University of Wisconsin
Eau Claire



# 2026

# Annual Security Report & Annual Fire Safety Report

**(This report also available online here.)**

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# Table of Contents

**Table of Contents** ..... ii
**Resources at a Glance** ..... vi
Safety and Security ..... vi
Campus Offices ..... vi
Title IX Contacts ..... vi
**Health Resources** ..... vi
Student Health Services ..... 715-836-5360 ..... vi
**Sexual Assault, Domestic Violence, Dating Violence and Stalking Resources** ..... vii
CASA ..... 715-836-4351 ..... vii
Forensic Nurse Examiner ..... 715-838-3242 ..... vii
Family Support Center ..... 715-723-1138 ..... vii
Bolton Refuge House ..... vii
RAINN (Rape, Abuse & Incest National Network) ..... vii
**Mental Health Resources** ..... vii
Counseling Services ..... 715-836-5521 ..... vii
Crisis Text Line ..... vii
Mantra - UW Mental Health Support 24/7 ..... 1-888-531-2142 ..... vii
National Suicide Prevention Hotline ..... 800-273-8255 ..... vii
Northwest Connections ..... 1-888-552-6642 ..... vii
Suicide & Crisis Lifeline ..... 988 ..... vii
Veteran's Crisis Line ..... 800-273-8255(Press 1) ..... vii
**Substance Abuse Resources** ..... vii
Substance Abuse and Mental Health Services Administration ..... vii
**Chief Carrier's Welcome Letter** ..... 1
**Preparation of the Annual Security Report and Annual Fire Safety Report** ..... 2
**Clery Crime Statistics** ..... 3
**Unfounded Crimes** ..... 4
**University of Wisconsin-Eau Claire Campus Security Policies** ..... 4
University of Wisconsin-Eau Claire Police Role, Authority, and Training ..... 4
Campus Security Authority (CSA) ..... 5
Reporting Crimes ..... 5
Off Campus Safety & Security ..... 6

Voluntary, Confidential Reporting ..... 7
Professional Couselors, Pastoral Counselors, & Medical Practitioners ..... 8
**Timely Warning Reports** ..... 8
**UW-Eau Claire Emergency Procedures Guide** ..... 10
**Emergency Notification** ..... 14
Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System ..... 14
Determining the Appropriate Segment(s) of the Campus Community to Receive an Emergency Notification ..... 15
Determining the Contents of the Emergency Notification ..... 15
Procedures to Notify the Campus Community ..... 15
Procedures for Disseminating Emergency Information to the Larger Community ..... 15
Enrolling in the University of Wisconsin-Eau Claire Mass Notification System ..... 15
On-Campus Safety Services ..... 15
Missing Student Notification for Students in On-Campus Housing ..... 16
Emergency Response and Evacuation ..... 17
**Security and Access to University of Wisconsin-Eau Claire Facilities** ..... 18
Academic and Administrative Buildings ..... 18
Special Considerations for Residence Hall Access ..... 18
Special Considerations for Athletic Facility Access ..... 19
Special Considerations for Restricted Access Facilities ..... 19
Security Considerations for the Maintenance of Campus Facilities ..... 19
Informing Students and Employees of Campus Security Policies and Crime Prevention ..... 19
**University of Wisconsin-Eau Claire Policies Governing Alcohol and Other Drugs** ..... 21
Alcohol and Drug Abuse Programs and Interventions ..... 21
University of Wisconsin-Eau Claire Alcohol and Drug Policy ..... 21
Campus Discipline, University of Wisconsin System Code and Wisconsin State Law ..... 22
UWS 18.09 Alcohol and Drug Prohibitions ..... 22
UWS 18.15 Additional Statutory Penalty Provisions Regulating Conduct on University Lands ..... 23
Wis. Stats. 125.07 ..... 23
State of Wisconsin Uniform Controlled Substances Act ..... 25
Amnesty for Underage Alcohol Penalties for Certain Persons - 2015 Wisconsin Act 279 ..... 26
**University of Wisconsin-Eau Claire Hazing Policy** ..... 27
Hazing Definition and Reporting Process ..... 27
Prevention and Awareness Programming ..... 28
Report and Investigations ..... 28

**Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence, Sexual Exploitation, & Stalking** ..... 26
Definitions ..... 26
Educational Programs and Campaigns ..... 33
Primary Prevention and Awarenss Programs ..... 33
Bystander Intervention Programs and Risk Reduction ..... 34
Bystander Intervention Tips ..... 35
Protective Behaviors and Risk Reduction: What Everyone Can Do ..... 35
Signs of an abusive dating partner ..... 36
Procedures for Reporting Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Exploitation, or Stalking ..... 36
Crime Victim's Rights ..... 38
Restraining Orders and No Contact Orders ..... 39
Restraining Order ..... 39
Harassment Restraining Orders (HROs) ..... 39
Domestic Abuse Restraining Order (DARO) ..... 40
Child Abuse Restraining Order (CARO) ..... 41
Enforcing a Restraining Order ..... 41
University of Wisconsin-Eau Claire and Restraining Orders ..... 41
No-Contact Directives Issued by University of Wisconsin-Eau Claire ..... 42
Information About Sex Offenders ..... 43
University of Wisconsin-Eau Claire Protective Measures and Resource Notification ..... 43
Confidentiality ..... 44
On-Campus Confidential Resources ..... 46
Off-Campus Confidential Resources ..... 47
University of Wisconsin-Eau Claire Disciplinary Action for Sexual Harassment, Sexual Assault, Sexual Exploitation, Domestic Violence, Dating Violence, & Stalking ..... 47
Complaints Involving Allegations Occurring Before August 14, 2020 ..... 47
Complaints Involving Allegations Occurring Between August 14, 2020 and May 10, 2021 ..... 48
Complaints Involving Allegations Occurring on and after May 11, 2021 ..... 48
University of Wisconsin System Chapter 17: Student Non-Academic Misconduct ..... 48
UWS Chapter 17, Wis. Admin. Code: Student Nonacademic Disciplinary Procedures ..... 49
University of Wisconsin-Eau Claire's Student Disciplinary Process ..... 64
University of Wisconsin-Eau Claire's Employee Disciplinary Procedures ..... 69
UWS Chapter 4, Wis. Admin. Code: Procedures for Faculty Dismissal and Discipline in Title IX Cases ..... 70
UWS Chapter 7, Wis. Admin. Code: Procedures for Faculty Dismissal in Special Cases ..... 82

University of Wisconsin-Eau Claire Faculty Discipline and Dismissal for Cause ..... 85
UWS Chapter 11: Wis. Admin. Code: Procedures for Academic Staff Dismissal and for Discipline and Dismissal in Title IX Cases ..... 85
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 ..... 99
University of Wisconsin-Eau Claire Academic Staff Discipline and Dismissal for Cause ..... 107
UW System Administrative Policy 1233 (formerly GEN 14): Grievance Procedures ..... 107
University of Wisconsin-Eau Claire University Staff Discipline and Dismissal for Cause ..... 111
**2026 Annual Fire Safety Report** ..... 112
General Emergency Evacuation Procedures ..... 112
Fire Evacuation Procedures ..... 112
University of Wisconsin-Eau Claire Residence Halls ..... 113
*Residence Hall Fire Drills* ..... 113
*Residence Hall Judicial Code* ..... 113
*Prohibitions on Portable Electrical Appliances, Smoking, and Open Flames* ..... 113
*Candles/Incense* ..... 114
*Firecrackers/Fireworks* ..... 114
*Fires* ..... 115
*Smoking* ..... 115
*Procedures to use in Case of a Fire* ..... 115
Fire Safety Education and Training Programs for Students, Faculty, and Staff ..... 115
Fire Safety Education for Student Employees and Occupants of University Housing ..... 116
Fire Safety Training and Education for Staff ..... 116
Plans for Future Improvement in Fire Safety ..... 116
Fires Statistics for On-Campus Student Housing ..... 117
*2023 On Campus Residence Hall Fire Statistics* ..... 117
*2024 On Campus Residence Hall Fire Statistics* ..... 117
*2025 On Campus Residence Hall Fire Statistics* ..... 118
Residence Hall Fire Safety Report ..... 119

