University of Wisconsin – River Falls

2022-2023

Annual Security Report
And
Annual Fire Report
The University of Wisconsin – River Falls is a safety leader among Wisconsin college campuses, and we work hard to keep safety a priority on our campus. Become an informed member of our campus community to protect yourself, and others, and to help keep UW-River Falls a welcoming place. The following important information about safety, security, crime, crime prevention, Housing fire safety policies, training and information regarding any fires that occurred in on-campus student housing are included in this report, no additional information regarding fire statistics is required and therefore is not recorded in this report.

**Report Preparation:** The Annual Security Report is prepared by the University of Wisconsin-River Falls Police Department. Included in this report are crime, arrest and referral information from University Police, local police, Student Conduct and Community Standards, Residence Life, advisors to student organizations, athletic director, coaches and others, including confidential reports, that are shared with University Police for inclusion in this report.

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**A Copy of this Document will be Available upon Request to the:**

**University of Wisconsin-River Falls Police Department**

715 Wild Rose Avenue  
RDI 103  
River Falls, WI 54220

(715) 435-3133  
police@uwrf.edu
UW-River Falls Community,

I am pleased to introduce the 2021 Annual Security and Fire Safety Report (ASR) for the 2021 calendar year for the University of Wisconsin-River Falls. The ASR is provided to you in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. You will find a wide variety of Security information as well as Crime statistics for the past three calendar years in this report.

The safety and well-being of our students, faculty, staff, and visitors are our foremost concern. The best protections against campus crime are a strong law enforcement presence; an aware, informed, alert campus community; and a commitment to reporting suspicious activities and behaviors as well as using common sense when carrying out daily activities.

The University of Wisconsin-River Falls strives to reduce risk and the potential for crime in our community. However, despite our best efforts, crimes may still take place as reflected in our statistics.

Notice of this information will be sent to all students and employees each October, via the campus e-mail system. This information is also available to any applicant for enrollment or employment.

We hope you have a successful and safe year.

Sincerely,

Karl Fleury
Chief of Police
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime and Fire Statistics</td>
<td>39</td>
</tr>
<tr>
<td>Preventing Bike Crime</td>
<td>39</td>
</tr>
<tr>
<td>Preventing Auto Theft or Theft from Auto</td>
<td>39</td>
</tr>
<tr>
<td>Preventing Theft of Personal Property</td>
<td>39</td>
</tr>
<tr>
<td>Maintaining Personal Safety</td>
<td>40</td>
</tr>
<tr>
<td>Road Rage</td>
<td>40</td>
</tr>
<tr>
<td>Preventing ID Theft at College</td>
<td>40</td>
</tr>
<tr>
<td>Protective Behaviors</td>
<td>41</td>
</tr>
<tr>
<td>For the Survivor</td>
<td>41</td>
</tr>
<tr>
<td>Fire Safety</td>
<td>41</td>
</tr>
<tr>
<td>Fire Safety Education and Training Programs for Students, Faculty and Staff</td>
<td>41</td>
</tr>
<tr>
<td>Exits</td>
<td>42</td>
</tr>
<tr>
<td>Fire Prevention and Safety</td>
<td>42</td>
</tr>
<tr>
<td>False Alarms</td>
<td>42</td>
</tr>
<tr>
<td>Fire Alarm Testing</td>
<td>42</td>
</tr>
<tr>
<td>Fire Drills</td>
<td>42</td>
</tr>
<tr>
<td>Smoke Alarms</td>
<td>42</td>
</tr>
<tr>
<td>Fire Safety Policy Residential Halls</td>
<td>43</td>
</tr>
<tr>
<td>Procedures for Evacuation</td>
<td>43</td>
</tr>
<tr>
<td>Safety Tips</td>
<td>44</td>
</tr>
<tr>
<td>Safety Tips for Computers</td>
<td>44</td>
</tr>
<tr>
<td>Shopping in Cyberspace</td>
<td>44</td>
</tr>
<tr>
<td>Street Smarts</td>
<td>44</td>
</tr>
<tr>
<td>Winter Driving Tips</td>
<td>44</td>
</tr>
<tr>
<td>Safety Training and Resources</td>
<td>45</td>
</tr>
<tr>
<td>Voluntary Text Messaging Emergency Notification System</td>
<td>45</td>
</tr>
<tr>
<td>Evacuation Drills and Tests of Procedures</td>
<td>45</td>
</tr>
<tr>
<td>Security Awareness and Crime Prevention Programs</td>
<td>45</td>
</tr>
<tr>
<td>Additional Services Available from University Police</td>
<td>46</td>
</tr>
<tr>
<td>Security and Access to Campus Facilities</td>
<td>46</td>
</tr>
<tr>
<td>Other Resources</td>
<td>47</td>
</tr>
<tr>
<td>Local Police</td>
<td>47</td>
</tr>
<tr>
<td>Crime and Fire Statistics</td>
<td>47</td>
</tr>
<tr>
<td>Definitions of Clery Geography</td>
<td>47</td>
</tr>
<tr>
<td>2021 Campus Crime Statistics</td>
<td>49</td>
</tr>
<tr>
<td>2020 Campus Crime Statistics</td>
<td>50</td>
</tr>
<tr>
<td>2019 Campus Crime Statistics</td>
<td>51</td>
</tr>
<tr>
<td>STATISTICS FROM OUR WISCONSIN IN SCOTLAND CAMPUS</td>
<td>52</td>
</tr>
<tr>
<td>2021 Fire Safety Report</td>
<td>54</td>
</tr>
<tr>
<td>2020 Fire Safety Report</td>
<td>55</td>
</tr>
<tr>
<td>Enforcement &amp; Prevention</td>
<td>56</td>
</tr>
<tr>
<td>Illegal Drugs</td>
<td>56</td>
</tr>
<tr>
<td>Alcohol</td>
<td>56</td>
</tr>
<tr>
<td>Registered Sex Offenders</td>
<td>56</td>
</tr>
<tr>
<td>Violence Against Women Act (“VAWA”) Crimes</td>
<td>56</td>
</tr>
<tr>
<td>Sexual Assault, Domestic Violence, Dating Violence and/or Stalking</td>
<td>56</td>
</tr>
<tr>
<td>Violence and Threats</td>
<td>57</td>
</tr>
<tr>
<td>Policy</td>
<td>57</td>
</tr>
<tr>
<td>Reports</td>
<td>57</td>
</tr>
<tr>
<td>Victim Assistance</td>
<td>57</td>
</tr>
<tr>
<td>Report the Incident</td>
<td>57</td>
</tr>
<tr>
<td>Get Medical Care</td>
<td>57</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>58</td>
</tr>
<tr>
<td>Restraining Orders and No Contact Orders</td>
<td>58</td>
</tr>
<tr>
<td>Restraining Order</td>
<td>58</td>
</tr>
<tr>
<td>Harassment Restraining Orders (HROs)</td>
<td>59</td>
</tr>
<tr>
<td>Domestic Abuse Restraining Order (DARO)</td>
<td>59</td>
</tr>
<tr>
<td>Child Abuse Restraining Order (CARO)</td>
<td>60</td>
</tr>
<tr>
<td>Enforcing a Restraining Order</td>
<td>61</td>
</tr>
<tr>
<td>UW-River Falls and Restraining Orders</td>
<td>61</td>
</tr>
<tr>
<td>No Contact Directives Issued by UW-River Falls</td>
<td>62</td>
</tr>
<tr>
<td>Students</td>
<td>62</td>
</tr>
<tr>
<td>Employees</td>
<td>62</td>
</tr>
</tbody>
</table>

2
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subchapter III - Procedures for Student Nonacademic Discipline in Sexual Misconduct Cases</td>
<td>91</td>
</tr>
<tr>
<td>UWS 17.11 Disciplinary procedure</td>
<td>88</td>
</tr>
<tr>
<td>UWS 17.12 Hearing</td>
<td>89</td>
</tr>
<tr>
<td>UWS 17.13 Appeal to the chancellor</td>
<td>90</td>
</tr>
<tr>
<td>UWS 17.14 Discretionary appeal to the Board of Regents</td>
<td>90</td>
</tr>
<tr>
<td>UWS 17.15 Settlement</td>
<td>91</td>
</tr>
<tr>
<td>Subchapter IV - Effect of Discipline, Petitions for Restoration, and Emergency Suspension</td>
<td>97</td>
</tr>
<tr>
<td>UWS 17.16 Effect of discipline within the institution</td>
<td>97</td>
</tr>
<tr>
<td>UWS 17.17 Effect of suspension or expulsion within the university system</td>
<td>97</td>
</tr>
<tr>
<td>UWS 17.18 Petition for restoration of rights after suspension or expulsion</td>
<td>98</td>
</tr>
<tr>
<td>UWS 17.19 Emergency suspension</td>
<td>98</td>
</tr>
<tr>
<td>The Student Disciplinary Process</td>
<td>99</td>
</tr>
<tr>
<td>UWS Chapter 4, Wis. Admin. Code: Procedures for Faculty Dismissal and Discipline in Title IX Cases</td>
<td>101</td>
</tr>
<tr>
<td>Subchapter I - General</td>
<td>101</td>
</tr>
<tr>
<td>UWS 4.01 Dismissal for Cause</td>
<td>101</td>
</tr>
<tr>
<td>UWS 4.015 Definitions</td>
<td>101</td>
</tr>
<tr>
<td>Subchapter II - Procedures for Faculty Dismissal and Discipline in Non-Title IX Cases</td>
<td>103</td>
</tr>
<tr>
<td>UWS 4.016 Subchapter II definitions</td>
<td>103</td>
</tr>
<tr>
<td>UWS 4.02 Responsibility for charges</td>
<td>104</td>
</tr>
<tr>
<td>UWS 4.03 Standing Faculty Committee</td>
<td>104</td>
</tr>
<tr>
<td>UWS 4.04 Hearing</td>
<td>104</td>
</tr>
<tr>
<td>UWS 4.05 Adequate Due Process</td>
<td>104</td>
</tr>
<tr>
<td>UWS 4.06 Procedural Guaranteans</td>
<td>105</td>
</tr>
<tr>
<td>UWS 4.07 Recommendations: To the Chancellor: To the Regents</td>
<td>106</td>
</tr>
<tr>
<td>UWS 4.08 Board Review</td>
<td>106</td>
</tr>
<tr>
<td>UWS 4.09 Suspension from Duties</td>
<td>107</td>
</tr>
<tr>
<td>UWS 4.10 Date of dismissal</td>
<td>107</td>
</tr>
<tr>
<td>UWS 4.11 Dismissal for cause or lesser discipline for Title IX misconduct</td>
<td>107</td>
</tr>
<tr>
<td>UWS 4.12 Definitions</td>
<td>107</td>
</tr>
<tr>
<td>UWS 4.13 Application of Title IX misconduct disciplinary procedure</td>
<td>109</td>
</tr>
<tr>
<td>UWS 4.14 Dismissal of formal Title IX complaint and related appeal</td>
<td>109</td>
</tr>
<tr>
<td>UWS 4.15 Investigation of Title IX misconduct allegations</td>
<td>110</td>
</tr>
<tr>
<td>UWS 4.16 Review of evidence</td>
<td>111</td>
</tr>
<tr>
<td>UWS 4.17 Final investigative report</td>
<td>111</td>
</tr>
<tr>
<td>UWS 4.18 Standing faculty committee and hearing examiner</td>
<td>111</td>
</tr>
<tr>
<td>UWS 4.19 Adequate due process</td>
<td>112</td>
</tr>
<tr>
<td>UWS 4.20 Procedural guarantees</td>
<td>113</td>
</tr>
<tr>
<td>UWS 4.21 Hearing committee or hearing examiner findings and recommendations to the chancellor</td>
<td>114</td>
</tr>
<tr>
<td>UWS 4.22 Chancellor’s decision</td>
<td>114</td>
</tr>
<tr>
<td>UWS 4.23 Appeal to board</td>
<td>114</td>
</tr>
<tr>
<td>UWS 4.24 Suspension from duties</td>
<td>115</td>
</tr>
<tr>
<td>UWS Chapter 7, Wis. Admin. Code: Procedures for Faculty Dismissal in Special Cases</td>
<td>115</td>
</tr>
<tr>
<td>UWS 7.01 Declaration of Policy</td>
<td>115</td>
</tr>
<tr>
<td>UWS 7.02 Serious Criminal Misconduct</td>
<td>115</td>
</tr>
<tr>
<td>UWS 7.03 Dismissal for Cause</td>
<td>116</td>
</tr>
<tr>
<td>UWS 7.04 Reporting Responsibility</td>
<td>116</td>
</tr>
<tr>
<td>UWS 7.05 Expedited Process</td>
<td>116</td>
</tr>
<tr>
<td>UWS 7.06 Temporary Suspension Without Pay</td>
<td>118</td>
</tr>
<tr>
<td>University of WI-River Falls Faculty Discipline and Dismissal for Cause</td>
<td>118</td>
</tr>
<tr>
<td>UWS Chapter 11: Wis. Admin. Code: Procedures for Academic Staff Dismissal and for Discipline and Dismissal in Title IX Cases</td>
<td>119</td>
</tr>
<tr>
<td>Subchapter I - General</td>
<td>119</td>
</tr>
<tr>
<td>UWS 11.01 Dismissal for cause—indefinite academic staff appointments</td>
<td>119</td>
</tr>
<tr>
<td>UWS 11.015 Definition</td>
<td>119</td>
</tr>
<tr>
<td>Subchapter II - Procedures for Academic Staff Dismissal in Non-Title IX Cases</td>
<td>120</td>
</tr>
</tbody>
</table>
UWS 11.016 Subchapter II definitions. ................................................................. 121
UWS 11.02 Responsibility for charges. .................................................................. 121
UWS 11.03 Hearing body ....................................................................................... 122
UWS 11.04 Hearing ................................................................................................. 122
UWS 11.05 Adequate due process ......................................................................... 122
UWS 11.06 Procedural guarantees ......................................................................... 123
UWS 11.07 Recommendations: to the chancellor .................................................. 123
UWS 11.08 Suspension from duties. ....................................................................... 124
UWS 11.09 Date of dismissal ................................................................................... 124
UWS 11.10 Board review ...................................................................................... 124
UWS 11.11 Dismissal for cause—Fixed term or probationary academic staff appointments .............................................................. 124
UWS 11.12 Dismissal for cause—teaching members of the academic staff ............... 125
Subchapter III - Procedures for Academic Staff Dismissal and Discipline in Title IX Cases ........................................................................................................ 125
UWS 11.13 Subchapter III definitions. ................................................................... 125
UWS 11.14 Dismissal for cause or lesser discipline for Title IX misconduct .............. 126
UWS 11.15 Application of Title IX misconduct disciplinary procedure .................. 126
UWS 11.16 Dismissal of formal Title IX complaint and related appeal ..................... 126
UWS 11.17 Investigation of Title IX misconduct allegations .................................... 127
UWS 11.18 Review of evidence .............................................................................. 128
UWS 11.19 Final investigative report ...................................................................... 128
UWS 11.20 Standing academic staff committee and hearing examiner ................. 128
UWS 11.21 Adequate due process ......................................................................... 129
UWS 11.22 Procedural guarantees ....................................................................... 130
UWS 11.23 Hearing committee or hearing examiner findings and recommendations to the chancellor ........................................................... 131
UWS 11.24 Chancellor’s decision ......................................................................... 131
UWS 11.25 Appeal to the board .......................................................................... 131
UWS 11.26 Suspension from duties in Title IX misconduct dismissal cases ............... 132
Subchapter IV - Procedures for Dismissal for Cause in Special Cases - Indefinite Academic Staff Appointments ........................................................................ 132
UWS 11.27 Subchapter IV definition. ..................................................................... 132
UWS 11.28 Dismissal for cause in special cases—indefinite academic staff appointments ........................................................................................................ 132
UWS 11.29 Serious criminal misconduct. ............................................................... 132
UWS 11.30 Reporting responsibility ...................................................................... 133
UWS 11.31 Expedited process .............................................................................. 133
UWS 11.32 Temporary suspension from duties without pay ................................... 134
UWS 11.33 Board Review ..................................................................................... 135
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 ................................................................. 135
University of WI-River Falls Academic Staff Discipline and Dismissal for Cause .................................................................................. 144
UW System Administrative Policy 1233 (formerly GEN 14): Grievance Procedures .................................................................................. 144
University of Wisconsin-River Falls University Staff Discipline and Dismissal for Cause ................................................................. 148
APPENDIX “A” ..................................................................................................... 149
UW-River Falls Emergency Notification and Timely Warning Policy ..................... 149
UW-River Falls Protocols for Emergency Notification and Timely Warning Under the Clery Act .............................................................. 151
APPENDIX “B” ..................................................................................................... 153
Checklist – When You Receive a Bomb Threat ...................................................... 153
APPENDIX “C” ..................................................................................................... 154
Policy on Violence and Threats ............................................................................. 154
QUICK VIEW OF RESOURCES

Reporting Emergencies:

Call 911 in ALL emergencies or

WHEN REPORTING AN EMERGENCY:
• Stay on the line with the dispatcher.
• Provide the address, location and a description of the emergency.
• Provide the phone number at your location.
• Provide a thorough description of the incident to assure appropriate resources are dispatched.

