 to 11.33, the chancellor shall file charges within 2 working days of reaching the decision.
  - (b) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10 or ss. UWS 11.13 to 11.26, the chancellor shall file charges and proceed in accordance with the provisions of those sections of this chapter and implementing institutional policies. If, during the course of proceedings under ss. UWS 11.02 to 11.10 or ss. UWS 11.13 to 11.26, the chancellor receives a report under s. UWS 11.30 or other credible information that the academic staff member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 11.29 (1) (a), and one or more of the factors listed in s. UWS 11.29 (1) (b) to (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this section.
  - (c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 13 or ss. UWS 11.13 to 11.26, and implementing institutional policies, shall be followed.
- (11) If charges seeking dismissal are filed under sub. (3) (a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05 to

11.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.

- (12) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written decision on the matter. In the decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. The staff member shall be notified of the chancellor's decision in writing. If the university knows the identity of an affected party, the university shall make a reasonable attempt to provide the affected party a copy of the chancellor's final decision at the same time as the academic staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants a review based on the record.
- (13) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration shall demonstrate by clear and convincing evidence that the academic staff member engaged in serious criminal misconduct, as defined in s. UWS 11.29.
- (14) The chair of the academic staff hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

*UWS 11.32 Temporary suspension from duties without pay*

- (5) The chancellor, after consulting with appropriate academic staff governance representatives, may suspend an academic staff member holding an indefinite appointment from duties without pay pending the final decision as to dismissal where:
- (a) The academic staff member has been charged with a felony of a type listed in s. UWS 11.29 (1) (a) and the chancellor, after following the provisions of s. UWS 11.31 (1) to (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 11.29 (1) (b) to (e) are present, and 2) that the academic staff member has engaged in the conduct as alleged;
  - (b) The academic staff member is unable to report for work due to incarceration, conditions of bail or similar cause; or
  - (c) The academic staff member has pleaded guilty or no contest to or been convicted of a felony of the type listed in s. UWS 11.29 (1) (a) and one or more of the conditions in s. UWS 11.29 (1) (b) to (e) are present.
- (6) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the academic staff member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the academic staff member with an opportunity to be heard with regard to the matter. The academic staff member may be represented by counsel or another at this meeting.
- (7) If, after affording the academic staff member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the academic staff member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:
- (a) If the chancellor later determines that the academic staff member should not be dismissed the chancellor may discontinue the proceedings, or may impose a lesser penalty, and except as provided in par. (b), shall order the payment of back pay for any period of the suspension for which the academic staff member was willing and able to report for work;
  - (b) If the chancellor later determines to recommend or impose as a lesser penalty the suspension of the academic staff member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the academic staff member.
- (8) If, after affording the academic staff member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.



*UWS 11.33 Board Review*

A member of the academic staff on an indefinite appointment who has been dismissed for serious criminal misconduct may appeal this action to the board as provided in s. UWS 11.10. If the university knows the identity of an affected party, the board shall make a reasonable attempt to notify the affected party of its decision at the same time as the academic staff member.

Regent Policy Document 14-2, Appendix C Policy for Investigation and Resolution of Formal Title IX Complaints Against University Employees Other Than Faculty and Academic Staff

**Application of this policy.**

This policy applies to the investigation and resolution of formal Title IX complaints filed against university employees other than faculty and academic staff employees. This includes employees who otherwise do not have the right to a formal disciplinary process.

The disciplinary process in Chapter UWS 4 applies to faculty employees and the process in Chapter UWS 11 applies to academic staff employees. The university may discipline an employee up to and including dismissal for cause for Title IX misconduct. The disciplinary process for employee sexual misconduct that is outside the scope of Title IX, and related definitions, are found in separate university policies.

This disciplinary procedure for Title IX misconduct will be used only when all of the following requirements are met:

1. There is a formal Title IX complaint alleging Title IX misconduct on the basis of sex.
2. The conduct occurred in the United States.
3. The conduct occurred within the university's education programs or activities.
4. The complainant must be participating in or attempting to participate in the education program or activity of the university at the time of filing the formal Title IX complaint.
5. The complainant or Title IX coordinator have submitted a written formal Title IX complaint.

The employee is presumed to be not responsible for the alleged Title IX misconduct until a final decision regarding responsibility is made at the conclusion of the disciplinary process. The university may dismiss or discipline an employee for Title IX misconduct only after due notice and hearing. The burden of proof is on the university administration.

**Definitions.**

As used in this policy, the following terms shall have the meaning given below:

1. **"Complainant"** means any individual who is alleged to be the subject of Title IX misconduct, as defined in this section.
2. **"Consent"** means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other activity referenced in the definition of sexual assault. A person is unable to give consent if the person is in a state of incapacitation because of drugs, alcohol, physical or intellectual disability, or unconsciousness.
3. **"Consult"** or **"consulting"** means thoroughly reviewing and discussing the relevant facts and discretionary issues.
4. **"Dating violence"** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
5. **"Domestic violence"** means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Wisconsin, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Wisconsin as per ss. 813.12(1)(am) and 968.075, Stats.

6. **“Education program or activity”** means, for purposes of Title IX misconduct only, locations, events, or circumstances at which the university exercised substantial control over both the respondent and the context in which the relevant misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the university.
7. **“Formal Title IX complaint”** means, for the purposes of Title IX misconduct only, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against an employee and requesting that the institution investigate the allegations. At the time of filing of the formal Title IX complaint, the complainant must be participating in or attempting to participate in an educational program or activity. A formal complaint may be filed in person, by mail, by electronic mail, or any other method designated by the university. A formal Title IX complaint shall include a physical or digital signature of the complainant or the Title IX Coordinator.
8. **“Incapacitation”** means the state of being unable to physically or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol or drugs affects a person’s decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
9. **“Preponderance of the evidence”** means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than “clear and convincing evidence.”
10. **“Respondent”** means an individual who has been reported to be the perpetrator of Title IX misconduct as defined in this section.
11. **“Sexual assault”** means an offense that meets any of the following definitions:
  - a. **“Rape”** means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of the complainant, without the consent of the complainant.
  - b. **“Fondling”** means the touching of the private body parts of the complainant for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of the complainant’s age or because of the complainant’s temporary or permanent mental incapacity.
  - c. **“Incest”** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law as per s. 944.06, Stats.
  - d. **“Statutory Rape”** means sexual intercourse with a complainant who is under the statutory age of consent as per s. 948.02, Stats.
12. **“Sexual harassment”** means conduct on the basis of sex that satisfies any of the following:
  - a. **Quid pro quo sexual harassment:** When an employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual’s participation in unwelcome sexual conduct.
  - b. **Hostile environment sexual harassment:** Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using the legal “reasonable person” standard, the conduct is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity.
13. **“Stalking”** means engaging in a course of conduct directed at the complainant that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
14. **“Title IX misconduct”** means sexual assault, stalking, dating violence, or domestic violence as defined in this section and sexual harassment as defined in this section.