# Resources at a Glance

## Safety and Security

### UW-Eau Claire Police Department

Emergency……911
Office Number……(715)836-2222
Non-Emergency…… (715)839-4972
630 Hilltop Circle, Crest Wellness Center 119
Eau Claire, WI 54701
Police@uwec.edu
https://www.uwec.edu/police/

### UW-Eau Claire SafeWalk/SafeRide

Walking or Riding Escorts to or from a campus location
(715)836-3333
police@uwec.edu
https://www.uwec.edu/police/safewalk-saferide/

### City of Eau Claire Police Department

Emergency……911
Non-Emergency……(715) 839-4972
740 2nd Ave, Eau Claire, WI 54703
https://www.eauclairewi.gov/government/our-divisions/police-department

### Crime Stoppers……(715) 874-8477

Email: info@EauClaireCountyCrimeStoppers.org
Website:
http://www.eauclairecountycrimestoppers.org/

## Campus Offices

### Dean of Students Office……(715) 836-5626

Schofield Hall 240, 105 Garfield Ave
Eau Claire, WI 54701
dos@uwec.edu
https://www.uwec.edu/dean-of-students/

### Office of Human Resource……(715) 836-3131

Schofield Hall 226
105 Garfield Avenue
Eau Claire, WI. 54701
humanresources@uwec.edu
https://www.uwec.edu/human-resources/

### ASK Center……715-836-3131

Schofield Hall 230
105 Garfield Avenue
Eau Claire, WI. 54701
askcenter@uwec.edu

### University Housing……(715) 836-3674

Crest Wellness Center 222
630 Hilltop Circle
Eau Claire. WI. 54701
housing@uwec.edu
https://www.uwec.edu/campus-life/housing-dining/housing/

### Students with Disabilities ……(715) 836-5800

Centennial Hall 2106
1698 Park Avenue
Eau Claire, WI. 54701
ssd@uwec.edu
https://www.uwec.edu/equity-diversity-inclusion/edi-services-programs/services-for-students-with-disabilities/

## Title IX Contacts

### Title IX Coordinator

Ashley Fritz……(715) 836-5626
Schofield Hall 240
105 Garfield Ave
Eau Claire, WI. 54701
fritzam@uwec.edu
https://www.uwec.edu/affirmative-action/title-ix/

## Health Resources

### Student Health Services……(715)836-5360

Crest Wellness Center 150
630 Hilltop Circle
Eau Claire, WI 54701
shs@uwec.edu
https://www.uwec.edu/student-health-service/

### Marshfield Medical Center – Eau Claire……(715) 858-8100

2310 Craig Road
Eau Claire, WI. 54701
Marshfield Medical Center Website

Mayo Clinic Health System .....(715) 838-3311
1221 Whipple St.
Eau Claire, WI. 54701
https://www.mayoclinichealthsystem.org/

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

Center for Awareness of Sexual Assault CASA.....(715) 836-4357
Schofield 101
105 Garfield Avenue
Eau Claire, WI. 54701
casa@uwec.edu
https://www.uwec.edu/center-awareness-sexual-assault/

Sexual Assault Nurse Examiner (SANE).....715-838-3242
1221 Whipple Street, Eau Claire, WI 54703
https://www.mayoclinichealthsystem.org/locations/eau-claire

Family Support Center .....(715) 830-0188
24-Hour Crisis Line.....(715) 723-1138
Toll Free.....1-800-400-7020
familysupport@fsccf.org
https://www.familysupportcentercf.org/

Bolton Refuge House.....(715) 834-0628
Confidential victim advocacy including supportive listening, information and referrals, legal advocacy, emergency assistance, safety planning, support group, and medical advocacy.
PO Box 482 Eau Claire, WI 54701
director@boltonrefuge.org
https://www.boltonrefuge.org/

RAINN (Rape, Abuse & Incest National Network)
National Sexual Assault Hotline .....(800) 656-4673
www.rainn.org

## Mental Health Resources

Counseling Services.....(715) 836-5521
Appointments.....(715) 836-5521
Vicki Lord Larson Hall (Old Library) 2122
105 Garfield Ave, Eau Claire, WI. 54701
counsl01@uwec.edu
https://www.uwec.edu/counseling-services/

Crisis Text Line.....Text HOPE 741741
https://www.crisistextline.org/

Mantra – UW Mental Health Support 24/7
.....1-888-531-2142
Health Resources | UW-Eau Claire (uwec.edu)
Mental Health Services with tele-health

National Suicide Prevention Hotline...1 (800) 273-8255
Substance Abuse and Mental Health Services

Northwest Connections
24-hour line.....1(888) 552-6642

Suicide and Crisis Lifeline.....988
https://988lifeline.org/
Provides 24/7, free and confidential support to people in suicidal crisis or emotional distress.

Veteran's Crisis Line.....1 (800) 273-8255
or text 838255 for immediate help
U.S. Department of Veterans Affairs
www.veteranscrisisline.net

## Substance Abuse Resources

Substance Abuse and Mental Health Services Administration
National Helpline.....1 (800) 662-4357
www.samhsa.gov

## A Message from the Chief of Police

Dear Reader,

Originally known as the Campus Security Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires colleges and universities within the United States to release information pertaining to crime on and around their campuses. Enforced by the United States Department of Education, the law is dependent on an institution's participation in federal student financial aid programs, and it involves most institutions of higher education, both public and private.

This law was amended in 1992, adding a requirement that schools afford victims of campus sexual assaults certain basic rights. It was amended again in 1998 to expand the reporting requirements and was then also named the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in 1986. The Clery Act requires institutions of higher education to provide timely warnings of crimes that may represent a threat to the safety of students and employees. Campus security policies must also be made public according to the Clery Act. In addition, the law requires that annual crime data is collected, reported, and disseminated to the campus community and to the United States Department of Education.

The purpose behind the Clery Act is to provide accurate, complete, and timely information on campus security and safety so students and their families can make informed decisions. In accordance with the Clery Act, the University of Wisconsin-Eau Claire has prepared this report, "Annual Security Report & Annual Fire Safety Report," which contains the information previously mentioned. Furthermore, this report can also be used as a guide for campus security safety services, crime prevention strategies as well as fire safety information and fires reported on campus properties. Any inquiries about this report may be directed to me at (715) 836-2222 or carrieam@uwec.edu.

To learn more about Jeanne Clery and the Clery Act, please visit: https://clery.memberclicks.net/what-we-do. We hope you find this report to be helpful and informative.

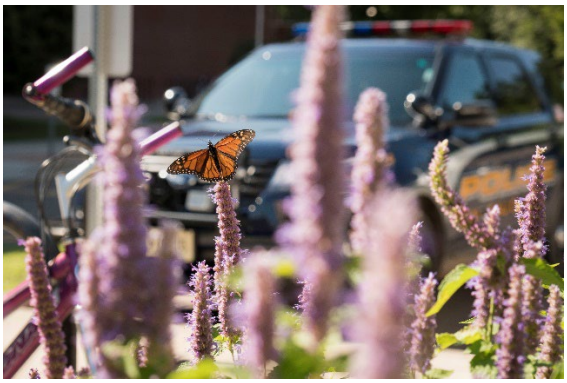
Sincerely,

Amanda Carrier

Amanda Carrier
Chief of Police
UW-Eau Claire



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



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

This report specifically shares campus disciplinary policies, relevant state laws, and policies related to sexual assault, domestic violence, dating violence, sexual exploitation, stalking, and campus safety and security. The Annual Security Report contains University of Wisconsin-Eau Claire crime, arrest, and referral statistics for the previous three calendar years including reporting crimes that occurred:

- on campus
- in certain off-campus buildings or on property owned or controlled by the University of Wisconsin-Eau Claire
- on the public property within, or immediately adjacent and accessible from campus.

The Fire Report contains current University of Wisconsin-Eau Claire fire safety protocols and fire statistics for the previous three calendar years.

This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites, including but not limited to, Counseling Services, CASA, and Housing/Residential Services. Each entity provides updated information on their educational efforts and programs to comply with the Act.