Reporting Behavior Concerns:

If you are concerned a community member (student, faculty, staff or visitor) is in crisis or contemplating harming themselves or others, or about actions you believe may be bias motivated

We Encourage You to Report Such Incidents to:

Student Conduct and Community Standards 715-425-4844  For student behaviors
Human Resources 715-425-3518  For employee behaviors
University Police / Pierce County Comm. Center 715-273-5051  If you suspect possible immediate harm call 911

Counseling and Health

Student Health and Counseling Services
Student Health 715-425-3293
Student Counseling 715-425-3884

Vibrant Health Family Clinics 715-425-6701
River Falls Hospital 715-307-6000
Minneapolis VA Health Care System 612-725-2000
Pierce County Mental Health Services 715-273-6770
St. Croix Valley Sexual Response Team 715-425-6443
(SART)

Turningpoint for Victims of Domestic and Sexual Violence
Crisis Line 1-800-345-5104
Local Phone 715-425-6751
Text Hotline 715-821-8626

Alcoholics Anonymous 715-386-2932 or 715-835-5543
SCV Restorative Justice Program 715-425-1100
National Domestic Violence Hotline 1-800-799-7233
National Suicide Prevention Lifeline 1-800-273-8255
National Sexual Assault Hotline 1-800-656-4673
**Off Campus Resources for Assistance:**

River Falls Police Department (24 hours)
2815 Prairie Drive
River Falls, WI 54022
Emergency 911
Non-Emergency 715-425-0909

Pierce County Sheriff’s Department (24hours)
432 West Main St.
Ellsworth, WI 54011
715-273-5051

St Croix County Sheriff’s Department (24 hours)
1101 Carmichael Road
Hudson, WI 54016
715-381-4320

**Campus Offices for Assistance:**

Student Conduct and Community Standards:
310 South Hall
320 E. Cascade Ave.
River Falls, WI 54022
(715) 425-4844

University Housing: Office of Residence Life
B3 East Hathorn Hall
620 South Third Street
River Falls, WI 54022
(715) 425-4555

University Police:
103 Regional Development Institute
715 Wild Rose Ave.
(715) 425-3133

Human Resources:
216 and 218 North Hall
410 South Third Street
River Falls, WI 54022
(715) 425-3518

Office of International Education:
174 Rodli Hall
512 S. 6th Street
River Falls, WI 54022
International Student Services (715) 425-4982
Education Abroad (715)-435-3238

Bursar Student Billing:
215 North Hall
410 South Third Street
River Falls, WI 54022
(715) 425-3145

Student Health and Counseling Services:
254 Rodli Hall
512 S. 6th Street
River Falls, WI 54022
Student Counseling Services (715) 425-3884
Student Health Services (715) 425-3293

**Non-Emergency Phone Numbers:**

The following numbers are provided for non-emergency situations. Use of these numbers will still provide a prompt response from the responsible agency and keep 911 lines free for emergencies. All 911 calls are voice and TTY.

- University Police 715-425-3133
- Risk Management 715-425-3344
- Facilities Management 715-425-3827
- River Falls Police 715-425-0909
- Pierce County Sheriff 715-273-5051
- St. Croix County Sheriff 715-381-4320
**Title IX:**

Title IX Coordinator:
Jennifer Larimore
310 South Hall
320 E. Cascade Ave.
River Falls, WI 54022
(715) 425-4603

**Director of Human Resources:**
Michelle Drost
216 North Hall
410 S. Third Street
River Falls, WI 54022
(715) 425-3073

**Manager of Student Conduct and Community Standards:**
Jacqueline Lee
310 South Hall
320 E. Cascade Ave.
River Falls, WI 54022
(715) 425-4844

**Clery Act:**

Clery Compliance Officer:
Karl Fleury
103 Regional Development Institute
715 Wild Rose Ave.
River Falls, WI 54420
(715) 425-3133
EMERGENCIES

Campus Safety, Security and Law Enforcement

Enforcement Authority: In accordance with s. 36.11 (2), Wisconsin Statutes, UW-River Falls is staffed by police officers who meet the standards of the Wisconsin Law Enforcement Standards Board and have the power to arrest and bring before the proper courts, persons violating the law on University property. University Police officers cooperate with local police authorities in the exercise of their responsibilities. Local police respond when requested. It is the policy of University Police to encourage accurate and prompt reporting of all crimes to our agency or the appropriate local police authorities, which includes River Falls Police Department (715-425-0909) and Pierce County Sheriff’s Department (715-273-5051). University Police patrols facilities and grounds 24 hours every day.

Emergency Response: UW-River Falls police officers will respond to all emergencies, crimes, complaints or situations that may cause a significant emergency or dangerous situation in accordance with established law enforcement procedures to confirm, mitigate, investigate, document and summon appropriate resources as necessary. Assistance from River Falls Police, Fire, Ambulance or other emergency services is provided upon request.

Making a Report

Emergencies:

Call 911

What Is An Emergency?

An emergency is any threat to life and/or property that requires immediate response from police, fire or ambulance. Some examples of emergencies are crimes in progress, any kind of fire or a serious injury or illness. If you are not sure if an incident falls into an emergency classification, error on the side of caution and call 911 when an immediate response is needed.

When Reporting an Emergency:

• Stay on the line with the dispatcher.
• Provide the address, location and a description of the emergency.
• Provide the phone number at your location.
• Provide a thorough description of the incident to assure appropriate resources are dispatched.

Reporting Crimes

All members of the campus community are urged to immediately report crimes, suspicious actions, fires, or other emergencies occurring on the campus to University Police. This includes crimes as defined by the Violence Against Women Act (sexual assault, stalking, domestic violence, dating violence). A sworn law enforcement officer will actively investigate all allegations of criminal acts, UWS violations, and incidents or service-related calls that occur on University Lands to ensure safety of persons on University Lands. The investigation must be fair, objective, and specific. Clery reported crimes or policy violations involving students will be documented and forwarded to the appropriate campus stakeholders such as the office of Student Conduct and Community Standards. Crimes involving continued threats or emergency situations can also result in timely or emergency notifications. Verification of the threat or emergency situation will be made by University Police independently or in conjunction with other emergency service providers who
process information required to make the determination of the existence of an emergency.

In response to an emergency the university may draw upon the resources of the River Falls Police Department, Pierce County Sheriff’s Department, River Falls Fire Department, Wisconsin State Patrol and other UW-Police Departments. University Police will make a request for law enforcement mutual aid if necessary. The coordination of these additional resources will be made through University Police.

For an emergency or for a crime in progress students, staff and campus visitors can call 911 or use the emergency phones (blue lights) or elevator emergency telephones. All other reports may be made by calling Pierce County Sheriff’s Department dispatch at 715-273-5051 to have a University Police Officer dispatched, or by reporting in person to UWRF Police Department, located in the Regional Development Institute Building, Room 103, 715 Wild Rose Avenue.

**Reporting Suspicious Activity:**

One of the most effective ways to assist law enforcement is reporting suspicious activities to University Police. Persons seeing suspicious individuals or activities can call the Pierce County Sheriff’s Department Dispatch Center at 715-273-5051 to have a University Police officer dispatched to the call.

Inform dispatch personnel of the incident, time and location. (i.e. a description of person or vehicle.)

- Remain calm
- Speak clearly
- Give as many details as possible

**Voluntary Reporting:**

Victim or witnesses may report a crime on a voluntary basis to Student Conduct and Community Standards (715-425-4844), or Residence Life (715-425-4555). Reports of this nature are filed with University Police for inclusion in the annual security report and the university’s crime statistics. There will be no formal police investigation of the incident unless requested, or if the report creates a safety concern for self or others.

**Confidential Reporting:**

Victim or witnesses may report a crime on a confidential basis to counselors at the Counseling & Health Center (715-425-3884), who are the only professional counselors on campus as defined under the Clery Act. UW-River Falls does not have pastoral counselors on campus for Clery purposes. Reports of this nature are filed with University Police for inclusion in the annual security report and the university’s crime statistics. There will be no formal police investigation of the incident unless requested, or if the report creates a safety concern for self or others. Counselors at Student Health and Counseling Services, informed by persons being counseled of a crime, are encouraged to inform the client that crimes can be reported to them or to Student Conduct and Community Standards on a voluntary basis for inclusion in the university’s crime statistics.
# Guidelines of when to call 911 or Non-Emergency lines for Pierce County Dispatch or UWRF PD

<table>
<thead>
<tr>
<th>Call 911</th>
<th>Call 715-273-5051</th>
<th>Call 715-425-3133</th>
</tr>
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<tbody>
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<td>To report a non-emergency crime that is not in progress, or a motor vehicle accident with no injuries.</td>
<td>For all other assistance or to speak with an officer or other staff</td>
</tr>
</tbody>
</table>

### Examples of emergency situations can be:
- An accident with possible injuries, or road blockage.
- Crimes in progress (one taking place right now or just took place) such as an assault, burglary, robbery, theft, etc.
- Any situation where someone is seriously injured, ill or in immediate danger.

### Examples of when to use:
- Report a non-emergency crime that is not in progress (is not happening or did not just happen)
- Motor vehicle accident with no injuries
- It is not meant to be used for routine requests for assistance or service.

### Dialing this number puts you in contact with Pierce County Sheriff’s Communications Center. They will in turn send the appropriate emergency services, including University Police.

They may ask you questions like:
- The nature of the emergency?
- Where is the emergency? (building, room number, what is it near)

### Calling 911 puts you in contact with Pierce County Sheriff’s Communications Center. They will in turn send the appropriate emergency services, including University Police.

They may ask you questions like:
- The nature of the emergency?
- Where is the emergency? (building, room number, what is it near)

### Normal Business Hours

### Examples of when to use:
- Speak with an officer or staff
- Locked out of your office
- Car won’t start and need to use jumper box.

### Puts you in contact with office staff:
- Normal Business Hours
## Guidelines of when to call 911

<table>
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### Call 911 Questions
- Is anyone injured, ill or in danger?
- When did it happen?
- Does anyone have access to any weapons?
- Your name?
- What phone number can you be reached at if we need to call you back?

While the call taker is asking you information they are also entering the information into the computer aided dispatch (CAD) system, which allows another dispatcher to instantly process the call and send help.

### Call 715-273-5051 Questions
- Is anyone injured, ill or in danger?
- When did it happen?
- Does anyone have access to any weapons?
- Your name?
- What phone number can you be reached at if we need to call you back?
- Where are you?

While the call taker is asking you information they are also entering the information into the computer aided dispatch (CAD) system, which allows another dispatcher to instantly process the call and send help.

### Call 715-425-3133 Questions
- The nature of the incident or assistance requested?
- Where?
- When?
- Your name?
- What phone number can you be reached at if we need to call you back?
Emergency Response

University Police or University Communication will immediately notify the campus community upon the confirmation of significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus by one or more of the following: public address system, InformaCast emergency text messaging system, university computer network message system, e-mail, our website at https://www.uwrf.edu/Police/, and/or the University’s main website at https://www.uwrf.edu/.

The university will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Immediately upon report of a significant emergency, University Police will be dispatched to assess and respond to the situation and shall make an initial determination if a significant emergency exists. If a significant emergency exists, University Police in consultation with one or more of the following offices: University Communications and Marketing, Assistant Chancellor of Business and Finance, Chancellors Office and the Associate Vice Chancellor for Academic Excellence for Student Success, will immediately determine the content and send out an initial emergency notification as indicated by the nature of the emergency. Policy and Protocols are available in Appendix “A”

Emergency Communication

Timely and accurate communication during an emergency is important. Depending upon the nature of the emergency, the University community will be alerted through the use of one or more of the following:

- Campus public address system
- Campus e-mail
- InformaCast emergency text messaging system
- Computer network pop-up messages for those logged on to a UW-River Falls networked computer
- University’s Web site (https://www.uwrf.edu/)
- Phone
- Other means available
- When appropriate, the local media will also be notified. Periodic updates will be provided through the same means.

If the University releases an emergency warning or notification, we ask that you pass this information on to friends and family if it is safe to do so. It is our desire to use as many sources as possible to keep the community informed and you play a vital role in this communication process.

Types of Emergencies

Criminal Activity

If you observe a crime in progress or behavior that you suspect is criminal, immediately notify University Police by calling 911.

To report a non-emergency crime that is not in progress call Pierce County Dispatch at 715-273-5051

Please be prepared to provide as much of the following information as possible:

- Where is it happening?
• What is the person doing?
• How many people are involved?
• Physical and clothing description of those involved.
• Are weapons involved?
• Vehicle description and license plate number.
• Direction of travel if known.
• Has anyone been injured?

**DO NOT** approach or attempt to apprehend the person(s) involved. Stay on the phone with the police dispatcher to provide additional information, until the police arrive.

*Report things that are unusual or suspicious!*

If you are dealing with a suspicious person:

- Remain calm, have a supervisor or co-worker assist you.
- If you need assistance, call Pierce County Dispatch at 715-273-5051 to have a UWRF Police Officer dispatched.
- If threatened, call 911.

If a hostile person(s) is actively causing death or serious bodily injury or the threat of imminent death or serious bodily injury to person(s) within the building:

- If possible to do so safely, exit building, moving away from danger.
- If directly involved and exiting the building is not possible:
  - Seek cover and stay out of open areas.
  - Close doors and lock; if not possible, consider barricading the door.
  - Turn off lights and remain quiet.
  - Move out of sight, seek cover under or behind objects, e.g. desk, table, etc.

**Behavior Concerns**

*If You are Concerned:*

- A community member (student, faculty, staff or visitor) is in crisis or
- Contemplating harming themselves or others, or
- About actions you believe may be bias motivated

**We Encourage You to Report Such Incidents to:**

- Student Conduct and Community Standards 715-425-4844 For student behaviors
- Human Resources 715-425-3518 For employee behaviors
- University Police / Pierce County Comm. Center 715-273-5051 If you suspect possible immediate harm call 911

*Examples of Behaviors to Report Include:*

- Causing self-injury or threatening suicide
- Erratic and/or threatening behavior towards others
- Bias motivated incidents, which may include but not be limited to the use of degrading language or slurs, spoken or written.
If you are unsure as to whether or not the behavior warrants reporting, we ask that you still call. Student Conduct and Community Standards, Residence Life, Counseling, Human Resources and University Police work together as a team to provide assistance or early intervention, and to address threatening behavior to help prevent incidents. Equally important is to help those in difficult times, and in crisis.

**Faculty and Staff — Student Confrontation**

A confrontation with a student can occur inside or outside the classroom, in person or electronically.

- If the situation is critical, someone is threatening to injure themselves or others, immediately call 911.
- If the situation has you concerned but is not critical and you would like to discuss the incident and possible follow-up, consult with your unit chair, the appropriate academic dean’s office or Student Conduct and Community Standards.
- If the confrontation constitutes a student disruption which needs to be addressed or possible violence or threat, the office of Student Conduct and Community Standards or the office of your academic dean is available to discuss options and next steps.

**Bomb Threats**

If you receive a bomb threat by telephone, here are some helpful things to keep in mind:

1. **Remain calm.** When bomb threat is received, the person taking the call must remain calm and obtain as much information as possible.
   - **DO NOT HANG UP, even if caller is no longer on the line.**
   - **If possible, have someone call 911, while you are on the phone.**
   - **DO NOT put the caller on hold.**
   - **DO NOT attempt to transfer the call.**
2. **Pay close attention to the caller and his/her words and speech:**
   - Does the caller have any distinguishing voice characteristics such as an accent, stuttering, mispronunciation?
   - **Is the caller angry, excited, irrational or agitated?**
   - **Is the caller a man or woman, young, middle-aged, old?**
   - If you have caller ID, please note the phone number of the caller
3. **Listen for background noises (traffic, train whistle, music, radio, TV, children, etc.).**
4. **It is important that you document all that you know and hear.**
   - This should include filling out the **Bomb Threat Checklist.**
5. **If caller hangs up, DO NOT hang up your phone. Use another phone line to immediately notify Police at 911. Bomb threat checklist available in Appendix “B”**

**Fire**

Upon discovering smoke, fire, or flames in the building:

- Evacuate and activate the fire alarm system by pulling the nearest fire alarm.
- Use nearest exit or alternate safe route.
- From a safe location (assembly point if one has been established for your office) **call 911** and be prepared to give:
  - Building Name
  - Floor
  - Room Number
  - Type of Incident

**Do not** use elevators during a fire emergency.

- When the fire alarm sounds:
Immediately evacuate the facility.
Walk, do not run to the nearest exit and proceed to ground level.
If an exit is blocked by smoke, fire or fumes, use an alternative exit.
If it is safe to do so, close all doors and windows as you leave.

- Leave the building and move at least 500 feet away, leaving the driveways and walkways open for arriving police and fire equipment.
- **DO NOT** enter building until given the all clear from University Police or the Fire Department.
- Someone familiar with the situation and who knows the area involved should meet the Fire Department. Someone with keys, which may be needed to allow firefighters access to affected areas, should make themselves available upon arrival of the Fire Department.
- Notify firefighters on the scene if you suspect someone may be trapped inside the building.