**Disciplinary Sanctions.**

The disciplinary sanctions that may be imposed for misconduct under this policy range from a written reprimand through dismissal.

**Dismissal of formal Title IX complaint and related appeal.**

1. The university shall dismiss formal Title IX complaints consisting of allegations that meet any of the following conditions:
  - a. The alleged conduct would not constitute Title IX misconduct if proved.
  - b. The alleged conduct did not occur in a university education program or activity.
  - c. The alleged conduct did not involve actions against someone physically located in the United States.
2. The university may dismiss formal Title IX complaints under any of the following conditions:
  - a. The complainant formally requests in writing to withdraw the formal Title IX complaint.
  - b. The employee is no longer employed by the university.
  - c. Specific circumstances prevent the university from gathering evidence sufficient to reach a determination on the allegations contained in the formal Title IX complaint.
3. The university generally shall decide whether to dismiss a formal Title IX complaint within 30 days of receipt of the formal complaint, but the university may extend that timeline as necessary. If a formal complaint is dismissed, the university shall provide notice of the dismissal and reasons therefore to the employee and complainant in writing.
4. Within 20 days of receipt of the notice of dismissal, the complainant or employee may appeal the dismissal by filing a written appeal with the chancellor's designee (hereinafter "chancellor's designee"). The complainant or employee may appeal on any of the following bases:
  - a. Procedural irregularity that affected the outcome of the matter.
  - b. New evidence that was not reasonably available at the time of the dismissal that could affect the outcome of the matter.
  - c. The university employee making the dismissal decision had a conflict of interest or bias for the employee or against the complainant, or against complainants generally, that affected the dismissal decision.
5. The chancellor's designee shall provide the employee and complainant the opportunity to provide a written statement supporting or challenging the dismissal. The chancellor's designee shall simultaneously issue a decision to the complainant and the employee within 30 days of receipt of a written appeal. The chancellor's designee's decision on the appeal of a dismissal shall be final.
6. The dismissal of a formal Title IX complaint does not preclude the university from otherwise pursuing discipline against the employee under other administrative rules or university policies.

**Investigation of Title IX misconduct allegations.**

1. Unless the university dismisses a formal complaint, the university shall appoint an investigator to conduct an investigation of the allegations in the formal complaint.
2. The investigator shall provide the employee and the complainant with a notice of investigation. The notice shall include all of the following:
  - a. The grievance process, including informal resolution options.
  - b. The allegations of Title IX misconduct with sufficient detail for the employee to prepare a response to the allegations, including the identity of the complainant as well as the date and location of the incident if available.
  - c. A statement affirming the employee is presumed not responsible for the alleged violation until the disciplinary process finds otherwise.
  - d. The employee and complainant have the right to an advisor of their choice.
  - e. The employee and complainant have the right to inspect and review the evidence.

- f. Information about any code of conduct rules which prohibit the employee or the complainant from knowingly making false statements or submitting false information during the disciplinary process.
3. The parties shall receive an amended notice of investigation any time additional charges are added during the course of an investigation. Formal Title IX complaints involving more than one complainant or respondent may be consolidated if they arise out of the same facts or circumstances.
4. The university's investigator shall do all of the following:
  - a. Provide both the employee and the complainant an equal opportunity to provide witnesses, including fact and expert witnesses, who may be interviewed by the investigators and other inculpatory and exculpatory evidence.
  - b. Not restrict the ability of either the employee or complainant to discuss the allegations under investigation or to gather and present relevant evidence.
  - c. Provide the employee and complainant the same opportunity to be accompanied by an advisor of their choice during meetings relating to the investigation but may limit the participation by the advisor so long as those limits are applied equally.
  - d. Provide both the employee and the complainant an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from an employee, complainant, or other source, so that the employee and complainant can meaningfully respond to the evidence prior to conclusion of the investigation.
5. As part of its investigation and disciplinary process, the university may not access, consider, disclose, or otherwise use an employee's or complainant's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the employee or complainant, unless the university obtains the employee's or complainant's voluntary, written consent to do so in relation to the investigation and disciplinary process.
6. The university's investigator generally shall complete the investigation and issue a final investigative report within 90 days of the investigator's appointment. However, the investigator may extend the investigation's time frame where circumstances warrant.

#### **Review of evidence.**

1. Prior to completion of the final investigative report, the investigator shall send to the employee and complainant and their respective advisors, if any, the evidence gathered during the investigation for inspection and review by the employee and the complainant. The evidence may be provided in an electronic format or a hard copy. The evidence provided includes evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from the employee, complainant, or other source, to permit the employee and complainant to meaningfully respond to the evidence prior to conclusion of the investigation.
2. The employee and the complainant shall have at least 10 days to submit a written response to the evidence. The investigator will consider any written responses prior to completion of the final investigative report.

#### **Final Investigative Report.**

The investigator shall create a final investigative report that fairly summarizes relevant evidence and send the report to the employee, the complainant, and their advisors, if any, for their review and response at least 10 days prior to a hearing. The written report shall be delivered simultaneously to the employee and complainant at least 10 days prior to a hearing. The university shall, upon receipt of the final investigative report, proceed to schedule a live hearing on the matter. A hearing shall be conducted unless the employee and the complainant both waive, in writing, the right to such a hearing.