These statistics reflect crimes reported to the UW-Eau Claire Police Department by university students, faculty, and staff, as well as local law enforcement and various campus departments including, but not limited to, Counseling Services, CASA, and Housing/Residence Life. Additionally, statistics for cases forwarded to the Dean of Students Office that are offenses pursuant to The Clery Act will appear in this report. The Annual Campus Security Report is reviewed and updated annually as one cohesive document per the requirements of federal law.

The full text of this report can be located on our website at http://www.uwec.edu/police/. You will also be able to connect to our site via the UWEC homepage at http://www.uwec.edu/. Each year, an email notification is sent to all enrolled students, faculty, and staff concerning the institution's Annual Campus Security Report with an access link and an attachment of the document. Printed copies of the report may also be obtained at the UW-Eau Claire Police Department located in the Crest Wellness Center at 630 Hilltop Circle, Eau Claire, WI 54701, or by calling (715) 836-2222. All prospective employees may view a copy online http://www.uwec.edu/police/.

[1] 20 U.S.C. § 1092(f); 34 C.F.R. 668.46.

# Clery Crime Statistics

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

| OFFENSES | Year 2025 | | | | Year 2024 | | | | Year 2023 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | ON-CAMPUS PROPERTY | | Public Property | Non-Campus | ON-CAMPUS PROPERTY | | Public Property | Non-Campus | ON-CAMPUS PROPERTY | | Public Property | Non-Campus |
| | Residence Hall | Total On-Campus | | | Residence Hall | Total On-Campus | | | Residence Hall | Total On-Campus | | |
| **Murder/Non-negligent Manslaughter** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Manslaughter by Negligence** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Rape** | **4** | **7** | 0 | 0 | **5** | **5** | 0 | 0 | **8*** | **9*** | 0 | **0** |
| **Fondling** | **2** | **4** | 0 | 2 | **2** | **2** | 0 | 0 | **1** | **1** | 0 | 0 |
| **Statutory Rape** | **0** | **0** | 2 | 0 | **0** | **0** | 0 | 0 | 1 | 1 | 0 | 0 |
| **Incest** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Robbery** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Aggravated Assault** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Burglary** | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | **0** | **0** | 0 | 0 |
| **Motor Vehicle Theft** | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Arson** | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| **Hazing** | 0 | 0 | 0 | 0 | | | | | | | | |
| **VAWA OFFENSES** | | | | | | | | | | | | |
| **Domestic Violence** | 0 | 0 | 0 | 0 | 3 | 5 | 1 | 0 | 0 | 0 | **0** | 0 |
| **Dating Violence** | **11** | **11** | 0 | 4 | **5** | **9** | 0 | 0 | **5*** | **7*** | 0 | 0 |
| **Stalking** | **14** | **14** | 0 | 6 | **5** | **7** | 0 | 1 | **2** | **3** | 0 | 0 |
| **ARRESTS** | | | | | | | | | | | | |
| **Weapons** | 1 | 2 | **0** | 2 | 1 | 4 | **0** | 0 | 0 | **0** | 1 | 0 |
| **Drugs** | 1 | 2 | **1** | **5** | 1 | 5 | **1** | **0** | 0 | **0** | 1 | 1 |
| **Liquor** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **REFERRALS** | | | | | | | | | | | | |
| **Weapons** | **0** | **0** | 0 | 0 | **1** | **0** | 0 | 0 | 1 | 1 | 0 | 0 |
| **Drugs** | **31** | **39** | 2 | **9** | **39** | **42** | 1 | **9** | **32** | **49** | 0 | **0** |
| **Liquor** | **206** | **219** | **4** | **0** | **267** | **285** | **1** | **8** | **256** | **264** | 2 | **10** |
| **HATE CRIMES** | | | | | | | | | | | | |
| **Murder/Non-negligent Manslaughter** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Rape** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Fondling** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Statutory Rape** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Incest** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Robbery** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Aggravated Assault** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Burglary** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Motor Vehicle Theft** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Arson** | 1(s) | 1(s) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Larceny-Theft** | 0 | 0 | 0 | 0 | 1(s) | 1(s) | 0 | 0 | 0 | 0 | 0 | 0 |
| **Simple Assault** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Intimidation** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** | 0 | 0 |
| **Destruction/Damage/ Vandalism to Property** | **0** | **1(n)** | 0 | **0** | **2(s)(e)** | **2(s)(e)** | 0 | 1(s) | 0 | 0 | 0 | 0 |

* Data captures multiple incidents involving the same two parties.

**Hate Crime Key:** (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (G) Gender Identity

- Underage drinking is a civil offense in the state of Wisconsin, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations. For transparency, University Police issued 52 underage drinking citations in 2025.
- Unfound crimes are not included in Clery offense counts. In accordance with new guidance from the Department of Education, “Unfounded Crimes” are reported in aggregate.
- Crimes committed between roommates or former roommates, without a current or former intimate relationship, are not counted in “Domestic Violence” or “Dating Violence” statistics (VAWA, 34 CFR Part 668, 2014).

- In the spirit of transparency, in 2024, the UW-Eau Claire Police Department issued the following number of citations within Clery geography: Weapon Violations: **1**; Drug Abuse Violations: **11**; Liquor Law Violations: **58**. University Police issued **19** diversion referrals for Drug Abuse Violations.

# Unfounded Crimes

One reported crime was unfounded in 2023. Two reported crimes were unfounded in 2024. Two reported crimes were unfounded in 2025.

# University of Wisconsin-Eau Claire Campus Security Policies

## University of Wisconsin-Eau Claire Police Role, Authority, and Training

University of Wisconsin-Eau Claire Police protect and serve the University of Wisconsin-Eau Claire community with sworn and commissioned law enforcement personnel, on-call 24 hours a day, and 7 days a week. UW-Eau Claire Police officers have jurisdiction on campus and with-in the city of Eau Claire. Officers are armed.

We are a state-certified police agency commissioned with providing law-enforcement services for UW-Eau Claire at all times. Policing and arrest authority are granted to sworn officers by Wisconsin state statutes and the University of Wisconsin Board of Regents. We actively patrol with marked police vehicles, supported by bicycle and foot patrol officers whenever possible, providing 24-hour service to the campus community. In addition, we supplement our work force by hiring unsworn students during the school year for clerical assistance and Campus Safety Officer (CSO). The CSOs also provide SafeRide and SafeWalk services. The UW-Eau Claire Police Department is also represented on committees that address crisis response, sexual assault, domestic and dating violence, alcohol and other drug abuse, threat assessment, and traffic, bicycle, and pedestrian safety.

All officers have obtained law enforcement-related degrees and completed police recruit training as required by the State of Wisconsin before becoming employed with our agency. All University of Wisconsin-Eau Claire officers complete on-going, rigorous training.

The UW-Eau Claire Police maintain a working relationship with local, state, and federal law enforcement agencies to include the City of Eau Claire Police Department, Eau Claire County Sheriff's Department, Wisconsin State Highway Patrol, and the Federal Bureau of Investigation. The UW-Eau Claire Police Department has a signed memorandum of understanding with the City of Eau Claire Police Department for concurrent jurisdictional purposes. This understanding provides officers with all police powers and authority, including power to arrest, execution of search and arrest warrants, and any other powers granted to law enforcement officers within the City of Eau Claire. The UW-Eau Claire Police Department has a signed memorandum of understanding with the Eau Claire County Sheriff's Office as an affiliate of regional response teams including the Eau Claire County Regional SWAT team, Eau Claire Crisis Negotiator Team and the Child Abduction Response Team. The UW-Eau Claire Police Department shares the same records management software as the City of Eau Claire Police Department and the Eau Claire County Sheriff's Department. The UW-Eau Claire Police Department shares information with other police agencies nationwide through memberships in a wide network of organizations. This information sharing is used for criminal prosecutions and crime prevention techniques.