**Before a Fire: Planning and Preparation**
- Fire alarm pull stations are located near exterior exits
- Know the location(s) of the nearest exit
- Know alternative evacuation routes out of building
- Practice exiting your area by imagining you are in a dark, smoky environment – count doorways, turns, etc.
- Report potential hazards or fire prevention questions to University Police Staff at 715-425-3133.

**Know what to do in Case of Fire**
The time to get prepared is now – because there is no time in an emergency. Know the location of:

- **Fire extinguishers:**
  - ✓ Understand the types and how to use them.
- **Fire alarms:**
  - ✓ If an alarm is sounded immediately, it can protect property and save lives.
- **Fire exit:**
  - ✓ Know where they are, and be sure they open easily and are free of obstructions.

**Medical Emergencies**

**Remember!**
- **DO NOT** approach persons injured by electrocution or toxic exposure unless they are clearly away from the hazard.
- **DO NOT** move a seriously injured person unless he or she is in an unsafe area. If the victim must be moved, move as a unit, always supporting the head and neck.
- **DO NOT** bend or twist the injured person’s body.

**Call 911**

**Be Prepared to Give the 911 Dispatcher the Following Information:**
- Location of the emergency.
- What happened?
- Number of persons injured.
- Is the injured person conscious?
- Is the injured person breathing?
- Is there severe bleeding?
- After calling 911, stay with the victim until help arrives.
- Restore or maintain breathing and heartbeat.
- Stop severe bleeding with direct pressure when possible.
• Keep victim warm.

**Minor Injuries or Illnesses:**
• Certain basic clinical health services are covered for UWRF students by Student Health Services through: Vibrant Health Family Clinic in River Falls: 1687 East Division Street. For an appointment call 715-425-6701. Taxi Service free with student ID.
• Employees and others contact personal medical care provider.

Remember Universal Precautions
Protect yourself from blood and bodily fluids.

**Auto Accidents**
• If you have an accident involving damage or injuries, notify the police immediately.
• Give location, number of vehicles and names of the parties involved.
• Exchange names, addresses, phone numbers, insurance information and license plate numbers.

**Hazardous Materials Spill or Release**
If you create or discover a chemical spill or release and
• Type or quantity of chemical spilled poses an immediate risk to health, or
• Someone is injured or ill, or
• There is a fire or explosion

This is an Emergency and You Should:
• Close off area to prevent further contamination and restrict access to the area.
• Activate the fire alarm. Evacuate the building or area. Move upwind.
• From a safe location, call 911 and provide:
  ➢ Your name.
  ➢ Name of material spilled, if known.
  ➢ Estimated amount.
  ➢ Exact location of spill.
  ➢ Report of injuries.
  ➢ Actions you have taken.

Can I clean up the spill?
**Yes IF:**
• There are no injuries.
• No life or fire hazard.
• Not highly reactive or toxic.
• You have proper training and equipment.

**Fuel Spills**
Report immediately to Facilities Management and or the Director of Facilities Management, 715-425-3827.

**Hazardous Odors or Leaks**
Report any hazardous gas leaks by calling 911.

**In the Event of Gas Leaks or Visible Fire from Gas Cylinders or Piping:**
• Evacuate the area and call 911 and follow all instructions given to you by the 911 dispatcher.
• If it is an explosive gas (e.g. natural gas), **DO NOT** use or activate items that can generate a spark in the general vicinity. Light switches, fire alarm pull stations, phones, elevator cars, etc.,
are all sources that can initiate a spark, which could ignite explosive gas.

- Confine any fire or fumes to the extent possible (close off any doors to the affected area, if you can do so safely as you evacuate). This will help limit the impact of the leak or fire.
- Notify others in the immediate area, if you can do so safely.

**Evacuation:**

- If necessary to evacuate the building, use nearest available exit.
- **Do not use an elevator.**
  - Confine any fire or gases to the extent possible by closing doors behind you as you leave.
  - Upon exiting the building, get a safe distance from the building (at least 500 feet away).
  - Move upwind of the leak.
  - Leave adequate room for police and other emergency responders.
  - **Do not** enter the building until given approval by fire or police.
  - If you have information about the source of the odor or leak, give the information to police or fire personnel at the scene.

**Utility Failures**

*Report any utility failure, leaks or flooding to Facilities Management, 715-425-3827.*

**Electrical Failure:**

- Electricians will assess the situation and determine the appropriate course of action.
- In the event of a significant power failure, the building’s emergency generator (if so equipped) will provide limited electricity to crucial areas of the building, including emergency lighting.
- Turn off all electrical equipment including computers. Do not turn any electrical equipment back on until given the approval of your supervisor.
- Most buildings are equipped with emergency lighting to allow for evacuation and not designed for normal operations.
- Remember: Elevators will not function in a power failure.
- If trapped in an elevator, use the elevator’s emergency phone to notify University Police.

**Steam Leaks:**

- If the steam leak is inside the building, evacuate the area and close the door behind you. Steam can cause severe burns, displace oxygen, and moisture from steam can conduct electricity.
- A steam leak may cause the building’s fire alarm to sound. Even if you have determined the problem is a steam leak, exit the building immediately.

**Water Leaks / Flooding:**

- In the event of water leaks, try to contain the leakage in a container to minimize damage or safety hazards. If it is a significant water leak, avoid the area where water has accumulated, and wait for help.
- Immediately cease use of all electrical equipment because water is an excellent conductor of electricity making electric shock a strong possibility.
- If the leak is from an unknown source, avoid contact with leaking material.
- It may be hazardous. In case of accidental contact, wash immediately and thoroughly with soap and water.
Weather Emergencies

Severe Thunderstorms
Watch: Conditions are right for a severe thunderstorm. Continue with normal activities, but continue to monitor the situation.

Warning: Severe thunderstorms are occurring. Be prepared to move to shelter if threatening weather approaches.
• Remain indoors and away from windows until the severe storm passes. If large hail begins to fall, seek immediate shelter. Report any injuries by calling 911

Tornado
Watch: Conditions are right for a tornado to develop. Continue with normal activities, but continue to monitor the situation.

Warning: Radar or weather spotters have identified a tornado. The emergency sirens will sound a steady tone for three minutes or longer if there is danger in the immediate area.
Take the following actions:
• SEEK IMMEDIATE SHELTER when the warning siren sounds, preferably in a basement or below-ground location.
• If you are in a residence hall or campus building immediately proceed to a designated tornado shelter. Tornado shelters are designated with yellow signage throughout the residence halls.
• In a multi-story building, seek shelter in an interior hall, room or lower floor.
• Stay away from outside walls, exterior doors, and glass windows or partitions. DO NOT open windows.
• Basements and interior hallways or rooms on lower floors offer good shelter.
• In vehicles, get out and seek shelter in a nearby well-built structure. If you cannot find a well-built structure nearby, seek out a ditch or ravine, which can offer some protection. Lay face down, with hands covering your head.
• After the all-clear signal, leave badly damaged buildings if it is safe to do so. Elevators may not work in damaged buildings (the electrical power may be out or there may be damage to the elevator equipment).
• If you are surrounded by debris, be aware that removing some of it can cause other debris or part of the building to collapse. If it is not safe or possible to leave the area, stay there until assisted out.
• DO NOT attempt to return to the building unless directed to do so by University Police.
• DO NOT attempt to turn on or off any utilities or other equipment.

Emergency Actions

Shelter in Place
If instructed to Shelter in Place (Tornado, Severe Weather, Building Intruder, etc.)
• Do not exit building.
• If you are in a classroom when the “shelter in place” directive is given, remain in the classroom.
• If you are in a hallway or office area when the “shelter in place” directive is given, move to an interior, windowless room if possible.
• Close all doors and windows.
• Seek shelter in a room with no windows, on the interior of the building if possible. Note the room number. Call 911 if it is a building intruder.
  o Answer all the dispatcher’s questions and they will relay your location to first responders.
Building Evacuation

Evacuate a Building When:

- An alarm sounds.
- If notified by emergency personnel, or by other means inclusive of emergency notification.

While Evacuating the Building:

- DO NOT USE ELEVATORS during an evacuation. Emergency personnel may use an elevator for evacuation after review of the circumstances.
- Walk quickly to the nearest marked exit and ask others to do the same.
- Once outside, move clear of the building allowing others to exit. Keep streets and walkways clear for emergency vehicles and crews.
- DO NOT return to an evacuated building until advised by emergency personnel.
- Be aware of people with disabilities who may require assistance in an emergency evacuation.

In Case of Building Evacuation (Fire Alarm, Chemical Spill, Bomb Threat, etc.)

- EXIT the building immediately using the most direct route.
- If unable to do so on your own – Ask for assistance to the nearest EXIT or
- Ask someone leaving the building to notify emergency personnel of your location so that you can get the assistance you need.
- If a phone is available, call 911.
- Answer all the dispatcher’s questions and they will relay your location to first responders.
- In all other cases, if in imminent danger and no one can assist you evacuate by any means possible.

Persons with Disabilities

- Individuals who need assistance during an evacuation should identify and discuss with someone, in advance, who might assist them in leaving the building and/or who will inform emergency personnel of their presence and where they are located so that further assistance can be provided.
- It is suggested that people with disabilities prepare for emergencies by learning the locations of exit corridors and enclosed stairwells and by informing co-workers, faculty, and/or classmates of the best way to assist during an emergency.
- For more information about Persons with Disabilities and Planning for Emergency Situations, contact Ability Services at 715-425-0740. Their office is located in 129 Hagestad Hall.

If You Have a Disability and Are Unable to Evacuate:

- Stay calm and take steps to protect yourself. If there is a working telephone, call 911and tell the dispatcher where you are or where you will be going.
- Move to an enclosed stairwell.
- Request persons exiting by stairwell to notify University Police or Emergency Personnel of your location.
- As soon as practical, move onto the stairway and wait for University Police or Emergency Personnel.

Notifications

Timely Warnings

UW – River Falls is committed to insuring Timely Warnings are made in a manner that is timely to members of the community of the occurrence of Clery act crimes: Criminal homicide (murder, non-negligent manslaughter, negligent manslaughter), Sex offenses (rape, fondling, incest and statutory rape), robbery,
Aggravated Assault, Burglary, Motor Vehicle theft and Arson or other serious crimes against people that occur on campus or near campus, when it is determined that the incident may pose an on-going threat to the members of the campus community. Students and employees with information about Clery Crimes or other serious crimes against people on or near campus should immediately call 911, and or contact University Police 715-425-3133, Student Conduct and Community Standards 715-425-4844, Residence Life 715-425-4555, Student Health and Counseling Services 715-425-3884, River Falls Police Department 715-425-0909 or the Pierce County Sheriff’s Department at 715-273-5051. When time permits, UWRF PD will consult with one or more of the following offices in order to develop Timely Warning notices for the campus community and which segments of the campus are impacted and require notification: Marketing and University Communications, Assistant Chancellor of Business and Finance, Chancellors Office and the Assistant Chancellor for Student Success. UWRF PD or University Communications will distribute a notification by one or more of the following: public address system, InformaCast emergency text messaging system, university computer network pop up message system, e-mail, our website at https://www.uwrf.edu/Police/, and/or the University’s main website at https://www.uwrf.edu. Protocols available in Appendix “A”

Emergency Notifications

UW – River Falls is committed to insuring Emergency Notifications are made in a manner that is timely to members of the community. Students and employees with information of an emergency situation, dangerous situation, or a crime which poses an immediate and/or continuing threat to the health or safety of students, employees or others on or near campus, should immediately call 911, and or contact University Police 715-425-3133, Student Conduct and Community Standards 715-425-4844, Residence Life 715-425-4555, Student Health and Counseling Services 715-425-3884, River Falls Police Department 715-425-0909 or the Pierce County Sheriff’s Department 715-273-5051.

Upon confirmation of an emergency, dangerous situation, or a crime which poses an immediate and/or continuing threat to the health or safety of students, employees, or others, University Police or University Communications will, without delay, and taking into account the safety of the community, determine the content of the notification, determine who and what segments of the campus community to notify and initiate the notification system for the Emergency Notification message to the campus community, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Follow up information is provided as needed. University Police or University Communications will distribute a notification by one or more of the following: public address system, InformaCast emergency text messaging system, university computer network pop up message system, e-mail, our website at https://www.uwrf.edu/Police/ and/or the University’s main website at https://www.uwrf.edu/. University Police will send Emergency Notification messages, without consultation, when emergency situations dictate that messages be sent immediately. The previously mentioned offices will assist with follow-up communications to the campus community.

The Assistant Chancellor for Student Success or his/her designee is authorized to activate the Emergency Notification when it is his/her professional opinion that a health emergency exists after consulting with one or more of the following offices in order to determine if a notice is required and to develop the notice for the campus community and which segments of the campus are impacted and require notification: Marketing and University Communications, Assistant Chancellor of Business and Finance, Chancellors Office and University Police. The Assistant Chancellor for Student Success after consulting with one or more of the above will, without delay, and taking into account the safety of the community, determine the content of the notification, determine who and what segments of the campus community to notify and initiate the notification system for the Emergency Notification message to the campus community, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Follow up information is provided
as needed. The Assistant Chancellor of Student Success or University Communications will distribute a notification by one or more of the following: public address system, InformaCast emergency text messaging system, university computer network pop up message system, e-mail, at our website at https://www.uwrf.edu/Police/ and/or the University’s main website at https://www.uwrf.edu. University Police will assist in the issuance of these messages. Protocols available in Appendix “A”

Missing Student Notification

If any member of the University community has reason to believe that a student who resides in on-campus housing is missing; immediately notify Assistant Chancellor for Student Success 715-425-0720 Rodli Hall, Room 213A, Residence Life Staff 715-325-4555 or University Police 715-425-3133, Regional Development Institute, Room 103. They will initiate an investigation. Official missing person reports will be referred immediately to University Police.

If after investigating, it is determined that the student is missing and has been missing for more than 24 hours, the Assistant Chancellor of Student Success will notify the student’s confidential contact, and if the student is under 18 years of age, and not an emancipated individual, immediately contact the custodial parent or legal guardian of such student no later than 24 hours after the student was determined missing. University Police will notify the appropriate law enforcement agencies no later than 24 hours after the time the student is determined missing (if the law enforcement agency did not make the determination that the student is missing).

SAFETY

Crime Prevention

Crime Prevention/Safety Tips:

Path and Street Lights Not Working

Please email police@uwrf.edu or call Facilities Management at 715-425-3827 if you notice any on campus path or street lights that are not working or going on and off. Please try to be as accurate as possible when describing the location of the path or streetlight. There is a number on each pole, and we ask that you include the number in your email or call. We will then contact Facilities Management. Thank you in advance for your assistance.

Annoying Telephone Calls

Receiving unwanted calls can be frustrating and sometimes frightening. However, in most cases, the calls can be stopped by using some simple but effective techniques.

1. How to Handle Abusive, Harassing, or Obscene Calls
   • These calls are made for any number of reasons:
     o Broken relationships.
     o An unhappy employee or co-worker.
     o Neighborhood disputes such as a barking dog or playing the stereo too loud.
     o People who simply hang up if someone other than the person they’re calling answers.
     o Often they’re placed by someone you know.
   • The key to handling the calls is:
     o NOT TO REACT TO THEM. REACTING COULD ENCOURAGE THE CALLER.
• In addition you should:
  o HANG UP when you realize the call is intended to harass you.
  o KEEP TRACK of the date and time of the calls to determine the pattern. This can help us identify possible suspects.
  o CASUALLY SAY that the phone company is going to trace your calls.

2. How to Handle Threatening Calls:
• If you receive a call threatening harm to your life, property or family:
  o HANG UP
  o NOTE THE DATE AND TIME
  o CALL UNIVERSITY POLICE IMMEDIATELY

**Preventing Bike Crime**

- Always lock your bike, especially at home.
- Lock your bike to a fixed, immovable object, such as a bike rack.
- Be careful not to lock to items that can be easily cut, broken, or removed. Be careful that your bike cannot be lifted over the top of the object to which it is locked to.
- Lock in a visible and well-lit area.
- Lock in a location where there are other bikes.
- When using a U-lock, position your bike frame and wheels so that you fill or take up as much of the open space within the U-portion of the lock as possible. The tighter the lock up, the harder it is for a thief to use tools to attack your locks.
- Always position a U-lock so that the keyway is facing down towards the ground.
- Always secure your components and accessories, especially quick-release components, with a secondary cable lock.
- Don't lock your bike to itself (the front wheel locked to the frame). It can be easily lifted and carried away.
- Don't lock in the same location all the time. A thief may notice the pattern and target your bike.
- Don't lock to anything posted illegal. Check with area law enforcement agencies for local bike parking regulations.
- Always check your lock before leaving your bike to be sure you have secured it properly.
- For the greatest theft deterrence, use two locks such as a U-lock and a locking cable. The longer it takes a thief to get through your bike security, the less likely your bike will be stolen.