**Hearing Examiner or Hearing Committee.**

1. The chancellor of each university shall designate a Title IX conduct hearing examiner or hearing committee to hear employee dismissal and discipline cases. The university shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.
2. The hearing committee or hearing examiner shall conduct the hearing, make a verbatim record of the hearing, and transmit such record along with factual findings and decision to the chancellor. The hearing shall be held not later than 45 days after completion of the final investigative report except that this time limit may be extended by the hearing committee or hearing examiner.

**Adequate Due Process.**

1. A fair hearing for an employee against whom dismissal or other discipline is sought shall include all of the following:
  - a. Service of written notice of a live hearing on the allegations in the formal complaint at least 10 days prior to the hearing.
  - b. A right to the names of witnesses and of access to documentary and other evidence which serve as the basis for seeking dismissal or other discipline.
  - c. A right for the complainant and employee to be heard on their own behalf.
  - d. A right to an advisor, counsel, or other representatives, and to offer witnesses. The employee's or complainant's advisor or counsel may ask all witnesses relevant questions and follow-up questions, including those challenging credibility. Credibility determinations, however, may not be made based on a person's status as a complainant, respondent, or witness. If the employee does not have an advisor, the university shall provide the employee, without charge, an advisor of the university's choice to conduct cross-examination on behalf of the employee. The advisor may be an attorney.
  - e. A right to confront and cross-examine adverse witnesses. The employee's or complainant's advisor shall conduct cross examination directly, orally, and in real time. The employee and the complainant may not personally conduct cross-examination. If the employee, the complainant, or a witness does not submit to cross-examination at the hearing, the hearing committee or the hearing examiner may not rely on any statement of the employee, complainant, or witness in reaching its findings and recommendations. However, the hearing committee or hearing examiner may not draw a negative inference in reaching its findings and recommendations based solely on the absence of an employee, complainant, or witness from the hearing or refusal to answer cross-examination or other questions.
  - f. A verbatim record of all hearings, which might be a sound recording, made available at no cost for inspection and review.
  - g. Written findings of fact supporting the decision based on the hearing record. The written findings of fact and decision shall include all of the following:
    1. Identification of the allegations potentially constituting Title IX misconduct.
    2. A description of the procedural steps taken from the receipt of the formal complaint through the hearing committee's or hearing examiner's decision, including any notifications to the employee and the complainant, interviews with the employee, the complainant, and witnesses, site visits, methods used to gather evidence, and hearings held.
    3. Conclusions regarding the application of the university's conduct rules and policies to the facts including the following: a determination regarding responsibility for each allegation and the rationale behind each decision, any disciplinary sanction recommended to be imposed, any remedies recommended to restore or preserve equal access to the university's educational program or activity, and the university's procedures and permissible bases for complainant and employee to appeal.



2. to ensure the presence of the employee or the complainant, an advisor, or a witness.
3. To provide language assistance or accommodation of disabilities.
4. To accommodate concurrent law enforcement activity.

**Hearing Committee or Hearing Examiner Findings and Recommendations to the Chancellor's Designee.**

The hearing committee or hearing examiner shall simultaneously send to the chancellor's designee, to the complainant, and to the employee concerned, within 30 days after conclusion of the hearing, or otherwise as soon as practicable, a verbatim record of the testimony and a copy of its factual findings and recommendations.

**Chancellor's Designee's Decision.**

1. Within 10 days after receipt of the record and findings and recommendations from the hearing examiner or hearing committee, the complainant and the employee may submit written exceptions. The chancellor's designee shall review those materials and their decision shall be based on the record created before the hearing examiner or hearing committee without consideration of any new evidence submitted by the complainant or the employee. The chancellor's designee shall prepare a written decision within 20 days after the deadline of submission for the written exceptions by the complainant or the employee. If the chancellor's designee's proposed decision differs substantially from those recommendations, the chancellor's designee shall promptly consult the hearing examiner or hearing committee and provide the hearing examiner or hearing committee with a reasonable opportunity for a written response prior to making a decision.
2. The chancellor's designee may adopt the hearing examiner's or hearing committee's findings and recommendations as the chancellor's designee's decision. The chancellor's designee shall explain in the decision any substantial differences from those findings and recommendations.
3. The chancellor's designee's decision shall be simultaneously sent to the complainant, employee, and to the hearing examiner or hearing committee within 45 days of the chancellor's designee's receipt of the hearing examiner's or hearing committee's materials.

**Appeal to Chancellor.**

1. The employee or the complainant may appeal the dismissal of a formal Title IX complaint or the chancellor designee's decision by filing a written appeal with the chancellor within 20 days of receiving the decision.
2. The employee or complainant may appeal to the chancellor on the following bases:
  - a. Procedural irregularity that affected the outcome of the matter.
  - b. New evidence that was not reasonably available at the time of the live hearing that could affect the outcome of the matter.
  - c. The Title IX coordinator, investigator(s), chancellor's designee, or the hearing examiner or hearing committee members had a conflict of interest or bias for or against the employee or complainant, or against complainants and respondents generally, that affected the outcome.
3. The complainant and the employee shall be notified of any appeal to the chancellor.
4. The chancellor shall permit the complainant and employee to file a written statement on the appeal. The chancellor shall review the appeal based on the record before the hearing examiner or hearing committee. The complainant and employee shall be simultaneously provided the final written decision of the chancellor, which shall include the rationale for the decision.

**Chancellor's decision.**

1. After reviewing the matter on record and considering any arguments submitted by the parties, the chancellor shall issue a decision. The chancellor may adopt the hearing committee or hearing examiner's findings and recommendations as the chancellor's decision. The chancellor shall explain in the decision any substantial differences from those findings and recommendations. If the chancellor's proposed decision differs substantially from those recommendations, the chancellor shall promptly consult the hearing committee or the hearing examiner and provide the committee or the hearing examiner with a reasonable opportunity for a written

response prior to making a decision. In that decision, the chancellor may order dismissal of the employee, may impose a lesser disciplinary action, or may find in favor of the employee. The employee shall be notified of the chancellor's decision in writing. The complainant shall be notified of the chancellor's decision at the same time as the employee. This decision shall be deemed final unless the Board of Regents for the University of Wisconsin System ("board"), upon request of the employee or complainant, grants review based on the record.