The UW-Eau Claire Police Department works in partnership with area law enforcement and the Wisconsin Department of Justice Division of Criminal Investigation to investigate some serious felony crimes. The UW-Eau Claire Police Department is a member of the West Central Drug Task Force, which investigates illicit drug trafficking offenses in the Chippewa Valley. The City of Eau Claire Police Department routinely communicates information about serious incidents occurring in neighborhood/business areas immediately adjacent to campus to the UW-Eau Claire Police Department. Local law enforcement agencies share reports of serious offenses committed by university students off campus with UW-Eau Claire to help coordinate disciplinary sanctions and monitor behavior.

The UW-Eau Claire Police Department coordinates emergency medical service protocols with the Eau Claire County Emergency Communications Center to assess and prioritize response to accidents and injuries. UW-Eau Claire Police transmit radio messages and utilize computer-aided dispatch via the Eau Claire County Emergency Communications Center to coordinate rapid response to emergency situations.

## Campus Security Authority (CSA)

Although we encourage the reporting of campus criminal activity directly to the University Police Department, in some instances members of the campus community may notify one of the other campus security authorities about a crime. CSAs are defined under the Clery Act as individuals at UW-Eau Claire who, because of their function for the University, have an obligation to notify the UW-Eau Claire Police Department of alleged Clery Act crimes that are reported to them, or alleged Clery Act crimes they may personally witness, by submitting an online Crime Report Form. CSAs are defined by their university function, not by job title. UW-Eau Claire has designated the following as CSAs:

| | |
|---|---|
| ARCC Advisors<br>Athletics (directors and coaches, compliance officer)<br>Barron Co.– director/chair, advisor<br>Blugold Central Frontline<br>Dean of Students Office (including clerical)<br>Directors/Dept. Chairs/Deans<br>Eclipse Program<br>Executive staff<br>Housing (Resident Directors, Resident Assistants) | Outside Entities – (security personnel, some vendors)<br>Parking Manager<br>Student Organizations Advisors<br>Student Health Services (health educator, clinicians)<br>**Student employees in:**<br>-University Police as Campus Safety Officers<br>-Housing students (front desk, security check points, residence halls)<br>-Dean of Students Office<br>-Blugold Central Frontline<br>University Police (all) |

Crimes/violations of the student code of conduct should be reported to the Dean of Students Office or the Title IX Coordinator to seek assistance or to begin a code of conduct investigation. The Dean of Students Office can be contacted at Schofield Hall 240, 715-836-2003. The Title IX Coordinator can be contacted at Schofield Hall 240, 715-836-4326. If requested, the Dean of Students Office or the Title IX Coordinator will provide assistance in notifying law enforcement of sexual assault, domestic violence, dating violence, stalking, sexual harassment, and sexual exploitation.

Crimes/violations of employment policies should be reported to Human Resources, which is located at Schofield Hall 226, 715-836-3131. If requested, Human Resources will provide assistance in notifying law enforcement of sexual assault, domestic violence, dating violence, stalking, sexual harassment, and sexual exploitation. Victims of sexual assault, domestic violence, dating violence, stalking, sexual harassment, and sexual exploitation who do not wish to report the crime to a law enforcement official, the Dean of Students Office, or the Title IX Coordinator are still encouraged to get help and support. Please see the Sexual Assault, Domestic Violence, Dating Violence, Stalking, Sexual Harassment, and Sexual Exploitation chapter in this report for more information.

## Reporting Crimes

This section discloses where students and employees should report crimes for institutional notification, including annual security report inclusion and timely warning/emergency notification evaluations.
University of Wisconsin-Eau Claire has a number of ways for campus community members to report crimes, serious incidents, and other emergencies to law enforcement and to appropriate University of Wisconsin-Eau Claire officials. Regardless of how and where you decide to report, prompt reporting allows university personnel to investigate and determine if additional follow-up is necessary, including a Timely Warning or Emergency Notification.

**Please report crimes to the following offices:**
University of Wisconsin-Eau Claire Police Department
630 Hilltop Circle, Crest Wellness Center 119
715.836.2222

University of Wisconsin-Eau Claire strongly encourages all crimes be reported to assure University of Wisconsin-Eau Claire can assess all security concerns and inform the community if there is a significant threat to the University of Wisconsin-Eau Claire community. The University of Wisconsin-Eau Claire encourages accurate and prompt reporting of all crimes to UW-Eau Claire Police Department when the victim of the crime elects to do so and encourages the community to report when the victim is unable to do so. UW-Eau Claire encourages accurate and prompt reporting of all crimes to UW-Eau Claire Police Department and/or Eau Claire Police Department.

Eau Claire County Crime Stoppers, 715-874-TIPS (8477) allows the public, students, faculty, and staff to anonymously report crimes seen and/or heard to the UW-Eau Claire Police Department http://www.eauclairecountycrimestoppers.org/. Other resources for anonymously reporting a crime include the Dean of Students, 715-836-5626 or https://www.uwec.edu/dean-of-students/.

In cases where health care practitioners provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a crime, the health care practitioner is not required to report the suspected crime or disclose any information that would indicate the patient was a victim of a crime. As health care professionals, they treat the patient with the utmost confidentiality, although they may encourage the patient to report the crime against them to the local or campus police.

## Off-Campus Safety and Security

The University Police Department is the primary responding agency for all non-campus property except for Pablo Center at the Confluence. These properties include The Sonnentag, Haymarket Landing, Bollinger Fields, and The Priory. University Police may be assisted at these locations by the Eau Claire Police Department (The Sonnentag, Haymarket Landing and Bollinger Fields) and the Eau Claire Sheriff's Office (The Priory). Statistics for these locations are included in this report under "non-campus property."

UW-Eau Claire is also required to report crimes that occur at non-campus buildings or property that are owned or controlled by student organizations officially recognized by UW-Eau Claire. UW-Eau Claire officially recognizes the following:

| **Sororities** | **Fraternities** |
|---|---|
| Alpha Xi Delta | Delta Sigma Phi |
| Sigma Sigma Sigma | Delta Tau Delta |

However, none of the student organizations have housing that is officially controlled by the Chapter, thus are not considered part of Clery geography. The Eau Claire Police Department would be the primary first responders at these locations. University Police sends a request to the Eau Claire City Police requesting reports for all incidents occurring at non-campus buildings while the University or student organizations are in control of the space. Any incident reported to Eau Claire City Police Department is included in our non-campus statistics.

Student members of fraternity and sorority governing boards should be in regular communication with their Advisor, if appropriate or other department/contact, regarding safety concerns and local ordinances. Greek organizations, per their national organization guidelines, are not allowed to have alcohol in Chapter housing. All four Chapters do host formal events, however, events in which alcohol is served must be held at off-campus locations. Licensed, third-party vendors are required to serve alcohol at these events. In addition, Chapters are required to have monitors that will remain sober for the entire event, be marked in some way to indicate their status at the event and regulate members that are in violation of the venue or Chapter regulations. Chapters planning on hosting these types of events are required to notify UW-Eau Claire's Greek Life Advisor. The Greek Life Advisor monitors event planning and ensures that events stay compliant with UW-Eau Claire policy, Blugold Code of Conduct, Chapter rules, and WI State laws.

Any alleged violations of conduct are reported to the Greek Life Advisor and Dean of Students Office. Violations of University policy or Blugold Code of Conduct are judicated by the Dean of Students Office. If the entire Chapter is investigated for misconduct, the Chapter is judicated by Student Senate's Student Organization Commission, with advisement from the Dean of Students Office and UW-Eau Claire's Senior Coordinator of Engagement and Student Organizations. Chapters also have their own judicial board systems to hold members accountable for misconduct during chapter events.

## Voluntary, Confidential Reporting

UW-Eau Claire maintains an online reporting form at uwec.edu/police/ to collect statistical information for the Annual Security Report and Annual Fire Safety Report for Title IX related incidents. The form does not require a name or contact information to be provided during submission. If the crime did not occur on Clery geography,[2] or it cannot be determined from the report whether the act occurred on Clery geography, it will not be included in the ASR.[3]

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending on the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. Filing a confidential report may allow the institution to pursue leads and investigations, while keeping your personally identifying information confidential. Reports filed in this manner are counted and disclosed in the Annual Security and Annual Fire Safety Report. In limited circumstances, the University may not be able to assure confidentiality and will inform you in those cases. You are able to report information through the Dean of Students office using the following link to access many reporting options https://www.uwec.edu/offices-services/dean-students-office/complaints-and-procedures,.