**Preventing Auto Theft or Theft from Auto**

- Always roll up your windows, lock your car, and take the keys, even if you'll only be gone a short time.
- Put valuables out of sight: lock in trunk.
- Try to park in a well-lit area.
- Never pick up hitchhikers.
- Don't resist. Give up your property; don't give up your life.
- Report the crime to the police.

**Preventing Theft of Personal Property**

- Don't leave money or valuables in the open.
- Don't bring expensive jewelry to school.
- Mark your personal items.
- Make sure your room is locked when you leave.
- Don't leave your property unattended.
Maintaining Personal Safety

- Always walk in groups.
- Be aware of your surroundings.
- Report anything suspicious to University Police.
- Invest in self-defense courses.
- Pepper spray and personal safety alarms.
- Carry a whistle to alert people of a potential problem.
- Know the location of blue light emergency phones.
- Be aware of your surroundings. Listen to and trust your feelings. If a situation doesn't feel quite "right" LEAVE!!!
- Think "Safety." Don't jog alone or hitchhike. Keep your place safe by locking ALL doors and windows.
- Practice self-defense. Know how to yell and always have a whistle handy.
- Learn assertiveness skills.
- Take care of yourself, Don't Assume Others Will.
- Don't Assume "It can't happen to me!"

Road Rage

- If someone is tailgating you, pull into the slow lane and let them pass.
- Don't take traffic problems personally.
- Don't make obscene gestures.
- Avoid eye contact with an aggressive driver.

Preventing ID Theft at College

With the start of a new academic year we want to offer some suggestions to help prevent you from becoming a victim of identity theft. According to the Wisconsin Office of Privacy Protection, young people, 18 to 29, continue to account for almost 30 percent of all identity theft complaints.

"Nowadays," says Janet Jenkins, Division of Trade and Consumer Protection Administrator, "it's not enough to send your college freshman to school with a laptop, cell phone, books and clean clothes. A cross-cut shredder and a locking box large enough to hold a laptop, loaded with current computer security software, are equally important. And a credit card offers more protection than a debit card. "Teaching students to protect their personal information and how to watch for fraud is very important to safeguarding their identity. Students are more at risk if they are not equipped with the information they need to keep their identity safe. Jenkins says protection is as simple as following these few safeguarding rules:

- Checking your report regularly is one of the best ways to protect against identity theft. Obtain your credit report FREE from each of the three major credit reporting agencies each year. You can get your free credit report from Equifax, Experian, and TransUnion by calling 877-322-8228 or online at www.annualcreditreport.com.
- Safeguard your mail. Check it daily. If you receive junk mail, don't be so quick to throw it out without opening it first. It might contain personally identifiable information or it might be a pre-approved credit card offer that someone else can fill out to obtain a credit card in your name. Dispose of all mail securely.
- Stop pre-approved credit card offers by calling toll-free to 888-SOLOPTOUT (888-567-8688) or by visiting the Opt Out website at www.optoutprescreen.com. Reduce junk mail by writing to Mail Preference Service, Direct Marketing Association, P.O. Box 643, Carmel, NY 10512. The service is good for five years and is also available online at a cost of $5 at www.dmchoice.org.
- Guard your social security number. Don't carry your social security card with you and don't use
your social security number as a PIN or password if you can avoid it.

- Pay attention to internet security. Make certain you have firewall, virus, spam, and spyware protection on your computer. Check your browser security settings to make certain that they aren't too low.

- Check your bills and bank statements. Look at your statements as soon as you get them to see if there are any unauthorized charges or withdrawals. If there are, report them right away. If you bank online or pay bills online, don't wait for an entire month to review your statements. Review them periodically to make certain an identity thief is not using your accounts or your credit cards.

For more information, call the toll-free hotline of the Wisconsin Department of Agriculture, Trade and Consumer Protection: 1-800-422-7128 or University Police at 715-425-3133.

**Protective Behaviors**

Victims of sexual assault or other violent crime are NOT responsible for being assaulted. Students can take protective measures to increase their personal safety and the safety of those around them. If you have experienced sexual assault or another violent crime, it is not your fault. Although no measure is fail-safe, here are some protective measures you might consider to increase your personal safety and the safety of those around you:

- When going to a party or a bar, let a friend or roommate know who you are with and where you will be. Leave an address and your phone number with them.
- Go out in groups and ask one member of the group to be the “Designated Friend” (like a Designated Driver) who checks in with members of the group throughout the night.
- Be wary of anyone who does not respect your boundaries around alcohol. Alcohol is the most commonly used predatory drug.
- Do not put your drink down or let someone else get it for you. Colorless, odorless, and tasteless drugs are used to facilitate rape or other crimes and can render a victim defenseless and powerless.
- If you see something unsafe, say something. Safety is everyone’s responsibility.

**For the Survivor**

- Get to a place that is safe physically and emotionally.
- Get support. Call a friend, or Turningpoint 715-425-6751 or SART 715-425-6443.
- Report it to University Police even if you don't want to prosecute now, you may want to later.
- Even if you do not report it, see a medical professional to assess injury, pregnancy and test for sexually transmitted diseases, including HIV.

**FIRE SAFETY**

While the University of Wisconsin River Falls and the surrounding community are relatively safe places, it is important to recognize that no place is without certain dangers. With this in mind, all students, staff and faculty of the residence life complex are encouraged to practice the following five safety recommendations.

**Fire Safety Education and Training Programs for Students, Faculty and Staff**

Fire safety policies and evacuation procedures are shared with students and other residents through a number of methods that include hall meetings held on the first day of each semester, posting the information on the Residence Life website, including it in resident’s housing contract, the Residence Life Student Guide, fire drills and on building signage. Students and residents in violation of fire safety policies are sanctioned
accordingly.

- Resident Assistants and Hall Directors are trained in fire safety. Resident Assistants conduct fire drills for education and personal safety purposes in September of every academic year.

Exits

Access to all room and apartment doors must be clear and unhindered, permitting doors to be fully opened. Furnishings may not be placed in a manner that blocks escape through a window in an emergency. Arrangements may not involve large amounts of burnable material between an exit door and the sleeping section of an apartment or room.

Fire Prevention and Safety

Fire safety should be a major consideration as you design and furnish your room. In addition to information provided in the Residence Life Student Guide on room decorations/remodeling, you may not store flammable liquids such as charcoal lighter fluid or gasoline or any other volatile materials in your room or apartment or storage areas. Tampering with any fire safety device is a violation of regulations.

- Take responsibility for fire prevention and know how to protect yourself in the event of a fire: Know where the exits are located, and the location of fire extinguishers and fire alarm pull stations. Maintain a safe living environment by using 3-prong extension cords; not overloading electrical outlets; checking smoke detectors regularly; not leaving items on top of the cooking range; participating in planned fire drills, or reporting others violating fire safety policies. Take all fire alarms seriously. In the event of a fire, survival is your top priority. If safe to do so, notify others near the fire; activate the fire alarm system; call 911; and quickly decide if you can extinguish the fire. If not, get out, closing all doors behind you. If you cannot get out, get someone’s attention for help.

- In the event of a fire: Sound the alarm and call 911 for the Fire Department, leave the building, and do not attempt to re-enter the building. It is important that you be familiar with the exits and procedures for evacuating your building.

- Extinguishers: Learn the location of the fire extinguisher and the pull station nearest you as soon as you move in. If you have had to use your fire extinguisher or it loses pressure for any reason, notify your resident assistant immediately to arrange for recharge.

In the event you notice “after the fact” that a fire has occurred: In the event you notice “after the fact” that a fire had previously occurred and there is no immediate danger you should contact University Police at 715-425-3133.

False Alarms

Anyone who causes a false alarm may be evicted immediately, and subject to civil penalties.

Fire Alarm Testing

The University of River Falls conducts periodical testing of the Fire Alarm system to ensure it is working properly.

Fire Drills

Drills are conducted at the start of fall semester.

Smoke Alarms
Each living unit is equipped with a smoke detector. By law, you are responsible for reporting malfunctions detectors to the Residence Life Office.

**Fire Safety Policy Residential Halls**

For fire safety reasons, the following is strictly prohibited in all residential facilities on campus:

1. The possession and or use of candles, including decorative candles and candle warmers.
2. Any open flame.
3. Disconnecting smoke detectors.
4. Storing or possessing fireworks, explosives or accelerants (e.g. gasoline, propane).
5. Tampering with fire safety equipment (e.g. fire alarms, sprinkler systems, fire extinguishers, exit signs).
6. Triggering activation of false fire alarms.

**Procedures for Evacuation**

All residents, staff and faculty, including those with disabilities, are responsible for developing personal evacuation and escort plans for their use in the event of a fire. Should a fire occur, residents are advised to:

1) Make survival your top priority
2) Notify others near the fire - if safe to do so
3) Activate the fire alarm system
4) Call 911

The below procedures should be followed in all residence halls.

**FIRE AND TORNADO PROCEDURES** are posted on every floor of university facilities.

- **IF YOU DISCOVER A FIRE:** Sound alarm and leave building by nearest exit; Call 911; Give as much information as you can to dispatcher; Do not hang up until dispatcher says he/she has all of the needed information.

- **WHERE TO GO WHEN ALERTED TO THE POSSIBILITY OF FIRE:** If there is smoke in the room, drop to the floor and stay low; Smoke inhalation is often fatal; Feel knob before opening the door; If it is hot, don’t open. If it is cool, brace against door and open slowly; If heat or heavy smoke is outside, close door and stay in the room; Call 911.

- **IF YOU CANNOT LEAVE YOUR ROOM OR EXIT SAFELY:** Stay calm. Seal cracks around door using wet sheets, towels, or clothing to prevent smoke from entering the room; Hang an object out the window (sheet, jacket, shirt) to attract Fire Department attention. Call 911. Report that you are trapped, and give your location; Stay near window and low to floor. A wet cloth over nose and mouth will aid in breathing if there is smoke;

- **IF YOU CAN LEAVE YOUR ROOM:** Take a wet cloth to aid in breathing if you encounter smoke; Close door behind you and take your keys; Go to nearest exit. If it is blocked with smoke or fire proceed to another exit; Keep low to floor if there is smoke; Cover nose and mouth with wet cloth and take short breaths; Stand clear of building after evacuating; Follow directions of fire, police, and residence hall personnel. NEVER re-enter a burning building.

- **Special Needs:** Students with special evacuation needs should report those needs to the Office of Residence Life. The address of those students with special evacuation needs is shared with University Police. Students are responsible for developing their own evacuation plan.

- The fire systems described in this report are current as of the publication of this report.
Safety Tips

Safety Tips for Computers

• Never leave your laptop computer unattended in a public place. Use a portable locking device or motion sensor alarm at all times.
• Carry your computer in an inconspicuous bag rather than one that announces its contents to would-be-thieves.
• When going through airport security, try to avoid placing your computer on the belt until it is your turn to walk through the checkpoint so that it is never out of your sight.
• If you happen to be traveling without a portable locking device, keep your laptop with you at all times, leave it in a hotel safe, or a last resort hide it in a drawer in your room.
• Students should remember to use portable locking devices on their laptops in libraries, labs and general study areas on campus as well in dorm rooms.
• Use a lock to secure your laptop computer to your desk at the office.
• If using a cable lock, always choose one made of braided steel strands and the largest cable thickness possible because it will be more difficult to cut through.
• When securing your laptop to a desk, hotel or dorm room furniture make sure you cinch the cable around furniture that is not easily lifted or moved.
• Etch or engrave your name and telephone number onto your laptop for identification purposes.
• Record the serial number and detailed description of your laptop, give to police and insurance company in the event of a theft. Keep this information in a safe place at your home.
• Regularly back up your data and store back-up somewhere else in the event of theft.

Shopping in Cyberspace

• Do business with companies you know and trust.
• Understand the offer. Look carefully at the product or services the company is offering.
• Use a secure browser that will encrypt or scramble purchase information.
• Never give a bank account or credit card number or other personal information to anyone you don't know or haven't checked out.

Street Smarts

• Stick to well-lighted, well-traveled streets and pathways. Know locations of blue light emergency phones.
• Stay alert and tuned into your surroundings.
• Don't flash large amounts of cash.
• Keep jewelry out of sight.
• Carry your purse close to your body.
• Put your wallet in an inside coat or front pants pocket, not a back pocket.
• Wear shoes or clothing that does not restrict your movement.
• Use ATMs in the daytime, if possible. Have your card in hand and don't approach the machine if you're uneasy about people nearby.
• Have your car or house key in hand before you reach the door.

Winter Driving Tips

Most crashes in winter are caused by motorists driving too fast for conditions during, or shortly after winter storms. So here are a few safety tips to improve your winter driving skills.

• Clear snow and ice from all windows and lights—even the hood and roof—before driving.
• Pay attention. Don't try to outdrive the conditions. Remember the posted speed limits are for dry
Pavement. Leave plenty of room for stopping.

- Leave room for maintenance vehicles and plows—stay back at least 200 feet (It's the law!) and don't pass on the right.
- Know the current road conditions. Call (800)ROADWIS or log onto: https://511wi.gov/
- Use brakes carefully. Brake early. Brake correctly. It takes more time to stop in adverse conditions.
- Watch for slippery bridge decks, even when the rest of the pavement is in good condition. Bridge decks will ice up sooner than the adjacent pavement.
- Cruise without your cruise control in wintry conditions. Even roads that appear clear can have sudden slippery spots and the short touch of your brakes to deactivate the cruise control feature can cause you to lose control of your vehicle.
- Remember that your four-wheel drive vehicle may help you get going quicker than other vehicles but it won’t help you stop any quicker. Many 4x4 vehicles are heavier than passenger vehicles and actually may take longer to stop. Don't get overconfident in your 4x4 vehicle's traction. Your 4x4 can lose traction as quickly as a two-wheel drive vehicle.
- GO SLOW & ALWAYS buckle up!

Safety Training and Resources

Voluntary Text Messaging Emergency Notification System

The UWRF emergency text messaging system is voluntary. It allows students, faculty, and staff to register to be notified via text message in the event of a campus emergency. The program is voluntary, and will be used for emergency notification purposes only. Emergencies include credible, on-going incidents that pose a threat to the University Community. At no time will the emergency text messaging system be used to distribute advertising or other unsolicited content. Subscribers will pay no fees for service, other than the normal fees charged by their mobile service provider for receiving text messages. The university strongly recommends that students and staff participate in this emergency notification system. Sign up for UWRF alert at https://www.uwrf.edu/Emergency/EmergencyNotifications/emergencyAlertSubscribe.cfm or contact University Police at 715-425-3133 for assistance in signing up.

Evacuation Drills and Tests of Procedures

UW River Falls conducts a fire drill in the fall of every academic year for the purpose of notifying all students and staff of our evacuation procedures to ensure their safety in the event of an actual fire.

Each drill is documented to include: the description of the test, date held, start time/end time and evacuation time. Documentation of the drill will be forwarded to UW Madison Emergency Management department which is part of UW Madison Police Department.

Security Awareness and Crime Prevention Programs:

UW-River Falls provides information to students and employees about campus security procedures and practices, protecting themselves and their property, and encourages them to be responsible for their own security and the security of others, and informs them about the prevention of crimes through the following programs and literature distributions:

- Awareness and Prevention Campaign – The violence prevention office conducted outreach via an awareness and prevention campaign. By partnering with the University Center and Residence Life, the Violence Prevention Office launched a marketing and outreach campaign covering healthy relationships and campus and community resources. Materials included a QR code that students could scan to get connected with campus resources and reporting options.
• **Sex Signals** – Educational presentation topics of dating, consent and sex. Bystander intervention was stressed, encouraging students to help protect each other from possible sexual harassment or violence.

• **Paint-Your-Place in the Community** – The Violence Prevention Coordinator conducted a 2-day community art project for new student. The art project explored identity, belonging, conversation, and creativity, while also connecting and engaging with students about violence prevention and resources on campus.

• **Consent Care Card Kits** – The university offered education and programming relating to consent to students via consent care card kits. This provided education on consent and offered a hands-on way for students to engage with each other and themselves on the topic of consent

• **Residence Life (Housing) programs** - including presentations on topics requested by staff. RA training in dealing with various types of calls. Assisting with fire alarm drills and evacuation.

**Additional Services Available from University Police:**

University Police regularly responds to training or presentation requests by students, staff or faculty on a specific crime prevention or personal safety topic. These training are offered throughout the year.

Office Safety reviews are offered by University Police upon request. This walkthrough by University Police looks at office layouts and office procedures with security as the main focus point. University Police then meets with the supervisor or group of employees and provides specific security and safety recommendations.

Emergency phones are strategically located throughout campus, and are clearly identifiable by signage and during the hours of darkness are identifiable by an illuminating blue light. These emergency phones are connected directly to the Pierce County Sheriff’s Department dispatch center.