2. The chancellor's decision shall be based on the record created before the hearing committee or hearing examiner, and the chancellor shall include the chancellor's rationale in the decision. The chancellor decision shall be simultaneously sent to the employee concerned, the complainant, and to the hearing committee or the hearing examiner within 45 days of the chancellor's receipt of the hearing committee's or hearing examiner's materials. A decision by the chancellor ordering dismissal shall specify the effective date of the dismissal.

**Appeal to the Board of Regents of dismissal of university staff respondent.**

1. (1) In matters where a university staff member is the respondent, the university staff member or complainant may file an appeal of the chancellor's decision to dismiss the staff member to the board. Any appeal must be made within 30 days of the date of the decision of the chancellor to dismiss. The board shall provide the university staff member and complainant an opportunity for filing written exceptions to the chancellor's decision, and for oral arguments, unless the university staff member and the complainant waive in writing the right to file exceptions and for oral arguments. The hearing of any oral arguments shall be closed unless the university staff member or the complainant requests an open hearing.
2. (2) The university staff member or complainant may file exceptions to the chancellor's decision, and the board shall conduct its review of the chancellor's decision, on any of the following bases:
  - a. Procedural irregularity that affected the outcome of the matter.
  - b. New evidence that was not reasonably available at the time of the live hearing that could affect the outcome of the matter.
  - c. Conflict of interest or bias for or against the university staff member or complainant, or against complainants and respondents generally, by the Title IX coordinator, investigator, the chancellor, the hearing examiner, or the hearing committee members that affected the outcome.
3. If the board decides to take action different from the decision of the chancellor, then before taking final action the board shall consult with the chancellor.
4. The board shall make its decision based on the record created before the hearing committee or hearing examiner. Within 60 days of receipt of the chancellor's decision, or otherwise as soon as practicable, the board shall simultaneously notify the university staff member and the complainant of the board's final decision, which shall include the board's rationale for its decision.
5. A decision by the board ordering dismissal of a university staff member shall specify the effective date of the dismissal.

**Administrative Leave.**

Pending the final decision on the allegations in the formal complaint, the employee/respondent may be placed on administrative leave.



## University of Wisconsin La Crosse Academic Staff Discipline and Dismissal for Cause

The University of Wisconsin La Crosse utilizes University Personnel System Chapters 10, 11, and 14 for academic staff discipline and dismissal for cause. These policies can be found [here](#).

### UW System Administrative Policy 1233 (formerly GEN 14): Grievance Procedures

#### 1. POLICY PURPOSE:

The purpose of this policy is to establish grievance procedure parameters for university staff that include the elements required by [Wis. Stat. § 36.115\(4\)](#).

#### 2. POLICY BACKGROUND:

This policy establishes grievance procedures for university staff who were formerly members of the classified staff (subject to [Wis. Stat. Chapter 230](#)) as of June 30, 2015, and for university staff hired on or after July 1, 2015, who, by the terms of their appointment, have an expectation of continued employment.

##### A. Dismissal

Under [Wis. Stat. § 36.115\(4\)](#) the University of Wisconsin System personnel systems must include grievance procedures applicable to dismissals that include the following elements:

- a) A written document specifying the process that a grievant and an employer must follow [Wis. Stat. § 36.115\(4\)\(a\)](#).
- b) A hearing before an impartial hearing officer [Wis. Stat. § 36.115\(4\)\(b\)](#).
- c) An appeal process in which the highest level of appeal is the Board of Regents [Wis. Stat. § 36.115\(4\)\(c\)](#).

All UW System institutions will need to develop and administer, through university staff shared governance, grievance procedures for dismissals of university staff consistent with the elements outlined in this policy.

University of Wisconsin System faculty are subject to Chapters [UWS 4](#) and [UWS 7](#) of the Wisconsin Administrative Code. University of Wisconsin System academic staff are subject to [Chapter UWS 11](#) of the Wisconsin Administrative Code. Institution faculty and academic staff governance bodies will need to make the necessary changes to incorporate the impartial hearing officer concept into their respective rules. Academic staff governance bodies will need to incorporate appeal to the Board for fixed term and probationary academic staff. Indefinite academic staff are currently provided with appeal to the Board.

##### B. Discipline

[Wis. Stat. § 36.115\(4\)](#) requires the Board and the UW-Madison Chancellor to establish personnel systems that include provisions relating to employee discipline. Chapters [UWS 6](#) and [UWS 13](#) of the Wisconsin Administrative Code require UW System institutions to establish grievance procedures for faculty and academic staff in cases involving discipline other than dismissal. Institutional policies adopted pursuant to those provisions satisfy the requirements of [Wis. Stat. § 36.115\(4\)](#).

All UW System institutions will need to develop and administer grievance procedures for discipline of university staff consistent with the elements outlined in this policy. University staff shared governance groups shall have the opportunity to participate in the development of the grievance procedures.

##### C. Working Conditions

University of Wisconsin System university staff may file grievances regarding some matters that affect

working conditions. Grievances may not be filed on issues pertaining to:

- a) Utilizing personnel, methods and means to carry out the mission of the University of Wisconsin System or institution;
- b) Determining the size and composition of the work force;
- c) Managing and directing the employees of the University of Wisconsin System;
- d) Hiring, promoting, assigning or retaining employees; or
- e) Establishing reasonable workplace expectations.

All UW System institutions will need to develop and administer, through university staff shared governance, grievance procedures for university staff regarding working conditions consistent with the elements outlined in this policy.

Chapters [UWS 6](#) and [UWS 13](#) of the Wisconsin Administrative Code require UW System institutions to establish complaint procedures for faculty and academic staff in cases involving discipline other than dismissal.

### 3. POLICY DEFINITIONS:

“Dismissal” means separation from employment for disciplinary or performance reasons.

“Discipline” means any action taken by a University of Wisconsin institution with respect to a University staff member with an expectation of continued employment which has the effect, in whole or in part, of a penalty.

“Grievance procedure” means the process through which certain working conditions, discipline, or dismissal of a UW System university staff member with an expectation of continued employment can be appealed.