UW-Eau Claire does have a voluntary confidential reporting system. Eau Claire County Crime Stoppers, 715-874-TIPS (8477) allows university students, staff, faculty, and the public to report crimes seen and/or heard to the UW-Eau Claire Police Department.

[2] Clery Act, Department of Education, available at https://www2.ed.gov/admins/lead/safety/handbook.pdf

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

**Eau Claire County Crime Stoppers 715-874-TIPS**

| | |
|---|---|
| **Purpose** | Eau Claire County Crime Stoppers (ECCCS) is dedicated to creating a safer community through anonymous crime reporting and community education. ECCCS exists to provide support to law enforcement agencies within Eau Claire County through making funds available for rewards, helping develop a community offensive against crime, and encouraging the public to report crimes anonymously. |
| **Tips** | All tips are completely anonymous. Rewards are determined by the ECCCS Board and are determined based on type of crime, accuracy of information, value of property recovered, and whether or not an arrest was made. Tips can be made several ways: CALL: 715-874-8477 ON THE WEBSITE: www.eauclairecountycrimestoppers.org ON YOUR PHONE: Use the P3 Tips mobile app |
| **Donate** | ECCCS is a volunteer-run 501(c)3 non profit organization. All of our efforts, including rewards, are funded through the generous contributions of private individuals and corporate donors. We appreciate all donations to ECCCS and offer several sponsorship levels for our supporters, which can be viewed on our website. |
| **Stats** | According to Wisconsin State Crime Stoppers, since 1990 the local Wisconsin Crime Stoppers organizations have accounted for 7,435 arrests solving 7,945 outstanding cases, recovered $2.6 million in stolen property and confiscated $5.3 million in narcotics. $732,000 in rewards was paid to individuals providing information anonymously to solve those cases. |
| Find Us | www.eauclairecountycrimestoppers.org Eau Claire County Crime Stoppers on Facebook |

### Professional Counselors, Pastoral Counselors, & Medical Practitioners

Campus "professional counselors," and "medical practitioners", when acting as such, are not considered to be Campus Security Authorities and are not required to report crimes for inclusion in the ASFR or for a crime warning evaluation. Any Clery crime can be confidentially discussed with these employees and no crime statistic will be created in the ASR. UW-Eau Claire does not employ pastoral counselors.

Please see the chapter in this ASR entitled Sexual Assault, Domestic Violence, Dating Violence, Stalking, Sexual Harassment, and Sexual Exploitation for more information regarding official reporting and confidential resources for sexual assault, domestic violence, dating violence, stalking, sexual harassment, and sexual exploitation.

UW-Eau Claire encourages professional counselors, if and when they deem appropriate, to inform their clients of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## Timely Warning Reports

The UW-Eau Claire Police Department will issue "timely warnings" in the event of a Clery Act Crime that may pose a serious or ongoing threat to members of the community. These warnings may be issued for the following: arson; aggravated assault; criminal homicide; domestic violence; dating violence; robbery; burglary; motor vehicle theft, sexual assault, rape, fondling, incest, statutory rape; hate crimes; and stalking. UW-Eau Claire may also issue a timely warning for liquor, drug and weapon arrests or referrals that may cause a continuing threat to the community.

If it is determined that there is a serious or continuing threat, the UW-Eau Claire Police Department will send out a media release, mass e-mail, and/or do a web posting of the incident to help prevent similar crimes. This media release, mass e-mail, and/or web post of the incident will not contain any information that could potentially identify the victim(s). Their identities will remain confidential.

UW-Eau Claire Police Department or their designee has the authority to develop the content of a timely warning and authorize distribution using the guidelines listed below. In determining the appropriateness of a warning, the UW-Eau Claire Police Department or designee will consider the type of offense, location, nature of any threat and whether there is a continuing threat to the community or a continuing crime pattern. Some information may be withheld if there is a risk of compromising law enforcement efforts to investigate or solve the crime. Timely warnings will not identify by name the victim(s) of the crime. Timely warnings are issued as soon as the pertinent information is available to UW-Eau Claire Police Department.

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

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

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

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

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

Crimes and emergencies should be reported to the UW-Eau Claire Police Department. The UW-Eau Claire Police can be contacted by telephone and in person. For in-person reporting, please report to the UW-Eau Claire Police Department, located in 119 Crest Wellness Center at 630 Hilltop Circle, Eau Claire, WI 54701. The non-emergency phone number for the University of Wisconsin-Eau Claire Police is 715-836-2222, and in the event of an emergency, dial 911. Students are also encouraged to report crimes/violations of the student code to the Dean of Students: 240 Schofield, 715-836-5626. Students can also contact the Dean of Students if they would like assistance in contacting law enforcement.



## UW-Eau Claire Emergency Procedures Guide

### Bomb Threat

1. In the case of a bomb threat or discovery of a suspicious object, the decision to evacuate the building is made by a University Police Officer, Administrator, and/or building coordinator.
2. The decision to search a building is made by a University Police Officer.
3. If necessary, the University Police Office will contact Fort McCoy's Emergency Detonation Division at 608/388-2000 and/or the FBI at 715/835-3761 or 414/276-4684.
4. All persons responsible for a bomb threat/scare will be prosecuted under Wisconsin State Statute 941.31.
5. If a suspicious object or potential bomb is discovered, do not handle it, do not open any drawers or cabinets, or turn any lights on or off. Do not use elevators. Do not activate the fire alarm.
6. If a bomb threat is received by phone:
    a. Keep the caller on as long as possible and try to get answers to the following questions:
        1.) When will it explode?
        2.) Where is it located?
        3.) What kind of bomb is it?
        4.) What does it look like?
        5.) Why did you place the bomb?
        6.) Who are you? (Name)
    b. Do NOT hang up the phone-even if the caller hangs up.
    c. Make sure to record the time of call, age and gender of the caller, speech pattern, accent, emotional state of the caller, and background noise.

## Civil Disturbance or Demonstration

Most campus demonstrations such as marches, meetings, picketing and rallies will be peaceful and non-obstructive.
If any of the following conditions exists, contact the Dean of Students Office (715/836-5992) for assistance.
After normal business hours, call University Police (715/839-4972). The Office of the University Police will be responsible for contacting and informing the Dean of Students, Chancellor, and other offices and individuals as appropriate.

a. The disturbance / demonstration interferes with normal University operations.
b. The disturbance/demonstration prevents access of offices, buildings, etc.
c. There is a threat of physical harm to persons or damage to university property.

To manage civil disturbances or demonstrations, the University will follow procedures established under UWS Chapter 18.06 (23), Conduct on University Lands, and UWS Chapter 17, Student Non-academic Disciplinary Procedures.

## Disaster Recovery for Learning and Technology Services

The plan assumes that the University will continue uninterrupted operation and the administration process will be sustained. If an emergency/disaster has occurred which disrupts the Learning and Technology Service's equipment or facility, contact one of the following individuals:

**Kent Gerberich**
Chief Information Officer (CIO)
Director of Learning & Technology Services
715/836-3161

**Daren Bauer**
IT Director of Technical Support Services
715/836-5286

**LTS Help Desk**
helpdesk@uwec.edu
715/836-5711

## Evacuation Procedures

BUILDING EVACUATION

a. All building evacuations will occur when an alarm sounds and/or upon notification of University Police or the Building Coordinator.
b. When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same. Building alarms sound inside and outside of buildings. The alarm system should automatically notify an emergency dispatcher; however, you are still encouraged to report the emergency via telephone (911).
c. ASSIST PERSONS WITH MOBILITY CHALLENGES IN EXITING THE BUILDING! Remember that elevators are reserved for people with mobility challenges. In case of fire or explosion, DO NOT USE THE ELEVATORS. Assist people with mobility challenges out of the building.
d. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel.
e. DO NOT return to an evacuated building unless told to do so by an Emergency Official.
f. Evacuation of all or part of the campus grounds will be announced by University Police as directed.
g. Students and staff are to immediately vacate the site in question and relocate as directed.