**Security and Access to Campus Facilities:**

General access to and use of UW-River Falls facilities is governed by Chapter UWS 21 of the Wisconsin Administrative Code, and institutional policies on file in the Office of the Chancellor. Security is provided in the maintenance of the university 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, provisions of adequate lighting, and making available telephone call boxes for emergency assistance. Specific security mechanisms may vary with the type of university facility. Security precautions in place for the various types of facilities at UW-River Falls are:

- Access to non-university housing buildings, keys and card swipe access is controlled by University Police and Facilities.
- Access to buildings, keys and card swipe access in University Housing are controlled by Residence Life.
- Entrances to Residence Halls are locked at all times and controlled by card access.
- Some campus buildings have camera’s mounted to view common or public areas such as hallways and entrances/exits which are not monitored, but do record activity which can be accessed by University Police.
- University Buildings are closed overnight, except for special activities. After hours access is limited and controlled by University Police.
- University Housing sets and controls move in and move out dates and procedures, including card
swipe access.
- No additional security measures are added during break periods.
- All campus fire, intrusion and panic alarms are monitored by an alarm monitoring company

Other Resources

Local Police
UW-River Falls encourages cooperation with local police authorities to monitor and record information concerning criminal activity occurring away from the campus but involving university students or university-recognized student organizations. University Police works in cooperation with local police regarding crimes involving students or impacting the campus community and requests their cooperation by informing University Police about crimes reported to them that may warrant a timely warning.

CRIME AND FIRE STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding community. The Clery Act affect virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can face penalties in form of fines and may be suspended from participating in the federal financial aid program.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Jeanne Clery’s parent’s lobbied congress to enact the law when they discovered students at Lehigh had not been notified about the 38 violent crimes that had occurred on campus in the three years prior to Jeanne Clery’s murder.

Statistics are gathered through reports to the University of Wisconsin-River Falls police department, Office of Student Conduct & Community Standards, Residence Life and Other security authorities. UWRPF PD also requests information from law enforcement agencies in the surrounding areas such as River Falls Police Department, Pierce County Sheriff’s department, DNR and State Patrol. A copy of the report is disseminated via email to all Students, staff and Faculty every October of each fall semester.

Crimes are classified using the FBI Uniformed Crime Reporting Handbook, The Handbook for Campus Safety and Security Reporting, except for sex offenses which are defined by the National Incident Based Reporting System handbook. Wisconsin law is used to define drug, alcohol and weapons law violations as well as incidents of domestic violence.

DEFINITIONS OF CLERY GEOGRAPHY

On-campus property is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a
manner related to, the institution’s educational purposes.

**On-campus Residence Halls** is a subset of the on-campus property. It is defined as any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution or is within the reasonably contiguous geographic area that make up the campus.

**Public property** is defined as all public property, including thoroughfares, streets, as sidewalks that is within the campus or immediately adjacent to and accessible from campus.

**Non-campus property** is defined as any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property that is owned or controlled by an institution that is used in direct support of, or in relation to the institution’s educational purposes, is frequently used by students and is not within the same reasonable contiguous geographic area of the institution.
## 2021 CAMPUS CRIME STATISTICS

<table>
<thead>
<tr>
<th></th>
<th>On Campus Property</th>
<th># of On-Campus Incidents that Occurred in Residence Halls</th>
<th>Public Property</th>
<th>Non Campus Property</th>
<th>Unfounded Cases**</th>
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* Underage drinking is a civil offense in the state of Wisconsin, not a criminal offense and therefore the ticket issued for underage drinking is not classified as "arrests" per Clery act regulations. **In 2021 Police issued 82 citations for Alcohol law violations within the Clery geography of UWRF.**

**Possession of marijuana or paraphernalia cited under UWS Chapter 18 violation is a civil offense not a criminal offense and therefore it is not classified as an “arrest” per Clery act regulations. **In 2021 Police issued 22 citations for these violations within the Clery geography of UWRF. The total includes 8 individuals who received 2 citations.**

**Unfounded category is new for 2014 - required to show number of cases that were unfounded by police.**

***Not Enough information reported to determine type of sex offense. (4 of these cases were reported in 2021 that occurred between 2013-3016)***
## 2020 Campus Crime Statistics

<table>
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<th></th>
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<th># of On-Campus Incidents that Occurred in Residence Halls</th>
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</table>

* Underage drinking is a civil offense in the state of Wisconsin, not a criminal offense and therefore the ticket issued for underage drinking is not classified as "arrests" per Clery act regulations. **In 2020 Police issued 38 citations for Alcohol law violations within the Clery geography of UWRF.**

** Possession of marijuana or paraphernalia cited under UWS Chapter 18 violation is a civil offense not a criminal offense and therefore it is not classified as an “arrest” per Clery act regulations. **In 2020 Police issued 32 citations for these violations within the Clery geography of UWRF. The total includes 12 individuals who received 2 citations.**

** Unfounded category is new for 2014 - required to show number of cases that were unfounded by police.

*** Not Enough information reported to determine type of sex offense.
## 2019 CAMPUS CRIME STATISTICS

<table>
<thead>
<tr>
<th>Category</th>
<th>On Campus Property</th>
<th>Public Property</th>
<th>Non Campus Property</th>
<th>Unfounded Cases***</th>
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<td><strong>Criminal Offenses</strong></td>
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<tr>
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<td>Motor Vehicle Theft</td>
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<tr>
<td><strong>Sex Offenses</strong></td>
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<tr>
<td><strong>Hate Crimes</strong></td>
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<tr>
<td>All categories of Hate Crimes</td>
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</tr>
</tbody>
</table>

* Underage drinking is a civil offense in the state of Wisconsin, not a criminal offense and therefore the ticket issued for underage drinking is not classified as "arrests" per Clery act regulations. In 2019 Police issued 39 citations for Alcohol law violations within the Clery geography of UWRF.

** Possession of marijuana or paraphernalia cited under UWS Chapter 18 violation is a civil offense not a criminal offense and therefore it is not classified as an “arrest” per Clery act regulations. In 2019 Police issued 12 citations for these violations within the Clery geography of UWRF. The total includes 6 individuals who received 2 citations.

*** Unfounded category was new for 2014 - required to show number of cases that were unfounded by police.

**** Not Enough information reported to determine type of sex offense
STATISTICS FROM OUR WISCONSIN IN SCOTLAND CAMPUS

The following statistics were reported from the Wisconsin in Scotland campus located in Dalkeith, United Kingdom. Since there are very few incidents from this campus – only reported incidents will be listed below corresponding to the appropriate category for reporting. Otherwise, all other categories would be zero for that year.

2020: No reported incident of any kind
2019: No reported incident of any kind
2018: No reported incident of any kind

* The final day of student occupancy at our Scotland campus was March 19, 2020. At this time, we will continue to list the data until the 3 years of data requirement expires.
# 2021 FIRE SAFETY REPORT

## University of Wisconsin-River Falls Residential Facilities

<table>
<thead>
<tr>
<th>Fire System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans/Placards</th>
<th>Number of evacuation (fire)drills each calendar year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ames Suites</td>
<td>x</td>
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</tr>
<tr>
<td>Crabtree Hall</td>
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<tr>
<td>Grimm Hall</td>
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</tr>
<tr>
<td>Hathorn Hall</td>
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<tr>
<td>Johnson Hall</td>
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<tr>
<td>May Hall *</td>
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</tr>
<tr>
<td>McMillan Hall</td>
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<tr>
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<td>Prucha Hall</td>
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<td>x</td>
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</tr>
<tr>
<td>South Fork Suites</td>
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<td>Stratton Hall</td>
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</table>

## University of Wisconsin-River Falls Residential Facilities

<table>
<thead>
<tr>
<th>Total Fires in Each Building</th>
<th>Fire Number</th>
<th>Date</th>
<th>Time</th>
<th>Cause of Fire</th>
<th>Number of Inquires that Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ames Hall</td>
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<td>Grimm Hall</td>
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<tr>
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<tr>
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</table>
## 2020 FIRE SAFETY REPORT

<table>
<thead>
<tr>
<th>University of Wisconsin-River Falls Residential Facilities</th>
<th>Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans/Placards</th>
<th>Number of evacuation (fire)drills each calendar year</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

* May Hall was offline from December of 2019 to August of 2020

** Due to the COVID 19 Pandemic, a shelter in place order and guidance from UW Risk Management, fire drills were suspended for 2020.

<table>
<thead>
<tr>
<th>University of Wisconsin-River Falls Residential Facilities</th>
<th>Total Fires in Each Building</th>
<th>Fire Number</th>
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ENFORCEMENT & PREVENTION

Illegal Drugs
UW-River Falls is a drug free campus; the possession, use, and sale of illegal drugs are regulated at UW-River Falls in accordance with the Drug-free Schools Act, the Drug-free Workplace Act, applicable provisions of state and federal law, and Chapter UWS 18, Wisconsin Administrative Code. UW-River Falls police officers enforce violations of state and federal laws regulating the possession, use and sale of illegal drugs.

Alcohol
UW-River Falls permits under certain circumstances; the possession, use, and sale of alcohol are regulated at UW-River Falls in accordance with applicable provisions of state and federal law, and Chapter UWS 18 of the Wisconsin Administrative Code. University of River Falls Police department and/or Student Conduct and Community Standards enforce violations of possession, use and sale of alcohol, to include underage drinking laws. At all times it is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under the age of 21 in a public place or a place open to the public is illegal.

Registered Sex Offenders
To obtain information you may visit the Wisconsin Sex Offender Registry website. If there is a change to the process to obtain sex offender information related to the campus University Police will notify the campus community by email.

Violence Against Women Act (“VAWA”) Crimes

Sexual Assault, Domestic Violence, Dating Violence and/or Stalking
UW-River Falls is committed to maintaining a safe and secure work and academic environment for our students, staff and faculty, free of any form of sexual misconduct, including domestic violence, dating violence, sexual assault, stalking and sexual harassment, and enforces all policies and laws to prohibit these actions. Violations can constitute grounds for disciplinary action, up to and including dismissal from the University.

The Clery Act and the Violence Against Women Act mandate universities and colleges provide domestic violence, dating violence, sexual assault and stalking definitions applicable in its jurisdiction. Wisconsin statutes recognize that sexual assault, domestic violence, dating violence, and stalking are serious criminal offenses. It is important for all members of the campus community to understand how these offenses are defined in law and to be aware of the penalties. Excerpted below are the definitions and penalties of sexual assault, domestic/dating violence and stalking. Also included are the definitions of consent, sexual contact, and sexual intercourse. Wisconsin statutes delineate guidelines for the use of evidence in court. Wisconsin Statutes section 972.11 prohibits the use in court of evidence of the victim’s past sexual conduct. There are three exceptions to this prohibition. The judge may allow evidence of the victim’s past conduct with the assailant; evidence that could show the source or origin of semen, pregnancy or disease; or evidence of prior untruthful allegations of sexual assault made by the victim. Recent revisions in the law have allowed for further exceptions to be made at the judge’s discretion. For more information on Wisconsin state law visit: http://legis.wisconsin.gov/rsb/stats.html
Violence and Threats

Policy
UW–River Falls will not tolerate any act or threat of violence made in the workplace, on university lands, or while in work status. After receiving a report of threats or violence, the University will conduct an immediate investigation and respond with the appropriate action. A copy of this policy is available in Appendix “C” of this report.

Reports
All students, faculty and staff are encouraged to report behaviors which are of concern or a person in crisis, contemplating or threatening harm to themselves or others; or actions you believe may be bias motivated.

Victim Assistance

If you are a victim of sexual assault, domestic violence, dating violence and/or stalking it is not your fault! Seek support and help immediately. TALK TO SOMEONE rather than trying to erase the incident from your memory. This is the first step in regaining control of one's life.

Report the Incident:
Reports of sexual assault, domestic violence, dating violence, stalking and/or any form of relationship violence or harassment received by University Police are investigated in cooperation with local police, when applicable. Several options are available to report sexual assault, domestic violence, dating violence and/or stalking. A victim or witness can file a private and/or anonymous report with Student Conduct and Community Standards, University Police, Student Health and Counseling Services, Residence Life Staff, all of whom will assist the victim in notifying law enforcement if the victim so chooses. This does not obligate the victim to press charges. Student Conduct and Community Standards will comply with a student’s request for assistance in contacting support agencies on or off campus, notifying proper law enforcement authorities including UW-River Falls Police Department and/or local police, and discussing the various options available to the victim. The victim has the right to decline reporting the incident to authorities. Student Conduct and Community Standards and University Police will provide assistance with facilitating and enforcing orders of protection, no contact orders, restraining orders, or similar lawful orders issues by criminal, civil or tribal courts or the institution. Victims will be provided written notification about options for support and assistance at time of contact. Any employee who witnesses or receives a report of a sexual assault, domestic violence, dating violence and/or stalking is required to report the incident to the Title IX Coordinator, or University Police. Student Conduct and Community Standards and University Police compile reports for the purpose of disseminating statistical information to the campus and public as required by state and federal law.

Get Medical Care
As soon as possible, the victim of a sexual assault, domestic violence, dating violence should get medical care. The victim will benefit from being examined for physical injury and disease, and from a discussion of options. In order to preserve physical evidence of the crime, do not bathe, shower, douche, use the bathroom, drink anything or change clothes before the medical exam. Evidence of this type would be vital if the victim decides to pursue criminal charges, proving that the alleged offense did occur or may be helpful in obtaining a protection order.
Confidentiality

UW-River Falls will make publicly available records as required by the Clery Act, without the inclusion of personally identifying information about the victim. UW-River Falls will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of the institution to provide the accommodations or protective measures.

RESTRAINING ORDERS AND NO CONTACT ORDERS

The following information is provided by the Wisconsin Department of Justice, available at https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders, and the Wisconsin Coalition Against Sexual Assault, available at https://www.wcasa.org/resources/areas-of-interest/systems/civil-legal-needs-of-survivors/

Restraining Order

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. The person completing the petition is called the petitioner and 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 issue 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.¹

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. A list of clerks of court by county can be found at http://www.wicourts.gov/contact/docs/clerks.pdf.

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 them 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 them safe. For a list of sexual assault programs, please see 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 them.²

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 an HRO be granted?
Any person, child, or adult, who engages in harassment as described above.

Remedies:
The respondent can be ordered to stop or avoid harassing 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.

**UW-River Falls and Restraining Orders**

UW-River Falls 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 UW-River Falls should contact Student Conduct and Community Standards office. Employees who have a court issued restraining order should notify University Police. Please be aware notifying 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 University Police, please call 911 immediately if it is in progress, if it is not in progress and there is no danger to you call Pierce County Dispatch at 715-273-5051 to report it.

**No Contact Directives Issued by UW-River Falls**

One tool UW-River Falls uses to support a safe, respectful, responsible educational and working environment is a no contact directive. A no contact directive is a university-issued directive prohibiting the recipient from having contact with -in any form- the individual or individuals named in the directive. A no contact directive may be issued as either a proactive measure or as a reactive measure to prevent additional incidents. 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 an individual should be prohibited from having contact with another individual or individuals. 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 harassment, sexual assault, dating/domestic violence, sexual exploitation, or stalking.

A no contact directive may include the following language:

“Be advised, until further notice, you are not to have direct or indirect contact with [First Name, Last Initial]. This includes but is not limited to:

- face-to-face/in-person
- telephone
- e-mail
- text message
- social networking sites
- written communication
• video and other electronic communication
• contact through third parties.

Any attempt to contact this person might be considered harassment and could result in disciplinary action.”

Students
The Student Conduct and Community Standards office can issue no contact directives and so can 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 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 an Associate Dean of Students will include a written notification of the right and process to appeal.

Notice of the no contact directive is sent to the Title IX Coordinator, Manager of Student Conduct and Community Standards, University Police, and when there is a connection to University Housing, the Assistant Director of Residence Life. When issued, a no contact directive has no end date. The no-contact directive can also be modified or terminated with the agreement of the parties. 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 will not appear on an internal/external transcripts.

Employees
Supervisors, in consultation with Human Resources staff, have the authority to regulate workplace behavior of Academic and University staff. The Provost may regulate faculty, as long as there is a work-related reason for doing so. The Title IX Coordinator may also issue a no contact directive for any employee. No contact directives are typically issued in a letter to the recipient. UW-River Falls 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. A no contact directive may prohibit the following types of contact:
• face-to-face/in person
• telephone
• e-mail
• text message
• social networking sites
• written communication
• video and other electronic communication
• contact through third parties.
Violation of a no-contact directive issued by UW-River Falls 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.

**Requesting a No Contact Directive**

Requests for no contact directives will be reviewed on a case-by-case basis and will consider 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:

- Title IX Coordinator
- Office of Student Conduct and Community Standards
- Office of Human Resources

**Enforcing a UW-River Falls 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.

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**WISCONSIN STATE LAWS**

**ALCOHOL AND OTHER DRUGS**

**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.
      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.
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.³

- 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 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.⁴

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.⁵

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 law⁶:

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

Controlled Substance

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. Sec. 961.46, Stats.

SEXUAL ASSAULT, SEXUAL HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL EXPLOITATION, & STALKING

³ Wis. Stat. § 125.07(5)(b)1.
⁴ Wis. Stat. § 125.07(5)(b)2.
⁵ Wis. Stat. § 125.07(5)(c)
⁶ Wis. Stat. § 36.35(4)
UW-River Falls 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, stalking, and sexual exploitation.