“Impartial hearing officer” means a grievance review committee established through shared governance, an arbitrator employed by the Wisconsin Employment Relations Commission (WERC), an arbitrator from the WERC roster of neutral decision-makers not employed by the WERC, or an arbitrator from a UWSA roster of arbitrators with a set fee for resolving a discharge case.

“Just cause” means a standard that is applied to determine the appropriateness of a disciplinary action. The elements of determining whether just cause exists are:

- Whether the employee had notice of workplace expectations and potential consequences if those expectations were not met;
- Whether the workplace expectations were reasonably related to business efficiency and performance the employer might reasonably expect from the employee;
- Whether an investigation was undertaken by the employer before discipline or discharge to determine whether the employee violated expectations;
- Whether the investigation was conducted fairly and objectively;
- Whether the employer obtained substantial evidence of the employee's guilt;
- Whether workplace expectations were applied fairly and without discrimination; and
- Whether the degree of discipline imposed reasonably related to the seriousness of the employee's offense and the employee's past record.

“Layoff” means separation from employment for reasons of budget or due to the discontinuance, curtailment, modification, or redirection of a program.

“University staff” are members of the university workforce who contribute in a broad array of positions

in support of the University’s mission and are not exempt (hourly) from the overtime provisions of the Fair Labor Standards Act (FLSA).

[Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2015 are given the choice to remain in the university staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an academic staff or limited appointment position - see [UPS Operational Policy TR 3: Voluntary Reassignment](#)]

**4. POLICY:**

This policy provided UW System institutions with a framework for the establishment of new grievance procedures for university staff with an expectation of continued employment appealing certain working conditions, discipline, layoff or dismissal from a UW System institution. University staff serving a probationary period do not have the right to file grievances on dismissal, discipline or layoff.

Discipline and dismissal of a university staff member with an expectation of continued employment may be imposed only for just cause.

Grievances shall be submitted on a form provided by the employer, and each grievance shall describe the facts upon which the grievance is based and the relief sought by the employee. The employee and a management designee may agree in writing to extend the time limits in any step of the grievance procedure. Parties are strongly encouraged to resolve situations prior to a grievance being filed, but upon filing, parties are encouraged to resolve grievances at early stages of grievance procedures. UW System institutions are prohibited from retaliating against a grievant for filing a grievance or against a representative or witness who participates, or is scheduled to participate, in grievance proceedings.

Grievances shall be pursued in accordance with the following steps and time limits.

- Dismissal appeals begin at Step Two A, as outlined below, and may proceed to Step Three.
- Layoff and discipline grievances will begin at Step One and may proceed no further than Step Two.
- Working condition grievances may be processed through Step One only.

	STEP ONE	STEP TWO		STEP THREE
		STEP 2A	STEP 2B (employed on June 30, 2015)	
DISMISSAL		X	X	X
LAYOFF	X	X	X	
DISCIPLINE	X	X	X	
WORKING CONDITIONS	X			

**A. Step One:** If attempts to resolve a matter through discussion between an employee and supervisor are not successful, a grievance may be filed. Grievances shall be filed with the employee’s department head, director, dean, or equivalent administrator no later than 30 calendar days from the date the grievant first became aware, or should have become aware (with the exercise of reasonable diligence), of the matter grieved. Within 30 calendar days of receipt of the written grievance, the department head, director, dean, or equivalent administrator (or designee) shall meet with the grievant to hear the grievance. The grievant shall receive a written decision no later than seven (7) calendar days after this meeting. If the subject of the grievance is not discipline or layoff, there will be no further opportunity for appeal.

**B. Step Two A:** When an employee has filed a grievance alleging that a discipline decision was not based on

just cause and is dissatisfied with the Step One decision, the employee may appeal the decision to an impartial hearing officer. In order to file such an appeal, the grievant must inform the Chancellor or Chancellor's designee of his or her desire to appeal the Step One decision within 10 calendar days from receipt of the answer in Step One. An appeal of dismissal of a university staff member will begin at Step Two and must be filed within 20 days of the date of written notice of dismissal.

At issue before the impartial hearing officer will be whether just cause for the discipline or discharge exists. If the subject of the appeal is layoff, the issue before the hearing officer will be whether the applicable layoff procedure was followed. The hearing officer will be charged with hearing the case and making a report and recommendations to the Chancellor or Chancellor's designee. Impartial hearing officers should be selected in accordance with processes established by each institution. Such a hearing for a university staff employee shall include a right to representation, a right to offer witnesses, and a right to a written decision. The hearing shall be closed unless the grievant requests an open hearing. Within 20 days of receipt of the report and recommendations, the Chancellor or Chancellor's designee shall release a statement accepting or rejecting the findings of the impartial hearing officer and explaining how the decision will be implemented.

**C. Step Two B - Direct Appeal to WERC for Certain University Staff:** An employee who held permanent status in employment prior to July 1, 2015 and according to the provisions of [Wis. Stat. § 36.115\(6\)](#) retains [Chapter 230](#) appeal rights and may appeal a disciplinary action (suspension, demotion, or reduction in base pay), layoff or discharge using a procedure different than the Step Two A procedures set forth above. Such a grievance may be appealed directly from Step One to the Chancellor or Chancellor's designee within 10 calendar days from receipt of the answer in Step One.

Thereafter, if the employee is still dissatisfied with the decision as issued by the Chancellor or Chancellor's designee, the employee may appeal the decision to the WERC under [Wis. Stat. §230.44\(1\)\(c\)](#) within 30 calendar days from the date of the decision being appealed. If an appeal to WERC is filed, no further steps in the grievance process will apply. The decision of the WERC may be subject to judicial review, but an appeal to the Board of Regents is not available using this procedure.

**D. Step Three - Board of Regents Review:** For matters that involve dismissal only, a grievant who is dissatisfied with a Chancellor's or Chancellor's designee's Step Two decision may appeal the decision to the Board of Regents. If the matter is not appealed to the Board of Regents within 30 calendar days of receipt of the Step Two A decision, the grievance will be considered ineligible for Board review. Upon receiving an appeal, the President of the Board shall refer the appeal to the Board of Regents Personnel Matters Review Committee. In accordance with Board of Regents Bylaws, the Committee shall conduct a review based on the record of the matter created by the impartial hearing officer, and it shall prepare recommended findings and a decision, and shall transmit them to the full Board for final action. The full Board may confirm the Committee's decision, or it may direct a different decision. No further appeal shall be available to the parties.