It is suggested that keeping persons together by their naturally occurring groups, such as by classroom or residence hall floor and wing, provides the most natural and workable framework for "head counting."

## Explosion on Campus

1. Notify the Fire Department (911) immediately.
2. If necessary, or when directed to do so, activate the building alarm. Building alarms sound inside and outside of buildings. The alarm system should automatically notify an emergency dispatcher; however, you are still encouraged to report the emergency via telephone (911).
3. When the building evacuation alarm is sounded, an emergency exists. All rooms should be evacuated. Closing doors will help contain a fire. DO NOT LOCK DOORS.
4. ASSIST PERSONS WITH MOBILITY CHALLENGES IN EXITING THE BUILDING! DO NOT USE THE ELEVATORS.
5. Depending on the amount of damage, an Incident Command Center may be set up near the emergency site.

## Medical and First Aid

1. If a serious injury or illness occurs on campus, immediately dial 911.
2. Trained personnel are requested to give emergency care.
3. Keep personal safety in mind and use precautions to minimize contact with the victim's blood.
4.Time shall be allowed for training employees in emergency techniques—if their position description requires it.

## Fire

1. In all cases of fire, the Eau Claire Fire Department must be notified immediately (911).
If necessary, or when directed to do so, activate the building alarm.
CAUTION: The building alarms ring only INSIDE the building. The alarm system may not automatically notify an emergency dispatcher. Someone must report the emergency via telephone (911).
2. When the building evacuation alarm is sounded, an emergency exists. All rooms should be evacuated. Closing doors will help contain a fire. DO NOT LOCK DOORS.
3. ASSIST PERSONS WITH MOBILITY CHALLENGES IN EXITING THE BUILDING WHEN ABLE! DO NOT USE THE ELEVATORS.
4. Depending on the amount of damage, an Incident Command Center may be set up near the emergency site.

## Hazardous Substance Spill or Radiation Spill/Release

1. Any major spill of a hazardous substance or radioactive material must be reported immediately, first to the Eau Claire Fire Department (911) and then to Risk Management & Safety Manager at 715/836-4414
   **Key Contacts:**
   **Brian Drollinger**
   715/836-4414

   **Jeanine Zelinski**
   715/836-2728

2. Personnel on site should be vacated from the affected area. Seal off the contaminated area to prevent further contamination until the arrival of trained responders.
3. Persons who may be contaminated by a spill/release are to:
   a. avoid contact with others as much as possible,
   b. seek medical assistance, if necessary,
   c. remain in the vicinity, if able,
   d. give their name and contact information to University Police
4. Required first aid and cleanup by trained responders should be started at once.

## Flooding

University officials work closely with city of Eau Claire officials, Xcel Energy, the National Weather Service, and Eau Claire County Emergency Management operations to coordinate flood control efforts.

The UW-Eau Claire Police Dept. is in constant readiness for emergency service. Officers are available for traffic control, notification of the campus community, and patrolling affected areas to maintain security.

**IF FLOOD CONDITIONS OCCUR:**

The Emergency Flood Plan is maintained in the Facilities Management Office. If flood conditions have occurred, contact Facilities Management at 715-836-3411.

## Severe Weather / Tornado

SIREN ACTIVATION RESPONSE:

(Sirens will only sound for locations in the path of severe weather based on the National Weather Service data available at the time. Instead of issuing a warning for an entire County, they will issue it based on the path of the storm.)

ALERT MODE – campus initial response to sirens

- Use available means to find out more emergency or severe weather information (radio, television, weather alert radio, internet services, etc.)
- Communicate information to others
- Know where emergency/severe weather shelters are in your building
- TAKE SHELTER IMMEDIATELY – if severe weather is imminent at your location
- All persons should immediately seek shelter in the nearest designated severe weather or emergency shelter and assist in protecting the safety of others who may need assistance or direction.
- Go to the basement or an interior room of the nearest building, if the location of an emergency is unknown.
- Avoid rooms with large roofs. (auditoriums, gymnasiums, or similar large rooms), and
- Stay away from all windows and exterior doors

University Police will, if time permits, notify the Chancellor, Provost, and Vice Chancellors and Housing Director. These offices will in turn notify departments under their direction.

***Note***: The Eau Claire County Siren System is tested at 11:00 a.m. on the first Monday of each month.

## Student Crisis

This office will use the Emergency Operations Plan in the following situations:

- Alcohol related problems
- Crises arising from environmental or ecological disaster
- Death of a student, friend, or family member
- Discipline problems
- Drug related problems
- Mental health-related problems
- Serious injury
- Sexual assault
- Threats to the public welfare

If an incident involving a student has occurred, contact:

**University Police:**
715/839-4972 (non-emergency)
911 (emergency)

**Off-campus students:**
**Gregg Heinselman, Dean of Students**
715/836-5992 (w)

**Ashley Fritz, Associate Dean of Students**
715/836-4326 (w)

**On-campus students:**
**Deb Newman, Associate Director of Housing**
715/836-3674 (w)

***Note:*** Hall Directors and Resident Assistants are available around the clock.

## Suspicious Package

If a suspicious package is received, notify University Police immediately.

**Tips for identifying suspicious packages:**

- No return address
- Insufficient postage
- The addressee is not familiar with the name or address of the sender

- The addressee is not expecting a package
- Return address and postmark are not the same area Wrapped in brown paper with twine
- Grease stains or discolored paper
- Strange odors
- Foreign Mail, Air Mail, or Special Delivery
- Restrictive markings such as confidential, personal, etc.
- Excessive postage
- Incorrect titles
- Titles but no names
- Misspelling common words
- Excessive weight
- Rigid envelope
- Lopsided or uneven Protruding wires or foil
- Excessive securing materials such as masking tape or string
- Visual distractions, (i.e., brightly colored wrapping paper, bows, etc.)

### Violent or Criminal Behavior

***ACTIONS TO TAKE:***

1. Everyone is asked to assist in making the campus a safe place by being alert to suspicious situations and promptly reporting them. Remember, however, to always avoid personal risk.
2. All violent/criminal behavior should be reported by calling 911 as soon as possible.

***RULES:***

1. When a person has crossed from anger to rage do not attempt to control the person or the situation. He/she is in control.
2. The first 15 seconds in a violent situation are the most dangerous.
3. The passage of time increases the chance of a peaceful settlement.
4. The key to getting through the situation is to respond appropriately to the emotions you see.

### Utility Failure

All utility failures must be reported to Facilities Management as soon as possible:

- During normal working hours (7:30-4:30 Monday-Friday) call 715/836-3411.
- If utility failure occurs after hours, weekends, or holidays, notify the University Police Office at 715/836-2222 or 715/839-4972.
- If there is potential danger to building(s) and/or its occupants, call 911.
- If telephone service is not available, go to the University Police Office (Crest Wellness Center Room 119) and request them to contact facilities management.

Xcel Energy can also be contacted to help shut down the natural gas or electricity. They can be reached by calling 1-800-895-1999.

## Emergency Notification

UW-Eau Claire is committed to immediately notifying the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. UW-Eau Claire uses building alarms inside and outside of the building as the messaging system used to notify campus in case of an emergency. Text alerts and emails can also be sent. You can sign up for alerts at Emergency Management | UW-Eau Claire (uwec.edu). Emergency Notifications are also listed on the UW-Eau Claire home page, pop-up messages on all university computers connected to the campus network, and messages on digital signs in campus buildings.

In the event of an emergency, students and employees should seek a safe location, and residence halls will be secured. The Incident Management Team (IMT) will direct individuals to evacuate the premises, or stay in place, as appropriate. The on-scene IMT will be established by emergency services personnel to direct building evacuations, coordinate rescue operations, dispatch victims to local hospitals, and otherwise control the situation at the scene of the disaster. The IMT

will provide direct communication with area hospitals, emergency vehicles, police and fire personnel, and other local, county and state assistance agencies.