UW-River Falls prohibits sexual assault, domestic violence, dating violence, and stalking as they are defined in the Clery Act, Violence Against Women Act, other related federal law, and Wisconsin state law. UW-River Falls 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, and 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):

- A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.\(^7\)
- A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.\(^8\)

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.\(^9\)

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.\(^10\)

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

\(^7\) Wis. Stat. § 940.225(4)(b)
\(^8\) Wis. Stat. § 940.225(4)(c).
\(^9\) Clery Act, 34 CFR 668.46
\(^10\) Wis. Stat. § 813.12(1)(ag).
adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.11

**Domestic Abuse; Domestic Abuse Restraining Orders and Injunctions**12
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 5.13

**Domestic Abuse Incidents; Arrest and Prosecution**14
“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.15

**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.16

**Incest**
According to the Clery Act, “incest” is sexual intercourse between persons who are related to each other

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11 Clery Act, 34 CFR 668.46
12 Wis. Stats. § 813.12(1)
13 Wis. Stat. § 813.12(1)(am).
14 Wis. Stat. § 968.075
15 Clery Act, 34 CFR 668.46
16 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
within the degrees wherein marriage is prohibited by law.\textsuperscript{17} In the state of Wisconsin, people who are nearer of kin than 2\textsuperscript{nd} 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 the application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently sterile.\textsuperscript{18}

**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.\textsuperscript{19}

**Sexual Assault**

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.\textsuperscript{20}

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.

\textsuperscript{17} 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

\textsuperscript{18} Wis. Stat. § 765.03

\textsuperscript{19} 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

\textsuperscript{20} 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
(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 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.21

Sexual Assault of a Child
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.22

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.23

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.24

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.25

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.26

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.27

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

21 Wis. Stat. § 940.225(1-3m).
22 Wis. Stat. § 948.02(1)(am)
23 Wis. Stat. § 948.02(1)(b)
24 Wis. Stat. § 948.02(1)(c)
25 Wis. Stat. § 948.02(1)(d)
26 Wis. Stat. § 948.02(1)(e)
27 Wis. Stat. § 948.02(2)
of 19 years when the violation occurs.\textsuperscript{28} The statute does not apply to the child’s spouse.

**Statutory Rape**
Statutory rape is sexual intercourse with a person who is under the statutory age of consent.\textsuperscript{29} In the state of Wisconsin, the statutory age of consent for sexual intercourse is 18 years of age.\textsuperscript{30} 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.\textsuperscript{31}

**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.\textsuperscript{32}

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:\textsuperscript{33}

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.

\textsuperscript{28} Wis. Stat. § 948.093
\textsuperscript{29} 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
\textsuperscript{30} Wis. Stat. § 948.09
\textsuperscript{31} Wis. Stat. § 948.09
\textsuperscript{32} Violence Against Women Act, 34 CFR 668.46(c)(1)(iv)
\textsuperscript{33} Wis. Stat. § 940.32
10. Causing a person to engage in any of the acts described in subds. 1. to 9.34

Sexual Harassment; UWS Ch 4 and 11
“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following35:
(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 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 UWS Ch 4 and 11 is not considered a Clery Crime but is considered sexual misconduct.

Sexual Harassment; UWS Ch 17
SEXUAL HARASSMENT. Conduct on the basis of sex that satisfies any of the following:36:
(a) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in an education program or activity of the university that when using the legal “reasonable person” standard, is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity.
(b) Unwelcome conduct of a sexual nature directed towards an individual that, when using the legal “reasonable person” standard, 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.

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

Sexual Exploitation; UWS Ch 4 and 11
Sexual exploitation means attempting, taking or threatening to take, nonconsensual sexual advantage of another person. Examples include37:
(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 activity.

34 Wis. Stat. § 940.32(1)(a).
35 UWS Ch 4.015(10) and Ch. 11.015(10), Wisconsin Admin. Code.
36 UWS Ch. 17.151(1)(a)-(b), Wisconsin Admin. Code.
(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.

Sexual Exploitation as defined in 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:

(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 complainants.
   2. Allowing another person to observe, record, or photograph sexual activity or private body parts of one or more complainants.
   3. Otherwise distributing recordings, photographs, or other images of the same of one or more complainants.

(b) Masturbating, touching one’s genitals, or exposing one’s genitals in complainant’s presence without the consent of the complainant, or inducing another person 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 another person 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 the complainant 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 UWS 17 is not considered a Clery Crime but is considered sexual misconduct.

**Preventative Education and Training**

**Sexual Assault, Domestic Violence & Dating Violence**

Awareness and prevention measures are key elements in reducing the risk of sexual assault, domestic violence, dating violence and/or stalking. UW-River Falls efforts to promote awareness and prevention of these issues includes programs and literature distributions during student and employee orientation, programs.

**Alcohol and Drug Abuse Education**

UW-River Falls offers alcohol and other drug programming, counseling, assessments, referrals, employee

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38 UWS Ch. 17.151(6), Wisconsin Admin. Code.
assistance program, dissemination of informational materials. Below is a sampling of resources and education:

**Campus AODA Resources**

UW-River Falls Counseling Services (715)425-3884
- Includes AODA assessments and education

**Community AODA Resources**

Hudson Hospital Programs For Change
Hudson, WI
(715)531-6755

Saint Croix County Alcohol and Other Drug Abuse Services
(Saint Croix County residents)
New Richmond, WI
(715)246-8255

Pierce County Human Services Alcohol and Other Drug Abuse
(Pierce County residents)
Ellsworth, WI
(715)273-6770

L.E. Phillips
Chippewa Falls, WI
(715)723-5585

Arbor Place Inc.
320 21st Street N.
Menomonie, WI
(Dunn or Pepin County)
(715) 235- 4537

St. Croix Valley Restorative Justice Center
River Falls, WI
(715)425-1100
Training for New Employees

New Employee Online Orientation:
https://www.uwrf.edu/HumanResources/NewEmployeeOnboarding.cfm
https://www.uwrf.edu/HumanResources/HRForms.cfm

Employees must review online orientation sometime during the first week to familiarize themselves with employment at UWRF. They are permitted to stop and go back into it anytime. Supervisor will review the orientation checklist on the new employee's first day. All new employee training must be completed within the first three months of employment.

Keeping Children Safe, Executive Order 54 Online Training:

The training aids the employee in understanding their obligations for reporting suspected child abuse and neglect. Additional information can be found at:
https://www.uwrf.edu/CampusSafety/ExecutiveOrder54RegardingChildAbuseAndNeglect.cfm

INVESTIGATION, ADJUDICATION AND SANCTION

The UW-River Falls student conduct system supports a campus community which is welcoming, safe and supportive of academic and personal growth. The student conduct system accomplishes this by providing students a prompt fair and impartial process from the initial investigation to the final result while being aware of campus expectations, addressing complaints and holding students accountable for their actions. Maintaining fairness, objectivity and respect for each individual is also part of this process. Through the student conduct process students will learn critical thinking skills and inclusivity of other viewpoints so individuals can make the personal choices right for themselves and the campus community.

Reporting VAWA Crimes

Sexual Assault, Stalking, Domestic Violence, Dating Violence

All members of the campus community are urged to immediately report crimes, suspicious actions, occurring on the campus to University Police, including crimes as defined by the Violence Against Women Act (sexual assault, stalking, domestic violence, dating violence). A sworn law enforcement officer will actively investigate all allegations of criminal acts, UWS violations, and incidents or service related calls that occur on University Lands to ensure safety of persons on University Lands. The investigation must be fair, objective, and specific. Clery reported crimes or policy violations involving students will be documented and forwarded to the appropriate campus stakeholders such as Student Conduct and Community Standards.

For VAWA crimes in progress students, staff and campus visitors can call 911 or use emergency phones (blue lights), elevator emergency telephones or by calling the Pierce County Sheriff’s Department dispatch center at 715-273-5051 to have a University Police Officer dispatched to the call. All other reports may be made by calling University Police at 715-425-3133, or by reporting in person to University Police, located in the Regional Development Institute Building, Room 103.

Victim or witnesses may report a VAWA crime on a voluntary basis to Student Conduct and Community Standards (715-425-4844), or Residence Life (715-425-4555). Reports of this nature are filed with University Police for inclusion in the annual security report and the university’s crime statistics. There will
be no formal police investigation of the incident unless requested, or if the report creates a safety concern for self or others.

Victim or witnesses may report a VAWA crime on a confidential basis to counselors at Student Health and Counseling (715-425-3884), who are the only professional counselors on campus as defined under the Clery Act. UW-River Falls does not have pastoral counselors on campus for Clery purposes. Reports of this nature are filed with University Police for inclusion in the annual security report and the university’s crime statistics. There will be no formal police investigation of the incident unless requested, or if the report creates a safety concern for self or others. Counselors at Student Health and Counseling, informed by persons being counseled of a crime, are encouraged to inform the client that crimes can be reported to them or to Student Conduct and Community Standards on a voluntary basis for inclusion in the university’s crime statistics.

**Disciplinary Procedures**

Over the course of an investigation of sexual assault, domestic violence, dating violence and/or stalking allegations, the following steps will be taken. The order of these steps may vary depending on the nature or severity of the incident or pattern of incidents.

- Initial complaint (may or may not be from the victim)
- Initial interview of victim
- Collection of evidence
- Notice of charges provided to accused
- Initial interview with accused
- Interviews of witnesses
- Follow-up interviews with both victim and accused
- Case summary compiled
- Case reviewed by the Title IX Coordinator
- Statement of charges for suspension provided to accused
- Hearing date set
- Settlement offered to the accused by the university
- Final results provided to both accused and victim
- Notice of appeal process provided to both accused and victim

For more detail, please see the [Student Non-Academic Disciplinary Procedures (UWS Chapter 17)](student_non_academic_disciplinary_procedures).  

**Timeline**

The University strives to respond to all cases of this nature in a timely fashion so as to minimize the negative impacts it may have on all parties. The timeline for cases of any form of relationship violence varies depending on the nature of the incident, the number of witnesses, cooperation of all related parties and amount of supporting evidence to gather. In general, all evidence and interviews are conducted in 14 days or less. Final hearings and appeals will extend beyond the 14 days if they are to take place. An investigation may be temporarily postponed while law enforcement gathers evidence, then will be promptly resumed. Any postponements or extensions will be communicated to the complainant and respondent.

**Decision Making**

Few, if any, decisions are made by one person. All investigators and decision makers in the process undergo
annual training in relation to VAWA related cases. Investigations often involve co-investigators, who report their findings to the appropriate Title IX Coordinator for review of thoroughness and acceptable levels of evidence. If a case is moved forward to a suspension hearing, the respondent can choose to have the matter heard by a hearing officer or committee. All final results of an investigation must be supported by a preponderance level of evidence in order for the accused to be held responsible for any charge of sexual assault, domestic violence, and dating violence or stalking. If the accused is a university employee, the process will be defined by the appropriate employment handbook and investigated by Human Resources staff. For more see the Faculty and Staff Handbook for further details: https://www.uwrf.edu/FacultySenate/FacultyAndStaffHandbook.cfm

**Prohibition on Retaliation**

An institution, or an officer, employee, or agent of the institution may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities after reporting a situation involving sexual assault, domestic violence, dating violence and/or stalking. Retaliation against a complainant or respondent for exercising his or her rights under these procedures is prohibited and may be conduct subject to disciplinary action pursuant to UWS Chapter 17.09. A complainant or respondent who has experienced retaliation should notify the investigating officer, a Title IX official, University Police or Student Conduct and Community Standards.

**Rights of Parties**

The following rights are provided to both the victim/complainant and the accused/respondent:

- Interim, protective, and supportive measures will be offered to both parties starting with initial contact. This may include, but is not limited to: change in living environment, no contact orders, adjustments to academic courses, counseling and health services, safe walks, change in on campus work schedules, restrictions from areas of campus, assistance with immigration status.
- The university treats all cases of this nature to be highly confidential in nature. Only parties with a determined need to know will be provided information, and only the minimum information necessary for their assistance in the case.
- The process of investigation and final decision will be a prompt, fair, and impartial process with a goal of achieving the final result in 60 days or less.
- University officials in this process will not have a conflict of interest. Officials will also have undergone annual training in procedures to help protect the safety of victims and promotes accountability for behaviors harmful to the university community. Topic specific trainings on dating violence, domestic violence, sexual assault and stalking will also be provided to all appropriate officials.
- Parties are allowed to be accompanied by an advisor of their choice to all meetings, conferences or hearings. This advisor can be a family member, friend, advocate and even an attorney. The advisor may have restrictions on the level in which they may participate in the proceedings. The university will share this in advance if notified an advisor is attending.
- Any and all results of any proceedings will be shared with each party at all steps and/or levels of the process. This includes initial and interim measures as well as final results of a conference or hearing. Results will include any findings of policy violations and resulting sanctions should any be assigned. If appropriate, next steps such as instructions how to request an appeal will be included in the notice. Notice can be done by email, phone or in person.
• Notification of any changes made to the results of the proceedings prior to those results becoming final.
• All parties to the disciplinary proceedings shall have the right to access the record of the disciplinary proceedings. No other individuals shall have the ability to access this information. In the event that the crime or violation results in death of the victim, the right to disclosure shall pass to the victim’s next of kin.

Sanctions

The disciplinary sanctions that may be imposed for nonacademic misconduct by a student, in accordance with UWS 17.11 to 17.13, 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.
As per UWS Chapter 17.12(4)(b), at all times, the respondent shall have the opportunity to hear and respond to the information presented against her or him and be afforded the opportunity to present questions to adverse witnesses, including the complainant. Hearing procedures may be modified to allow the complainant to provide information in a manner that prevents a hostile environment. Such modifications may include, but are not limited to, having the complainant and respondent pose questions to each other through their respective advisors or the hearing committee.

VAWA Sanctions
For non-academic disciplinary violations which are based on VAWA violations (sexual assault, stalking, domestic violence, and dating violence) the sanction is subject to the circumstance and finder of fact. The disciplinary sanctions may include in accordance with UWS 17.11 to 17.13, 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.

UNIVERSITY OF WI-RIVER FALLS DISCIPLINARY ACTION FOR SEXUAL HARASSMENT, SEXUAL ASSAULT, SEXUAL EXPLOITATION, DOMESTIC VIOLENCE, DATING VIOLENCE, & STALKING

University of WI-River Falls prohibits sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, 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 WI River Falls 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 Human Resources Complaints against students should be reported to Student Conduct and Community Standards. 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 previous version of Chapter 17. Complaints against employees occurring before that date will be processed under:

• The previous version of University of Wisconsin System Chapter 4 for faculty
• The previous version of University of Wisconsin System Chapter 11 for academic staff
• UW System Administrative Policy 1233 and University of WI-River Falls University Staff grievance procedures are outlined in Chapter 7.11 of the Faculty & Staff Handbook.
• Previous version of Regent Policy Document 14-2 for Title IX complaints against employees other than faculty and academic staff.

Complaints Involving Allegations Occurring Between August 14, 2020 and May 10, 2021
Complaints against students involving allegations occurring between August 14, 2020 and May 10, 2021, will be processed through the Emergency Rules for University of Wisconsin System Chapter 17.

Complaints against employees will be processed under:
• University of Wisconsin System Chapter 4 for faculty
• University of Wisconsin System Chapter 11 for academic staff
• Regent Policy Document 14-2 and Appendix C for Title IX complaints against employees other than faculty and academic staff.

42 SYS 1233 available at https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/
44 UWS Emergency Ch 17, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2027
46 UWS Emergency Ch. 11, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2026
47 SYS 1233 available at https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/
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. Complaints against employees will be processed under:

- University of Wisconsin System Chapter 4 for faculty
- University of Wisconsin System Chapter 11 for academic staff
- UW System Administrative Policy 1233 and [List any campus policy equivalents] for university staff
- Regent Policy Document 14-2 and Appendix C 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, 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: UWS Chapter 14 covers academic misconduct. UWS Chapters 17 and 18 cover nonacademic student misconduct. UWS Chapters 4, 7, and 11 cover faculty and academic staff misconduct.)

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 a student ticketed or arrested by law enforcement may also be subject to misconduct proceedings.

All student disciplinary actions originating from a complaint of sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and 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:

50 UWS Ch 17, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/admin_code/uws/17
52 UWS Ch. 11, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/admin_code/uws/11
53 SYS 1233 available at https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/
54 [Name of Campus Policy Equivalent to SYS 1233] available at [link to policy]
issues related to sexual harassment, sexual assault, domestic violence, sexual exploitation, dating violence or stalking

- 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 have the support person of their choice accompany them to any related meetings or proceedings.

- University of WI-River Falls 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, University of WI-River Falls may establish restrictions that apply equally to both parties regarding the extent to which the support person may participate in the proceedings.

- The complainant and respondent will receive simultaneous notification of:
  1. The result of any institutional disciplinary proceeding arising from an allegation of sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, or stalking
  2. The complainant or respondent may appeal the result to the Chancellor under 17.13
  3. Any change to the result
  4. When the result becomes final.

- Proceedings will be completed within reasonably prompt time frames and will include a process allow for extension of the time frames for good cause. Any extension will require written notice to the complainant and respondent detailing the delay and its reasons.

- 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

Subchapter I - General

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 the chancellor’s 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.”