### University of Wisconsin La Crosse University Staff Discipline and Dismissal for Cause

The University of Wisconsin La Crosse utilizes UW System Admin Policy 1233 (formerly GEN 14) which can be found above or on the [system website](#).

## Fire Safety Report

### Fire Statistics for On-Campus Student Housing Facilities

#### 2021 Fire Statistics

Residence Hall Facility Name	Address	Total # of Fires	Total # of Fires	Cause of Fire	# Injuries	# Deaths	Value of Property Damage
Angell Hall	422 N 14 <sup>th</sup> St	0	0	N/A	N/A	N/A	N/A
Coate Hall	1405 Farwell St	0	0	N/A	N/A	N/A	N/A
Drake Hall	1510 Badger St	0	0	N/A	N/A	N/A	N/A
Eagle Hall – Gray	1500 La Crosse St	0	0	N/A	N/A	N/A	N/A
Eagle Hall – Maroon	1500 La Crosse St	0	0	N/A	N/A	N/A	N/A
Hutchison Hall	1425 Pine St	0	0	N/A	N/A	N/A	N/A
Laux Hall	622 East Avenue N	0	0	N/A	N/A	N/A	N/A
Reuter Hall	1824 La Crosse St	0	0	N/A	N/A	N/A	N/A
Sanford Hall	1815 Farwell St	0	0	N/A	N/A	N/A	N/A
Wentz Hall	1515 Pine St	0	0	N/A	N/A	N/A	N/A
O. White Hall	1806 Farwell St	0	0	N/A	N/A	N/A	N/A

#### 2020 Fire Statistics

Residence Hall Facility Name	Address	Total # of Fires	Total # of Fires	Cause of Fire	# Injuries	# Deaths	Value of Property Damage
Angell Hall	422 N 14 <sup>th</sup> St	0	0	N/A	N/A	N/A	N/A
Coate Hall	1405 Farwell St	0	0	N/A	N/A	N/A	N/A
Drake Hall	1510 Badger St	0	0	N/A	N/A	N/A	N/A
Eagle Hall – Gray	1500 La Crosse St	0	0	N/A	N/A	N/A	N/A
Eagle Hall – Maroon	1500 La Crosse St	0	0	N/A	N/A	N/A	N/A
Hutchison Hall	1425 Pine St	0	0	N/A	N/A	N/A	N/A
Laux Hall	622 East Avenue N	0	0	N/A	N/A	N/A	N/A

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Reuter Hall	1824 La Crosse St	0	0	N/A	N/A	N/A	N/A
Sanford Hall	1815 Farwell St	0	0	N/A	N/A	N/A	N/A
Wentz Hall	1515 Pine St	0	0	N/A	N/A	N/A	N/A
O. White Hall	1806 Farwell St	0	0	N/A	N/A	N/A	N/A

## 2019 Fire Statistics

Residence Hall Facility Name	Address	Total # of Fires	Total # of Fires	Cause of Fire	# Injuries	# Deaths	Value of Property Damage
Angell Hall	422 N 14 <sup>th</sup> St	0	0	N/A	N/A	N/A	N/A
Coate Hall	1405 Farwell St	0	0	N/A	N/A	N/A	N/A
Drake Hall	1510 Badger St	0	0	N/A	N/A	N/A	N/A
Eagle Hall – Gray	1500 La Crosse St	0	0	N/A	N/A	N/A	N/A
Eagle Hall – Maroon	1500 La Crosse St	0	0	N/A	N/A	N/A	N/A
Hutchison Hall	1425 Pine St	0	0	N/A	N/A	N/A	N/A
Laux Hall	622 East Avenue N	0	0	N/A	N/A	N/A	N/A
Reuter Hall	1824 La Crosse St	0	0	N/A	N/A	N/A	N/A
Sanford Hall	1815 Farwell St	0	0	N/A	N/A	N/A	N/A
Wentz Hall	1515 Pine St	0	0	N/A	N/A	N/A	N/A
O. White Hall	1806 Farwell St	0	0	N/A	N/A	N/A	N/A

## Number and Cause of Each Fire in Any On-Campus Housing Facility

### 2021

No Fires

### 2020

No Fires

### 2019

No Fires

## Description of On-Campus Student Housing Fire Safety Systems—Residence Halls/Apartments

<b>Residence Hall Facility Name and Address</b>	<b>Fire Doors</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>		<b>Evacuation Plans and Placards</b>	<b># of Evacuation Drills/Year</b>
<b>Angell Hall</b> 422 N 14 <sup>th</sup> St	X	N/A	N/A	X	X		X	2
<b>Coate Hall</b> 1405 Farwell St	X	N/A	N/A	X	X		X	2
<b>Drake Hall</b> 1510 Badger St	X	N/A	N/A	X	X		X	2
<b>Eagle Hall – Gray</b> 1500 La Crosse St	X	N/A	X	X	X		X	2
<b>Eagle Hall – Maroon</b> 1500 La Crosse St	X	N/A	X	X	X		X	2
<b>Hutchison Hall</b> 1425 Pine St	X	N/A	N/A	X	X		X	2
<b>Laux Hall</b> 622 East Avenue N	X	N/A	X	X	X		X	2
<b>Reuter Hall</b> 1824 La Crosse St	X	N/A	X	X	X		X	2
<b>Sanford Hall</b> 1815 Farwell St	X	N/A	N/A	X	X		X	2
<b>Wentz Hall</b> 1515 Pine St	X	N/A	N/A	X	X		X	2
<b>O. White Hall</b>	X	N/A	N/A	X	X		X	2

1806 Farwell St								
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### University of Wisconsin La Crosse Fire Safety Policy

If a fire occurs in a University of Wisconsin La Crosse residence hall or apartment, community members should pull the fire alarm, use the nearest safe exit to evacuate and notify UWL Police and La Crosse Fire Department by immediately calling 911. If a community member finds evidence of a fire that has been extinguished, and the person is not sure whether UWL Police has already responded, the community member should immediately notify UWL Police at 608-785-9000 to investigate and document the incident. For the purposes of including a fire in the statistics in the Annual Fire Safety Report, contact UWL Police at 608-785-9000.