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

UW-Eau Claire Police Department, the university's first responders, typically confirm significant emergencies or dangerous situations involving an immediate threat to the health and safety of students and employees occurring on campus. These situations are confirmed through 911 dispatch information and/or upon arrival at the scene and they involve an imminent threat to life or bodily harm. UW-Eau Claire Police Department will be constantly evaluating and analyzing the situation, and in some cases, in communication and consultation with key administrative units, such as Facilities, Learning + Technology Services, Chancellor's Executive Team, and/or the local first-responder agencies, and public health agencies, and the National Weather Service.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students and employees occurring on campus, UW-Eau Claire Police Department will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of UW-Eau Claire Police Department compromise efforts to assist a victim or to contain, mitigate, or otherwise respond to the emergency. UW-Eau Claire Police Department will notify the Chief of Police who, if available will release an emergency notification. If the Chief of Police is unable to release the emergency notification they will notify the Director of Risk Management or LTS who will then release the notification.

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

Generally, when any significant emergency or dangerous situation involving an immediate threat to the health and safety of students and employees occurs, a message will go out to the entire campus community. There are situations where the emergency or dangerous situation is localized and will only require the notification of persons in a specific area of campus as that area of campus is the only area affected. This will be evaluated with the information known at that time regarding the threat. Additional notifications could occur to a larger area if the information changes or the situation widens in its area of coverage.

## Determining the Contents of the Emergency Notification

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information. The mass notification system may contain pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. UW-Eau Claire Police Department may select the most appropriate template or may tailor a specific message for the emergency. Emergency messages are written and sent by members of the UW-Eau Claire Police Department, along with designated staff within the Integrated Marketing and Communications Department and the Chancellor's Office. The information conveyed in the emergency message will be determined by the information known at that time.

## Procedures to Notify the Campus Community

In the event of a situation posing an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods may be activated in the event of an emergency. These methods of communications include:

- messages on the university home page
- pop-up messages on all university computers
- voice messages sent through fire alarm system and external public address speakers
- messages sent to all campus email addresses
- notifications sent to all cell phone numbers and non-university email addresses registered through Omnilert, UW-Eau Claire's emergency notification system

## Procedures for Disseminating Emergency Information to the Larger Community

If the campus activates its Emergency Notification in response to a situation that poses an immediate threat to members of the campus community, the UW-Eau Claire Police Department is responsible for sending the initial message. Updated information through the Emergency Notifications will come from the UW-Eau Claire Police Department, Integrated Marketing and Communications, or the Chancellors Emergency Response Team, and will notify the larger community about the situation and steps the campus has taken to address the emergency via email, social media and/or press releases.

## Enrolling in the University of Wisconsin-Eau Claire's Mass Notification System

We encourage employees and students to enroll in Omnilert. You can enroll by visiting the Emergency page and clicking on the Emergency Management | UW-Eau Claire (uwec.edu) and logging in with UW-Eau Claire username and password.

## On-Campus Safety Services

To promote a safe and secure campus environment, the UW-Eau Claire Police Department, in partnership with Housing and Residence Life, is offering a walking and riding safety escort program for all UW-Eau Claire students, faculty and staff. The SafeRide/SafeWalk program was developed by students for all Blugolds. The program is staffed with students, who are known as Campus Safety Officers (CSO). They are identifiable by their CSO yellow traffic vests. The SafeRide/ SafeWalk service will operate 7 days a week from 8:30 p.m. - 1:30 a.m. while classes are in session.

The UW-Eau Claire Police Department provides safety training for students, faculty, and staff. These include self-defense training using the RAD (Rape Aggression Defense) self-defense model and Response to Active Threat using the ALICE model. These trainings are advertised through the UW-Eau Claire Recreation website and taught by certified instructors from the department.

The Risk Management, Safety and Sustainability Department offers various safety trainings. These include First Aid/CPR/AED training for staff and certain student groups, 15 passenger van driving authorization, and many OSHA related trainings for employees.

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

The University of Wisconsin-Eau Claire has on-campus student housing facilities. As stated on UW-Eau Claire's Housing and Residence Life webpage, according to the Higher Education Opportunity Act, all institutions with on-campus student housing must have a missing student notification policy for students who reside in on-campus housing.

Upon enrollment and attending UW-Eau Claire, all students can designate a missing student contact person through the university. For students under the legal age of 18 and not emancipated, Housing and Residence Life is required to notify law enforcement and a parent or guardian if that student is deemed missing for more than 24 hours. The university is also required to notify the listed emergency contact after determining any student (residing on or off campus) is missing for more than 24 hours. A missing student notification must go into effect within 24 hours of determination that a

student who lives in on campus housing has been missing for 24 hours. Students' contact person information is confidential and accessible only to authorized campus officials. It may not be disclosed, except to law enforcement personnel in furtherance of a missing persons investigation.

If a student is reported to have been missing for more than 24 hours, the student's emergency contact will be notified, unless the student is under 18 years of age. If the student is under 18, the police will be called. If a Resident Assistant or Hall Director is notified initially, they will immediately notify Housing and Residence Life.

Once a student is reported to be missing, Housing and Residence Life will immediately notify the UW-Eau Claire Police Department, who will begin an investigation. Other relevant campus departments will also be notified as needed. Housing and Residence Life will inform the UW-Eau Claire Police Department if the missing person is under 18 years old and not emancipated.

| If under 18 and not emancipated: | If 18+ or emancipated: |
|---|---|
| Within 24 hours of determining the student is missing the Housing Central Staff Person will notify:<br>• law enforcement<br>• custodial parent(s) or guardian<br>• any additional contact person designated by the student | Within 24 hours of determining the student is missing, Housing Central Staff Person will notify:<br>• the emergency contact(s)<br>• law enforcement if needed |

When a Housing and Residence Life staff member has been notified of a missing student, they will take the following steps:

- Fill out a Missing Person Report with all available information
- Notify Housing Central Staff Member on Duty

Once the Housing Central Staff Member on Duty has been notified, they will:

- Confirm the Missing Person Report
- Do a check to see when the missing person's Blugold card was last used
- Contact the Dean of Students office to consult and for class attendance
- Notify Director of Housing and Residence Life
- Report to the UW-Eau Claire Police and/or emergency contact within 24 hours of receipt of notice if the student is not located

While law enforcement proceeds with the investigation, Housing and Residence Life will take the following steps:

- Ensure the police have the information they require
- File an incident report in the campus database
- Direct Housing staff to report any new information related to the missing student

Important phone numbers to know:

- Housing and Residence Life main office: 715-836-3674
- UW-Eau Claire Police: 715-836-2222

## Emergency Response and Evacuation

The UW-Eau Claire Police Department is the primary agency for responding to emergencies. They have staff on duty 24 hours a day/365 day a year and all emergencies are relayed to the UW-Eau Claire Police Department through the Eau Claire County Communications Center. The UW-Eau Claire Police Department may be assisted by the following agencies:

- Eau Claire Police Department
- Eau Claire County Sheriff's Office
- Eau Claire Fire Department
- Eau Claire County Emergency Management
- Other city, county, and state agencies

In addition to the UW-Eau Claire Police Department, the following individuals are involved in confirming/responding to emergency situations:

| Purpose | Official | Address | Phone Number |
|---|---|---|---|
| Student Health Services | Dir. Student Health Services | Crest Wellness Center, 630 Hilltop Circle #150 | 715-836-5360 |
| Emergency Preparedness Committee | University Police and Risk Management & Safety | | 715-836-2222 or 715-836-3131 |
| Emergency Notifications | UW-Eau Claire Police | Crest Wellness Center, 630 Hilltop Circle #119 | 715-836-2222 |
| Criminal Response | UW-Eau Claire Police | Crest Wellness Center, 630 Hilltop Circle #119 | 715-836-2222 |

### *Emergency Notification System*

- Omnilert is currently used to activate the Emergency Notification System
- Notification avenues currently activated by Omnilert include:
  - messages sent to all campus email addresses
  - notifications sent to all cell phone numbers and non-university email addresses registered through Omnilert
  - messages on the university home page
  - pop-up messages on all university computers
  - voice messages sent through fire alarm system and external public address speakers
  - pop-up messages on all university digital display boards

### *Drills, Exercises, and Training*

To ensure the Emergency Notification System (ENS) remains current and actionable, the campus conducts at least two announced scheduled drills and exercises of the ENS each year.