3. “Complainant” means any individual who is alleged to be the subject of sexual misconduct, as defined in s. UWS 17.151.

4. “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 definitions of sexual assault and sexual exploitation in s. UWS 17.151. 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.

5. “Days” means calendar days.

6. “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.

7. “Disciplinary file” means the record maintained by the student affairs officer responsible for student discipline.

8. “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.

9. “Disciplinary sanction” means any action listed in s. UWS 17.085 (1) taken in response to student nonacademic misconduct.

9m. “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 relevant misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the university.

10. “Expulsion” means termination of student status with resultant loss of all student rights and privileges.

11. “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 a student and requesting that the institution investigate the allegations. At the time of filing of the formal Title IX complaint, the complainant shall be participating in or attempting to participate in an educational program or activity. A formal Title IX 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.

12. “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 17.153.

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 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 the individual’s 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 17.153.

(12m) “Party” refers to a respondent or complainant involved in a disciplinary procedure under subch. III.

(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,” 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 17.151.

(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.

(15) “Student affairs officer” means the dean of students, 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 s. UWS 17.11 or 17.152. For allegations involving sexual misconduct, as defined in s. UWS 17.151, 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 17.151 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 the student 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 17.085 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 17.152 to 17.154, 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.
Subchapter II - Procedures for Student Nonacademic Discipline in Nonsexual Misconduct Cases

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. 17.151, may be consolidated with such charges and addressed with the disciplinary procedure, hearing, appeal, and settlement processes detailed in ss. UWS 17.152 to 17.156.

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 17.152 to 17.156, 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 17.152 to
17.156.

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 17.085 (1) for
cost 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 shall 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 17.085 (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.
   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 17.085
(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 17.085 (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 shall 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 the respondent’s 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 17.085 (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 17.085 (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 the respondent’s own behalf to questions asked of the respondent 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 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 17.085 (1) (h) to (j).
   2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in s. UWS 17.085 (1) (a) to (g).

(g) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in s. UWS 17.085 (1) (a) to (g) that differs from the recommendation of the investigating officer. Sanctions under s. UWS 17.085 (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 the investigating officer's designee.

(i) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered to the respondent, 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 the respondent fails to appear at a schedule hearing and to proceed, the hearing examiner or committee may issue a decision based upon the information provided.

(k) Disciplinary hearings are subject to s. 19.85, Stats., Wisconsin Open Meetings of Governmental Bodies and may be closed if the respondent requests a closed hearing or if the hearing examiner or committee determines it is necessary to hold a closed hearing. 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 17.085 (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.

(3) 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.

(4) If the chief administrative officer makes a finding under sub. (3), the chief administrative officer may return the matter for consideration, or may invoke an appropriate remedy of the chief administrative officer's 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 the 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.

**Subchapter III - Procedures for Student Nonacademic Discipline in Sexual Misconduct Cases**

**UWS 17.151 Sexual Misconduct subject to disciplinary action under ss. UWS 17.152 to 17.156.**

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. Sexual misconduct, as defined in this section, shall use the disciplinary procedure, hearing, appeal, and settlement processes detailed in ss. UWS 17.152 to 17.156.

1. **SEXUAL HARASSMENT.** Conduct on the basis of sex that satisfies any of the following:
   1. Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in an education program or activity of the university that when using the legal “reasonable person” standard is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity.
   2. Unwelcome conduct of a sexual nature directed towards an individual that, when using the legal “reasonable person” standard, 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.

2. **SEXUAL ASSAULT.** An offense that meets any of the following definitions:
   (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 as per s. 944.06, Stats.
   (d) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent as per 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 as per ss. 813.12(1)(am) and 968.075, Stats.

(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:
   (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 complainants.
      2. Allowing another person to observe, record, or photograph sexual activity or private body parts of one or more complainants.
      3. Otherwise distributing recordings, photographs, or other images of the same of one or more complainants.
   (b) Masturbating, touching one’s genitals, or exposing one’s genitals in complainant’s presence without the consent of complainant, or inducing another person 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 another person 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 the complainant 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 17.152 Sexual misconduct 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 17.085 (1), for sexual misconduct defined in s. UWS 17.151, and conduct described in s. UWS 17.09 may be consolidated with sexual misconduct charges pursuant to this section and consistent with s. UWS 17.08. When responding to sexual misconduct, the university may take the following actions:
   (a) The university may consolidate disciplinary procedures as to allegations of sexual misconduct, as defined in s. UWS 17.151, 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.
   (b) In consultation with the complainant, the university may choose to address allegations of sexual misconduct with non-disciplinary measures outside the procedures of this chapter. Non-disciplinary measures may include supportive measures and protective measures for complainant, which may or may not involve the respondent.

(2) TITLE IX MISCONDUCT. Either a complainant or the Title IX Coordinator may file the formal Title IX complaint as defined in s. UWS 17.02 (8m). Unless a formal Title IX complaint is dismissed under par. (a) or (b), sexual misconduct under this section shall also be considered “Title IX misconduct” and require associated process. Dismissals will be handled as follows:
(a) The university shall dismiss a formal Title IX complaint that does not meet all of the following requirements:
   1. The alleged conduct is on the basis of sex and meets the definitions of sexual harassment, as defined in s. UWS 17.151 (1) (a) or sexual assault, dating violence, domestic violence, or stalking as defined in s. UWS 17.151 (2) to (5).
   2. The alleged conduct occurred within a university “education program or activity,” as defined in s. UWS 17.02(7m).
   3. The alleged conduct occurred against the complainant while in the United States.
   4. The complainant is participating in or attempting to participate in the university’s education program or activity at the time the complaint is filed.

(b) The university may dismiss a formal 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 formal Title IX complaint or any allegations therein.
   2. The respondent is no longer enrolled in the university.
   3. Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal Title IX Complaint or allegations therein.

(c) Upon dismissal of a formal Title IX Complaint, the university shall promptly send written notice of the dismissal and reason therefore simultaneously to the complainant and respondent. The complainant and respondent have the right to appeal the dismissal of a formal Title IX complaint under s. UWS 17.154 (1).

(d) Dismissal of a formal Title IX Complaint does not preclude other university action under this chapter.

(3) 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) The details known at the time of issuing notice, including:
      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 that making a knowingly false statement or refusing to comply regarding a university matter may violate s. UWS 17.09 (11) and could result in additional sanctions.
   (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 Title IX misconduct.
   (g) Information about the nonacademic misconduct process available under this chapter 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.

(4) INVESTIGATION. During the investigation, the investigating officer shall do all of the following:
   (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; the university may, however, 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.

(5) REVIEW OF EVIDENCE. Prior to completion of the final investigative report, as described in sub. (6), the university shall provide the complainant and respondent and their advisors, if any:

(a) 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 regardless of whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. This shall include information upon which the university does not intend to rely in reaching a determination regarding responsibility as well as any inculpatory or exculpatory evidence.

(b) 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.

(6) FINAL INVESTIGATIVE REPORT. The investigator shall create an investigative report that fairly summarizes relevant evidence. The final investigative report may contain recommended determinations as to whether sexual misconduct occurred and specification of any sanction recommended. 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. Upon distribution of the final investigative report to the complainant and respondent, the following conditions shall apply:

(a) The complainant and respondent have the right to a hearing under s. UWS 17.153 for a formal determination as to whether sexual misconduct occurred, potential disciplinary sanctions, or both.

(b) The university shall proceed under s. UWS 17.153 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 17.156.

**UWS 17.153 Sexual misconduct hearing.**

(1) The university shall have the right to decide whether a hearing examiner or hearing committee shall hear the matter.

(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 17.152(4).

(4) The hearing shall be conducted in accordance with all of 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 this chapter.
   (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:
         a. 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
         b. 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 those described in s. UWS 17.152 (4) (e).
      4. May take reasonable steps to maintain order and adopt procedures for the questioning of parties or witnesses appropriate to the circumstances of the testimony, provided the advisors for the complainant and respondent are allowed to effectively cross-examine any party or witness.

(5) The party’s advisors shall conduct cross examination directly, orally, and in real time by the party’s advisor. A party may not personally conduct cross examination. The following conditions shall apply:
   (a) If a party does not have an advisor at the hearing to conduct cross-examination, the university shall 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 shall 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 may not 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 Title IX misconduct, 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 this chapter to the facts.
   (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility under this subchapter, including any Title IX misconduct, 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 shall be provided by the university to the complainant.
   (f) One or more of the disciplinary sanctions listed in s. UWS 17.085 (1) (a) to (j), if imposed by the hearing examiner or committee.
   (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. If an appeal is filed, the decision regarding responsibility becomes final on the date the university provides the complainant and respondent with the written determination of the result of the appeal. If no appeal is filed, the decision regarding responsibility becomes final once the last date to appeal passes.

(10) Disciplinary hearings are subject to s. 1985, Stats., Wisconsin Open Meetings of Governmental Bodies, and may be closed if the respondent or complainant requests a closed hearing or if the hearing examiner or committee determines it is necessary to hold a closed hearing. 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 17.154 Appeal to the chancellor for 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 a formal 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 shall 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 17.155  Discretionary appeal to the Board of Regents for sexual misconduct.
University decisions under ss. UWS 17.152 to 17.154 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 shall:
(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 17.156  Settlement for sexual misconduct.
(1) 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, any time after the notice of investigation has been distributed 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 the complainant, respondent, and the Title IX Coordinator or designee except in any of the following circumstances:
(a) There is no identified complainant.
(b) The complainant has chosen not to participate in proceedings pursuant to this subchapter
(c) Title IX misconduct is involved, and the complainant has withdrawn the formal Title IX complaint.
(2) In the circumstances described in sub. (1), the agreement and its terms may be signed by only the respondent and the Title IX Coordinator or designee. The case is concluded when a copy of the signed agreement is delivered to the complainant, if any, 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 17.152 to 17.155.

Subchapter IV - Effect of Discipline, Petitions for Restoration, and Emergency Suspension

UWS 17.16  Effect of discipline within the institution.
A respondent who, at the time of commencement, is subject to a continuing disciplinary sanction under s. UWS 17.085 (1) or unresolved disciplinary charges as a result of a report under s. UWS 17.11 or 17.152 shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding.

UWS 17.17  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 17.18.
(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 17.18.

(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 the individual, provided all conditions from previous disciplinary sanctions have been met.

**UWS 17.18 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 17.17 (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 from a different University of Wisconsin institution to which the respondent seeks admission. The chief administrative officer shall make the readmission decision. In cases of sexual misconduct, the readmission decision shall be made in consultation with the Title IX Coordinator and reasonable attempts shall be made to notify the complainant of any change to the disciplinary outcome. If enrolled as a student at the time of the petition, the complainant shall be provided opportunity to respond to the petition prior to the readmission decision.

**UWS 17.19 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 17.151, the chief administrative officer makes 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 misconduct, as defined in s. UWS 17.151, 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 or 17.153 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 or 17.153, as applicable.

THE STUDENT DISCIPLINARY PROCESS

In addition to UW Ch. 17, University of WI-River Falls has implemented supplemental disciplinary procedures for investigations and hearings involving sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, or stalking, pursuant to federal law and UWS 17.03. Sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, 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.

Over the course of an investigation of sexual assault, domestic violence, dating violence and/or stalking allegations, the following steps will be taken. The order of these steps may vary depending on the nature or severity of the incident or pattern of incidents.

- Initial complaint (may or may not be from the victim)
- Initial interview of victim
- Collection of evidence
- Notice of charges provided to accused
- Initial interview with accused
- Interviews of witnesses
- Follow-up interviews with both victim and accused
- Case summary compiled
- Case reviewed by the Title IX Coordinator
- Statement of charges for suspension provided to accused
- Hearing date set
- Settlement offered to the accused by the university
- Final results provided to both accused and victim
- Notice of appeal process provided to both accused and victim

EMPLOYEE DISCIPLINARY PROCEDURES

University of WI-River Falls has three major categories of employees:

- faculty
- academic staff
- university staff
Each of these categories of employees has distinct procedures for discipline and dismissal, which are provided below. In addition, University of WI-River Falls has various types of at-will employees, including:

- limited appointees
- postdoctoral trainees
- student hourlies

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

- written reprimand
- unpaid suspension
- dismissal
- demotion
- revocation of responsibilities
- reassignment
- 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. University of WI-River Falls will ensure that all employee disciplinary procedures are compliant with federal law. All employee disciplinary actions originating from a complaint of sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, 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 harassment, sexual assault, sexual exploitation, domestic violence, dating violence or stalking
  - 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 have the support person of their choice accompany them to any related meetings or proceedings.
- UW River Falls 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 WI-River Falls may establish restrictions that apply equally to both parties regarding the extent to which the support person may participate in the proceedings.
- The complainant and respondent will receive simultaneous notification of
  1. The result of any institutional disciplinary proceeding that arises from an allegation of sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, or stalking
  2. See appropriate handbook chapters for grievance procedure for appeal of results. Faculty are covered under ER (Emergency Rule) UWS 4; Academic staff are covered under ER UWS 11; University staff and all other types of employees are covered under interim RPD 14-2 and its campus equivalents, such as the linked policy below.

https://www.uwrf.edu/Administration/Policy/upload/Sexual-Violence-and-Sexual-
3. Any change to the result
4. When the result becomes final

- Proceedings will be completed with reasonably prompt time frames and will include a process that allows for extension of the frames for good cause. Any extension will require written notice to the complainant and respondent detailing the delay and its reasons.
- 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 at: https://www.uwrf.edu/FacultySenate/FacultyAndStaffHandbook.cfm

UWS CHAPTER 4, WIS. ADMIN. CODE: PROCEDURES FOR FACULTY DISMISSAL AND DISCIPLINE IN TITLE IX CASES

Subchapter I - General

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 the faculty member’s 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 s. 4.11, shall be governed by ss. 4.11 to UWS 4.24.

UWS 4.015 Definitions.

In this chapter:

(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) “Complaint” means an allegation against a faculty member reported to an appropriate university official.

(3) “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 definitions of sexual assault and sexual exploitation in this section. 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.
(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 cohabited 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.

(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.”

(9) “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 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.

(10) “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.

(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.

Subchapter II - Procedures for Faculty Dismissal and Discipline in Non-Title IX Cases

UWS 4.016 Subchapter II definitions.
In this subchapter:
   (1) “Complainant” means any individual who is alleged to be the subject of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation as defined in this section and s. UWS 4.015.

   (2) “Sexual harassment” means conduct on the basis of sex that satisfies any of the following:
      (a) Quid pro quo sexual harassment.
         1. 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; or
         2. An employee of the institution either, explicitly or implicitly, conditions the provision of an academic, professional, or employment–related opportunity, aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.

      (b) Hostile environment sexual harassment.
         1. 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, 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. Unwelcome conduct of a sexual nature directed towards an individual that, when
using the legal “reasonable person” standard, 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 an university sponsored or supported activity.

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.

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 Compliant 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, 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 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. The chancellor shall select a hearing examiner 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 a hearing examiner or a hearing committee will hear the matter.

(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. The faculty member’s or complainant’s advisor shall conduct cross examination directly, orally, and in real time. 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 Title IX 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 complainant and employee to appeal.

(h) Admissibility of evidence is 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 s. UWS 4.19. All of the following requirements shall be observed:

(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 Title IX 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 Title IX 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 Meetings of Governmental Bodies).

(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 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 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 the need for any of the following:
   1. 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 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 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. 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 Meetings of Governmental Bodies

(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 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 faculty 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 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.
   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 WI-River Falls Faculty Discipline and Dismissal for Cause**

More information regarding employee discipline can be found at: [https://www.uwrf.edu/FacultySenate/FacultyAndStaffHandbook.cfm](https://www.uwrf.edu/FacultySenate/FacultyAndStaffHandbook.cfm)
UWS CHAP1ER 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 to 11.10 and 11.29 to 11.33 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 11.29
(4) Indefinite appointment academic staff dismissal for cause and lesser discipline based on allegations of Title IX misconduct as defined in s. UWS 11.13 shall be governed by ss. UWS 11.13 to 11.26.

UWS 11.015 Definition.
In this chapter:
(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.”
(3) “Complaint” means an allegation against an academic staff 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 definitions of sexual assault and sexual exploitation in this section. 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.
(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 as per ss. 813.12(1)(am) and 968.075, Stats.
(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.”

(9) “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.

(10) “Sexual exploitation” means attempting, taking or threatening to take, nonconsensual sexual advantage of another person. Examples include:
(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 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.

(10) “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.

Subchapter II - Procedures for Academic Staff Dismissal in Non-Title IX
Cases

UWS 11.016 Subchapter II definitions.

(1) “Complainant” means any individual who is alleged to be the subject of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation, as defined in this section.

(2) “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

(a) Quid pro quo sexual harassment.

1. 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.

2. An employee of the institution either explicitly or implicitly conditions the provision of an academic, professional, or employment-related opportunity, aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.

(b) Hostile environment sexual harassment.

1. 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, is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution’s education program or activity.

2. Unwelcome conduct of a sexual nature directed towards an individual that, when using the legal “reasonable person” standard, 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 an university sponsored or supported activity.

Note: The definitions in this section are intended to apply only to Subchapter II.