### University of Wisconsin La Crosse Residence Halls

#### *Residence Hall Fire Drills*

Fire drills are conducted twice a year in all on-campus Housing residence halls during the school year to allow residents to become familiar with building alarm systems and practice an evacuation. The fall drill is an announced drill occurring early in the semester. The spring drill is unannounced. The drills are coordinated by Associate Directors of Residence Life, Patrick Heise and Lisa Weston, in conjunction with University Police and conducted by each Residence Hall Director in conjunction with University Police.

During the 2021 calendar year, fire drills were conducted in February and September.

#### *Prohibitions on Portable Electrical Appliances, Smoking, and Open Flames*

With the exception of Reuter Hall that is equipped with full kitchens in every student apartment, food preparation in an extensive and/or ongoing manner is not permitted in resident rooms as a matter of safety and sanitation. Kitchens and kitchenettes are available in Laux, White, Sanford, Drake, Wentz, Hutch, Angell, Coate, and Eagle for this purpose. Students are not permitted to use any cooking appliance with an exposed heating element. Non-cooking appliances with open coils or exposed heating elements are also prohibited. These include, but are not limited to:

- hot plates,
- convection ovens,
- toaster ovens,
- toasters,
- electric frying pans,
- space heaters with open coils,
- portable type electric grills,
- cup-type immersion heating coils,
- other appliances with open coils or exposed heating elements.

Gas/propane powered appliances and charcoal cooking appliances are prohibited inside the residence halls. Appliances should not be operated in closets or other closed areas or close to flammable items. Residents may be held responsible for any damages caused by negligent use of appliances.

In addition, residents should monitor the number and type of appliances they bring, as well as the use and placement of electrical cords, extension cords and surge protectors.

The Office of Residence Life’s fire safety policies includes the following activities that are not permitted which are listed below:

- (a) *Pulling a false fire alarm*



- (b) *Failing to evacuate a residence hall* – All occupants must immediately evacuate residence halls when a fire alarm sounds.
- (c) *Tampering with fire safety equipment* – Tampering with, covering, removing, or inappropriately using the safety equipment including all smoke detectors, fire extinguishers, fire doors, sprinklers, pull stations, and emergency exits
- (d) *Open flames and burning* – Open flames are strictly prohibited. Burning incense and potpourri is also prohibited. Candles are allowed for decorative use, if wicks are removed. Candle warmers are allowed.
- (e) *Obstructing hallways* – No personal items are allowed to be left in the hallways as they can create a fire hazard and make vacuuming hallways difficult. Examples include, but are not limited to: shoes, shower caddies, and door mats.
- (f) *Space heaters are prohibited*
- (c) Possessing or using fireworks and/or firecrackers

Below is a list of specifically prohibited items:

- Air conditioners (unless provided by the University for medical purposes)
- Bed lofts not provided by UWL Residence Life
- Multiple light lamps or lamps with plastic shades
- Halogen lamps
- Non-LED lights
- Non-UL - Approved electronics
- Non-fused or multi-plug outlets
- Microwaves exceeding 1000 watts
- George Foreman-type grills
- Toasters (acceptable in Reuter apartments)
- Items that produce wireless signals (routers, printers, etc.)
- Live trees and wreaths
- Pools, of any size
- Hoverboards
- "Food Board" (Boards resting between both built-in bookshelves)
- Space Heaters
- Lamps with plastic shades, halogen lamps, or multiple light lamps
- Hoverboards or electronic skateboards
- Weapons of any kind
- Items with the potential for an open flame (Candles with wicks, Incense to burn, fireworks/firecrackers)
- Items that produce wireless signals (routers, printers, etc.)
- Adhesives for walls, furniture, doors, desk, etc. other than blue or green painter's tape
- Items which will be posted or hung on either side of residence hall windows

### *Smoking Tobacco and Electronic Cigarettes*

All residence halls are smoke free, including a 25-foot perimeter around the building. Smoking tobacco products or using electronic cigarettes is strictly prohibited in these areas.

## *Procedures to Use in Case of a Fire*

### **Residence Life Staff**

All student and professional residence life staff are trained each fall regarding the evacuation procedures and what to do in case of a fire as outlined below. These same procedures apply to all buildings.

#### **Hall – UWL Fire Procedures (Staff)**

##### **Smelling smoke:**

- When a staff member smells smoke, the source of that odor should be sought. Staff are never to endanger themselves or others in investigating. If you are unsure about the source of smoke, call for assistance.
- If no smoke is seen, the HD on Duty should be called to report the odor. HD: call University Police and other staff as necessary to continue to seek the source of the odor.
- If smoke is seen during the investigation, the procedures in 'Seeing smoke or fire' are in effect.

##### **Seeing smoke or fire:**

- Pull the fire alarm.
- Call 911 (or University Police) to report the fire.
- Proceed with directions from 'When an alarm sounds.'

##### **When an alarm sounds:**

- Anytime the building alarm sounds, all residents should evacuate (the assumption should be that there is a fire). Staff should direct residents to a safe, exterior location away from the building (pushing open alarmed doors as needed – whatever is the closest exit for residents). Staff are welcome to encourage residents to leave the building as they exit, but should not remain in the hall to knock on doors (as their safety is equally important).
- When an alarm is activated, residence hall staff should meet at fire panel. The first staff member to arrive to the panel is the point person (if a HD/AHD/Officer arrives, they assume this responsibility).
- Remaining staff should assist with evacuation of building, helping keep residents away from the entrances and clear of the building (allowing space for necessary emergency personnel). Staff are welcome to solicit more information about the alarm from nearby residents (in case anyone has additional context).
- The point person should contact the HD on Duty to inform them of the alarm.

##### **In the event that no fire is discovered:**

- Allow students to re-enter the building after University Police / Fire Department have determined it is safe

##### **In the event of a small fire:**

- Pull the alarm, evacuate the building and notify the university police of the location and facts as you have seen them. The La Crosse Fire Department will be dispatched.
- In the event of a small fire (i.e., wastebasket) the staff and/or students can utilize a fire extinguisher to control the fire if it is safe to do so. University Police should still be contacted.
- Continue evacuation of building and monitor evacuation points to ensure students do not re-enter the building.

##### **After any alarm:**

- Be sure doors are re-alarmed, as needed.
- Point Person

- Please email your HD/AHD with details of the incident (date/time of alarm, alarm location, nature of the alarm, any responsible parties, any damages).
- Hall Director
  - Follow-up with students and staff to identify possible damages to personal belongings and residence hall facilities.
  - Assess student and community needs and involve other professionals as needed (i.e. Counseling and Testing Center, Student Life, Red Cross, etc.)

#### **General Hall Re-Location Information**

- Re-Location: If evacuation for a short, but extended time is required, going to the basement of another building becomes necessary.
- Extended Re-Location: If evacuation for an extended period of time, the Student Union and / or the Recreational Eagle Center will provide facilities for students and staff.

#### **Hall Residents**

Residents are informed of the fire evacuation directions through the Office of Residence Life policies outlined on the Office of Residence Life webpage. An email is also sent to residents early fall semester that outlines these procedures and informs them about the upcoming fire drill. A similar notification is sent following the unannounced fire alarm drill in spring. Students are communicated with as to proper evacuation of the building as outlined below. These same procedures apply to all buildings.

#### **Fire Evacuation Procedure**

If the door is hot or the hallway is full of smoke:

1. Remain in the room
1. Put towels at the base of the door and seal all cracks
2. Hang a sheet or towel from the window
3. Signal for help
4. Call University Police (608-789-9999) or Emergency Dispatch (911)

#### **If it is safe to leave:**

1. Close the door when leaving
2. Stand away from the building main entrance and wait for the signal to re-enter

**Re-Location:** If evacuation for an extended time is required, going to the basement of another building becomes necessary. The following evacuation plan will be used:

1. Angell Hall to Hutchison Hall
2. Hutchison Hall to Angell Hall
3. Coate Hall to Eagle Hall
4. Eagle Hall to Coate Hall
5. Drake Hall to Wentz Hall
6. Wentz Hall to Drake Hall
7. Laux Hall to Reuter Hall
8. Reuter Hall to Laux Hall
9. Sanford Hall to White Hall
10. White Hall to Sanford Hall

#### **Exiting the Building**

- Exits are found throughout the ground level floors of every building, clearly indicated by an 'Exit' sign. In the event of an emergency, utilize the nearest/safest exit.
- If your building is equipped with an elevator, please refrain from utilizing the elevator during a fire alarm. For your safety, instead opt for the nearest/safest stairwell.

### Notifications

If a fire has occurred in the residence halls, the following individuals and organizations should be notified:

TITLE	NAME	PHONE	EMAIL
Director of Residence Life	Jenni Brundage	608-785-8970	<a href="mailto:jbrundage@uwlax.edu">jbrundage@uwlax.edu</a>
Chief of Police	Allen Hill	608-789-9000	<a href="mailto:ahill@uwlax.edu">ahill@uwlax.edu</a>

### Fire Safety Education and Training Programs for Students, Faculty, and Staff

General safety and fire safety information is available to students, faculty, and staff [here](#) and in this report. The training includes procedures students and employees should follow in case of a fire.

### Fire Safety Education for Student Employees and Occupants of University Housing

Fire safety training and education for employees is covered during staff training at the start of each semester. The training covers the following topics:

- Procedures students and employees should follow in case of a fire.

### Fire Safety Training and Education for Staff

Fire and evacuation training for staff is covered at the start of fall semester each year. The training covers the following topics:

- Procedures students and employees should follow in case of a fire.

In addition to this training, employees also are told to exit the building and wait for emergency personnel to arrive on scene.

### Plans for Future Improvement in Fire Safety

UWL is continuing with plans to renovate our older residence hall facilities, and as part of those plans, fire sprinkler systems and new fire alarm systems will be installed. To date, Laux Hall and O. White Hall have been completed. Sanford Hall is out for bid and is scheduled for completion in the spring and summer of 2023. Wentz Hall will follow in 2024.

### Fire Drills in other Campus Buildings

UWSA Policy requires a fire drill be conducted annually in all non-residential buildings. UWL conducted fire drills on Thursday, September 16, 2021, at the locations and times listed below. The intent of the fire drill is to familiarize students and staff with the egress routes in the event of a fire or other building evacuations. The drills are conducted during normal class hours. A Facilities Planning & Maintenance employee are on each floor and two UWL Police Officers are located outside the building to help with the evacuation. After the building is evacuated, police officers announce the all-clear to re-enter the building. Each drill takes approximately 10 to 15 minutes. An e-mail reminder is sent to campus the day prior to the fire drill.

This list *does* include residence hall buildings.

<b>Building</b>	<b>Fire Drill Time Thursday, September 16</b>
Maintenance Bldg.	7:00 a.m.
Student Union	7:15 a.m.
Police Services	7:30 a.m.
Cleary Center	7:45 a.m.
Archaeology Center	8:00 a.m.
Wittich Hall	8:15 a.m.
Whitney Center	8:30 a.m.
Center for the Arts	8:50 a.m.
Murphy Library	9:10 a.m.
Prairie Springs Science Center	9:30 a.m.
Cowley Hall	9:50 a.m.
Wimberly Hall	10:10 a.m.
Mitchell Hall	10:30 a.m.
Graff Main Hall	10:50 a.m.
Wing Technology Center	11:10 a.m.
Morris Hall	11:30 a.m.
Centennial Hall	11:50 a.m.
Cartwright Center	12:10 p.m.
Reuter Hall	1:00 p.m.
Laux Hall	1:30 p.m.
Sanford Hall	2:00 p.m.
Wentz Hall	2:30 p.m.
Drake Hall	3:00 p.m.
Hutch Hall	3:30 p.m.
Angell Hall	4:00 p.m.
Coate Hall	4:30 p.m.
Eagle Hall	5:00 p.m.

[End]