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, 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 formal statement of specific charges involves sexual harassment, sexual assault, dating violence, domestic violence, sexual exploitation, 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 all of 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 the academic staff member’s 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 Meetings of Governmental Bodies).

(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 section.

**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 the staff member’s position. Where such determination is made, the staff member may be relieved of the staff member’s position immediately, or be assigned to another administrative unit, but the staff member’s salary shall continue until the chancellor makes a decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 11.32 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.32 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 Meetings of Governmental Bodies) 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 11.11 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 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
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 s. UWS 11.13 shall be governed by ss. UWS 11.13 to 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 s. UWS 11.13 shall be governed by ss. UWS 11.13 to 11.26.

Subchapter III - Procedures for Academic Staff Dismissal and Discipline in Title IX Cases

UWS 11.13 Subchapter III definitions.

In this subchapter:
(1) “Complainant” means any individual who is alleged to be the subject of Title IX misconduct, as defined in this section.
(2) “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 relevant misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the university.
(3) “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 academic staff member 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.
(4) “Respondent” means an individual who has been reported to be the perpetrator of Title IX misconduct as defined in this section.
(5) “Sexual harassment” means conduct on the basis of sex that satisfies any 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, the conduct is so severe, pervasive, and objectionable offensive that it effectively denies the person equal access to the institution’s education program or activity.
(6) “Title IX misconduct” means sexual assault, stalking, dating violence, or domestic violence as defined in this chapter and sexual harassment as defined in sub. (5).

UWS 11.14 Dismissal for cause or lesser discipline for Title IX misconduct.
(1) An academic staff member may be dismissed for cause, or subject to lesser discipline, for Title IX misconduct as the term is defined in s. UWS 11.13.
(2) Title IX misconduct allegations against academic staff shall follow the disciplinary procedure in ss. UWS 11.13 to 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.

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 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.

UWS 11.16 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 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 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 academic staff member and complainant in writing.

(4) Within 20 days of receipt of the notice of dismissal, the complainant or academic staff member may appeal the dismissal by filing a written appeal with the chancellor. The complainant or academic staff member 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 generally, that affected the dismissal decision.

(5) The chancellor shall provide the academic staff 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 academic staff member within 30 days of receipt of a written appeal. The chancellor’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 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 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 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 do all of the following:
   (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) 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.

(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 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) The academic staff member and the complainant shall have 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 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, 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 academic staff member 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 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. The chancellor shall select hearing examiners pursuant to these policies to hear academic staff dismissal and discipline cases. Additionally, the academic staff of each university shall provide a standing 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 academic staff
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 which serve as the basis for seeking dismissal or other discipline.

(c) A right for the complainant and academic staff member to be heard on their own behalf.

(d) A right to an advisor, counsel, or other representatives, and to offer witnesses. The academic staff member’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 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. The academic staff member’s or complainant’s advisor shall conduct cross examination directly, orally, and in real time. 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 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 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 including the following: a determination regarding responsibility for each allegation and the rationale behind each decision, any disciplinary sanction recommended to be imposed,

Note: The last sentence of sub. (1) should read “the university”, not “the academic staff member.” The intent was for the university to make this decision. This will be corrected in future rulemaking.

(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 no 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 Adequate due process.

(1) A fair hearing for an academic staff member against whom dismissal or other discipline is sought shall have the right to decide whether a hearing examiner or a hearing committee will hear the matter.

Note: The last sentence of sub. (1) should read “the university”, not “the academic staff member.” The intent was for the university to make this decision. This will be corrected in future rulemaking.

(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 no 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.
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 academic staff member to appeal.

(h) Admissibility of evidence is 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) 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.

(1) Any hearing held shall comply with the requirements set forth in UWS 11.21. 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 grounds 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.

(d) 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.

(e) The hearing shall be closed unless the academic staff member requests an open hearing, in which case it shall be open.

Note: This right was intended to be given to the complainant as well. This will be corrected in future rulemaking.

Note: See subch. V of ch. 19, Stats., Open Meetings of Governmental Bodies.

(f) The hearing committee may, on motion of 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.

(g) 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).
(h) 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.

(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
(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 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 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’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) The academic staff member or complainant may file an appeal of the chancellor’s decision 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 academic staff member and complainant an opportunity for filing
written 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.

Note: See subch. V of ch. 19, Stats., Open Meetings of Governmental Bodies.

(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) Conflict of interest or bias for or against the academic 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 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 misconduct 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 the staff member’s position. Where such determination is made, the staff member may be relieved of the staff member’s position immediately, or be assigned to another administrative unit, but the staff member’s salary shall continue until the chancellor makes a decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 11.32 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.32 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.
(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.
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 11.30 to 11.33.

(4) 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.
(1) 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.
(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 11.28 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.

(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.

(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 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.

(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 shall demonstrate by clear and convincing evidence that the academic staff member engaged in serious criminal misconduct, as defined in s. UWS 11.29.

(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 11.32 Temporary suspension from 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 11.29 (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.

(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) 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.

(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 11.33 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.

h. Admissibility of evidence governed by s. 227.45 (1) to (4), Stats. Only relevant questions may be asked of the employee, 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 employee 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 employee and are offered to prove consent.

i. Upon the employee’s request, the university shall provide for the hearing to occur with the employee and complainant located in separate rooms with technology enabling the hearing committee or hearing examiner, the employee, and the complainant to simultaneously see and hear witnesses answering questions.

2. The complainant shall have all the rights provided to the employee in sub. (1)(a) to (i).

Procedural Guarantees.

1. (1) Any hearing held shall comply with the requirements set forth in the preceding section. All of the following requirements shall also be observed:
   a. (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.
   b. (b) The standard of proof shall be a preponderance of the evidence.
   c. (c) No employee 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.
   d. (d) 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.
   e. (e) The hearing shall be closed unless the employee requests an open hearing, in which case it shall be open.

Note: See subch. V of ch. 19, Stats., Open Meetings of Governmental Bodies.

f. The hearing committee may, on motion of the complainant or the employee, 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 employees equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures.

g. 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 outlined in this appendix.

h. 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.

i. Nothing in this section shall prevent the settlement of cases by mutual agreement between the university administration, the complainant, and the employee.

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 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 WI-River Falls Academic Staff Discipline and Dismissal for Cause

The Academic Staff grievance procedures can be found in Chapter 6.10 of the Faculty and Staff Handbook. Academic staff are covered under ER UWS 11.

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.

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<tr>
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<th>STEP ONE</th>
<th>STEP TWO</th>
<th>STEP THREE</th>
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<td>DISMISSAL</td>
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<td>STEP 2A</td>
<td>STEP 2B</td>
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<td>LAYOFF</td>
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<td>DISCIPLINE</td>
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<td>CONDITIONS</td>
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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. 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. 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-RIVER FALLS UNIVERSITY STAFF DISCIPLINE AND DISMISSAL FOR CAUSE

More information regarding employee discipline can be found at: https://www.uwrf.edu/FacultySenate/FacultyAndStaffHandbook.cfm

University staff and all other types of employees are covered under interim RPD 14-2 and its campus equivalents, such as the linked policy below.

APPENDIX “A”

UW-River Falls Emergency Notification and Timely Warning Policy

PURPOSE:
To establish the parameters for Timely Warnings and Emergency Notifications for compliance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" as amended in 2008 (commonly referred to as the "Clery Act") for the University of Wisconsin — River Falls.

Definitions

Emergency Notification An announcement to inform the campus community about a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” “Immediate threat” is defined as an imminent or impending threat which could include a significant fire, outbreak of a serious illness, extreme weather conditions, gas leak, armed suspect, terrorist incident, bomb threat, civil unrest, explosion, chemical spill, or other dangerous situation. More information can be found on the UWRF Police Department website.

Timely Warning UWRF is required to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. This includes crimes where the circumstances indicate that there may be a serious or continuing threat to students or employees. The decision to issue a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including such factor as:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts

POLICY:

Timely Warnings

UW-River Falls is committed to insuring Timely Warnings are made in a manner that is timely to members of the community of the occurrence of Clery act crimes: Criminal homicide (murder, non-negligent manslaughter, negligent manslaughter), Sex offenses (rape, fondling, incest and statutory rape), robbery, Aggravated Assault, Burglary, Motor Vehicle theft and Arson or other serious crimes against people that occur on campus or near campus, where it is determined that the incident may pose an on-going threat to the members of the campus community. When time permits, UWRF PD will consult with one or more of the following offices in order to develop Timely Warning notices for the campus community and which segments of the campus are impacted and require notification: Marketing and University Communications, Assistant Chancellor of Business and Finance, Chancellors Office and the Assistant Chancellor for Student Success. UWRF PD or University Communications will distribute a notification.

Emergency Notification

UW-River Falls is committed to insuring Emergency Notifications are made in a manner that is timely to members of the community. Upon confirmation of an emergency, dangerous situation, or a crime which poses an immediate and/or continuing threat to the health or safety of students, employees, or others, UWRF PD or University Communications will, without delay, and taking into account the safety of the community, determine the content of the notification, determine who and what segments of the campus community to notify and initiate the notification system for the Emergency Notification message to the campus community, unless the notification will, in the professional judgement of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Follow up information is provided as needed. UWRF PD will send Emergency Notification messages, without consultation, when emergency situations dictate that messages be sent immediately. The previously mentioned offices will assist with follow-up communications
to the campus community.

The Assistant Chancellor for Student Success or his/her designee is authorized to activate the Emergency Notification when it is his/her professional opinion that a health emergency exists. The Assistant Chancellor for Student Affairs after will, without delay, and taking into account the safety of the community, determine the content of the notification, determine who and what segments of the campus community to notify and initiate the notification system for the Emergency Notification message to the campus community, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Follow up information is provided as needed.

Protocols

Appropriate protocols will be developed and followed to ensure Emergency Notifications and Timely Warnings are appropriately issued. The Clery Compliance Officer will receive and properly store information related to the decision making process and the notification process related to Emergency Notification and Timely Warning determination.

Further Information:

For questions, additional detail, or to request changes to this policy, please contact the Campus Clery Compliance Officer at 715-425-3133, UWRF PD at 715-425-3133 or Assistant Chancellor for Student Success at 715-425-4897.
UW-River Falls Protocols for Emergency Notification and Timely Warning Under the Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires institutions of higher education to provide notification of certain types of emergencies or crimes to all members of the campus community. Under the law, there are two different categories of notifications; the Emergency Notification and the Timely Warning.

Emergency Notification

The Clery Act requires institutions to immediately notify the campus community upon confirmation of a significant emergency, dangerous situation or crime which poses an immediate and/or continuing threat to the health or safety of students, employees or others occurring on the campus. “Immediate threat” is defined as an imminent or impending threat which could include a significant fire, outbreak of a serious illness, extreme weather conditions, gas leak, armed suspect, terrorist incident, bomb threat, civil unrest explosion, chemical spill or other dangerous situation. Taking into account the safety of the community, determine the content of the notification, determine who and what segments of the campus community will be notified.

The Chief of Police or his/her designee or University Communications is authorized to activate the Emergency Notification, without delay, when it is his/her professional opinion that a criminal, facility, or weather emergency exists that satisfies the above criteria. Any member of the police department will send Emergency Notification messages, without consultation, when emergency situations dictate that messages be sent immediately. The Assistant Chancellor for Student Success or his/her designee is authorized to activate the Emergency Notification when it is his/her professional opinion that a health emergency exists that satisfies the above criteria. If time permits the following may be consulted prior to the issuance of an emergency message:

- Chief of Police or police officer in Chief’s absence
- Marketing and University Communication Director or his/her designee
- Assistant Chancellor for Student Success or his/her designee
- Chancellor or his/her designee
- Assistant Chancellor of Business and Finance or his/her designee

Notification, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency, will be provided through one or more of the following: InformaCast, email, website banner, loud speakers and/or campus phone systems as appropriate to the particular situation. Follow up information is provided as needed.

Every effort will be made to notify the Chancellor’s Office and the Office of University Communications and Marketing prior to issuing an Emergency Notification, however some serious and imminent threats may not allow for that.

Timely Warning

The Clery Act requires institutions to alert the campus community to the occurrence of Clery Act crimes: criminal homicide (murder, non-negligent manslaughter, negligent manslaughter), sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft and arson or other serious crimes against people that occur on campus or near campus, when it is determined that the incident may pose an on-going threat to the members of the campus community certain crimes in a manner that is timely and will aid in the prevention of similar crimes. This includes crimes where the circumstances indicate that there may be a serious or continuing threat to students or employees. The decision to issue a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including such factors as:
• The nature of the crime
• The continuing danger to the campus community
• The possible risk of compromising law enforcement efforts

**UW-River Falls Protocol**

When time permits a timely warning will be issued when at least two of the following are in agreement that such warning should be issued:

• Chief of Police or police officer in Chief’s absence
• Marketing and University Communication Director or his/her designee
• Assistant Chancellor for Student Success or his/her designee
• Chancellor or his/her designee
• Vice Chancellor of Business and Finance or his/her designee

Notification for the campus community and which segments of the campus are impacted and require notification will be done through email, flyers and/or postings as appropriate to the situation. Depending on the circumstances InformaCast, website banner, desktop pop up alerts on lab, classroom and administrative workstations, loud speakers and/or campus phone systems may also be appropriate to the particular situation for the notification.

The Chancellor’s Office and the Office of University Communications and Marketing will be notified prior to issuing a Timely Warning.

**Record Keeping**

Notification decisions will be documented and forwarded to the Clery Compliance Officer.

**Annual Updates**

The University Police Chief, Director of University Communications and Marketing, Assistant Chancellor for Student Success and their designees will meet annually to review this protocol, ensure compliance, and evaluate any warnings or notifications that were made.
APPENDIX “B”

Checklist – When You Receive a Bomb Threat

The Checklist should be immediately available. Keep one under your phone or other accessible location. (See next page.)

All personnel should become familiar with the following Bomb Threat Checklist (see other side). It may become the only means of determining what happened and may be the only way to determine the validity of a call and could aid in identifying and apprehending the caller.

Bomb Threat Checklist - (stay calm and collect all the information you can)

Name of person who received threat: ____________________________________________
Date and time threat received: ____________________________________________
How was threat reported: ☐ Telephone ☐ E-mail ☐ Voice-mail ☐ In person ☐ Fax: ____________
Give phone number (include area code)
By Mail Carrier (e.g. Fed Ex): ☐ Campus ☐ US Mail ☐ Courier
Location threatened (give name of bldg/dept/site/agency, etc.): ____________________________
Exact words used to make the threat (if possible): ____________________________

Questions to ask the person who is making the threat:

1. When is the bomb going to explode? ____________________________
2. Where is the bomb located? ____________________________
3. What kind of bomb is it? ____________________________
4. What does it look like? ____________________________
5. Who placed the bomb? ____________________________
6. Why was the bomb placed? ____________________________
7. Where are you calling from? ____________________________

Description of the caller’s voice (give identity if known):

Caller’s name ____________________________ ☐ Male ☐ Female
☐ Young ☐ Old ☐ Middle-aged ☐ Accent ____________________________
Race ____________________________ Tone of voice (e.g. excited, calm angry, loud, stuttered)
Was Voice/Language: ☐ Taped ☐ Well-spoken ☐ Irrational ☐ Is voice familiar?
If yes, who did it sound like? ____________________________
Other voice characteristics: ____________________________
Background or other noises: ____________________________
Remarks: ____________________________
Completed by: ____________________________ Phone: ____________________________
APPENDIX “C”

Policy on Violence and Threats

PURPOSE:
The University of Wisconsin-River Falls is committed to maintaining for its employees, students and visitors an environment that is free from intimidation, threats and violent acts. A safe and secure environment is a fundamental prerequisite for fulfilling UW-River Falls’ mission of teaching, research and public service.

POLICY:
UW-River Falls will not tolerate any act or threat of violence made in the workplace, on university lands, or while in work status. After receiving a report of threats or violence, the University will conduct an immediate investigation and respond with the appropriate action.

PROHIBITED CONDUCT:
No person may engage in violent conduct or make threats of violence, implied or direct, on university lands or in connection with university business. This includes but is not limited to:

- The use of force with the intent to cause harm, e.g. physical attacks, any unwanted contact such as hitting, fighting, pushing, or throwing objects;
- Acts or threats which are intended to intimidate, coerce, or cause fear of harm;
- Acts or threats made directly or indirectly by words, gestures or symbols.

No person may carry, possess or use any dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer or for law enforcement purposes. No person may display or portray as real any object that resembles a dangerous weapon. UWS 18.06(10).

REPORTING PROCEDURES:
Employees and students are expected to report any threat or act of violence which they have witnessed, received, or have been informed of, to University Police and:

- If an employee is involved, also notify the supervisor;
- If a student is involved, also notify the Manager of Student Conduct and Community Standards.

All employees and students are expected to notify University Police whenever a protective restraining order is granted which mentions university lands, or involves a University employee or student, or a person working at the University, and provide a copy of the order. Employees should also notify their supervisor. Students should also notify the Manager of Student Conduct and Community Standards. Appropriate effort will be made to protect the privacy and sensitivity of the information provided.