- Prior to each scheduled drill, information is distributed via email, campus newsletter, and social media to the campus community encouraging them to sign up through Omnilert for the non-university text/phone/email message portion of the ENS system
- Members of the Emergency Preparedness Committee are stationed across campus during each scheduled drill to evaluate the effectiveness and operation of the ENS
- A survey is sent to the campus community after each scheduled drill asking for feedback on how they were notified and whether aspects of the system worked in their area
- The Emergency Preparedness Committee evaluates their own observations, along with the survey results, after each scheduled drill
- Any deficiencies in the system are sent to the relevant department to correct

Each test/drill is documented with the date and time, and is recorded by the Emergency Preparedness Committee. This information is also regularly distributed in the Annual Security Report. The last two tests we had were: Thursday, February 5th, 2025, at 10AM, and Friday, September 12th, 2025, at 10AM.

In addition, UW-Eau Claire Learning and Technology Services (LTS) conducts monthly tests of portions of the ENS systems to ensure it is working properly.

# Security and Access to University of Wisconsin-Eau Claire Facilities

General access to and use of the facilities at University of Wisconsin-Eau Claire is governed by University of Wisconsin System Chapter 21, Wisconsin Administrative Code[4],

## Academic and Administrative Buildings

The University of Wisconsin-Eau Claire campus is open to faculty, staff, students, and the general public. The academic and administrative buildings are open to the public during normal business hours. Most facilities have individual hours, and the hours may vary at different times of the year. Access to these buildings is controlled by either key or card access after normal business hours, and all these buildings have varied levels of access. For information about the access protocol for a specific building, see the building manager or a department head. This information is identified here: https://www.uwec.edu/facilities/building-addresses-hours-coordinators/

## Special Considerations for Residence Hall Access

Authorized access to residence hall residential areas is restricted to residents, their approved guests, and other approved members of the UW-Eau Claire community. To ensure the safety of students and staff, the Office of Housing and Residence Life has instituted a Security program in each of the residence halls. Students will be required to use their IDs in card swipe units to access their residence hall during security times to confirm they live in that hall. A card swipe system was installed in all residence halls to increase security. To gain access into a residence hall building, all students need to swipe their Blugold Card or use their key fob for entry. The residence hall building access in buildings using ID card access is as follows:

**Between 9 a.m. and 10 p.m**. - All residence hall students will have access through the card swipe to enter all residence halls.

**Between 10 p.m. and 9 a.m.** - Only residents of their specified building may swipe to enter the building.

**Between 10 p.m. and 3 a.m. on Friday and Saturday** - The residence hall will have security stations set up to check IDs and register any guests let into the building. Towers Complex only also has security stations in place from 10 PM to Midnight Sunday through Thursday.

Guests of the residence halls include students from other residence halls, off-campus students, family or friends. In order to be checked into a hall during security hours, a guest needs to be with their host resident and must present a picture ID. Pertinent information will be recorded, and access to the residence hall will be granted. If a guest does not have a picture ID, no access will be given. As a host, the student resident of the hall is responsible for any guests that visit. All residents are cautioned against permitting strangers to enter the buildings and are urged to contact UW-Eau Claire Housing and Residence Life staff or the UW-Eau Claire Police Department in case of an unauthorized Residence Hall entry.

### *Karlgaard Towers Hall North and South*

Entrance to the first-floor lobby area is granted to all on-campus students to access the front desk for package pick up. Entrances are restricted by card access from the lobby area to the elevators and stairwells and only residents of Karlgaard Towers Hall will have access based on the hours and descriptions listed above.

[4] UWS 21, available at http://docs.legis.wisconsin.gov/code/admin_code/uws/21/01.

## Special Considerations for Athletic Facility Access

Athletic facilities are typically unlocked during regular business hours during the week, but may change with special events, holidays, or weekends. Hours are updated on the athletic websites at Hours | UW-Eau Claire (uwec.edu). After-hours use is controlled using card readers.

While open, facilities have the appropriate staff on duty to oversee operations conducted at that facility.

## Special Considerations for Restricted Access Facilities

University of Wisconsin-Eau Claire has several areas whose access require additional, specialized security measures always limiting access to only authorized persons.

## Security Considerations for the Maintenance of Campus Facilities

Security is provided in University of Wisconsin-Eau Claire's facilities through a number of mechanisms, including limitations on hours of operation, policies on keys, and restricting access to those bearing proper identification as university staff or students. Specific security mechanisms may vary with the type of university facility. Each building has a facility manager that reports issue or concerns. Burnt-out lights are handled through Facilities Management. Landscaping impacts on security are addressed during the design phase and are maintained to prevent overgrowth and promote safety. Campus sidewalks and parking lots are well lit for safety. University Police respond to building alarms and regularly patrol all buildings and property on campus and non-campus locations via vehicles and foot patrols. Any doors found unsecure are documented and secured by police officers after hours and buildings are checked for individuals that should not be present in UW-Eau Claire buildings after they close.

We encourage university staff and faculty to promptly report any security concerns, including concerns about locking mechanisms, lighting, or landscaping to Facilities Management at 715-836-3411.

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

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

Personnel from UW-Eau Claire Police Department and the Dean of Students are available to present to academic classes, residence halls, student organizations, and incoming international students regarding campus safety issues around crime prevention and security awareness upon request. Presentations highlight steps to enhance personal safety as well as community responsibility for creating a safer campus. Each fall term, all students are required to take Sexual Assault Prevention training. Completion of it is required under Title IX and supports our efforts to prepare students for the unique challenges and responsibilities of their new environment. The Gender & Sexuality Resource Center offers an in-person Bystander Intervention Training that provides education and resources to students, faculty and staff. Visit the GSRC Education and Professional Development page for training opportunities, Education and Professional Development | UW-Eau Claire.

Additionally, the UW-Eau Claire Police Department offers detailed information about crime prevention strategies on our website UW-Eau Claire Police | UW-Eau Claire (uwec.edu). This site includes educational information and crime prevention strategies including alcohol use/abuse, date rape drugs, identity theft, bicycle/pedestrian safety, personal safety suggestions, bicycle theft prevention tips, and general safety videos.

All students must also complete alcohol awareness training each fall semester of enrollment at UW-Eau Claire, incoming spring term students are required to take these trainings as well. These trainings address alcohol use and abuse, bystander intervention, sexual assault awareness, domestic/relationship violence, stalking, drugs, and theft prevention. Most are offered on an annual basis. If you or your program would like to request a specific training, please contact the Dean of Students Office or Housing and Residence Life.

In addition to formal training procedures, University of Wisconsin-Eau Claire also includes safety tips in its Timely Warning announcements and safety alerts. Posters and digital display boards on campus also address alcohol use and abuse, bystander intervention, sexual assault awareness, domestic/relationship violence, stalking, drugs, SafeRide and SafeWalk resources, and theft prevention.

### General Crime Prevention Tips

- Call the police at 715-839-4972 IMMEDIATELY if you see or hear something suspicious. Don't hesitate to dial 911 in an emergency. Be sure to tell them exactly where you are.
- Keep your possessions in sight at all times. Don't leave computers, cell phones, or electronics unattended.
- If you leave your office or room, even for a few minutes, lock the door.
- Be alert to potential danger. Trust your instincts.
- Walk with friends whenever possible or use SafeWalk/SafeRide. If jogging, walking, or biking alone, stay in well-lit and well-traveled areas.
- Shred documents you discard that contain personal information.

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

For information about tenant rights, please visit Eau Claire City-County Health Department's website. You have the right to the following:

- ✓ Have lights in all entrances. Have locks on the entrances to buildings and individual apartments.
- ✓ Have locks on the windows and alternate entrances such as balcony doors.
- ✓ Have a working smoke detector.

Contact your property manager if you do not have these legally mandated amenities.

## University of Wisconsin-Eau Claire Policies Governing Alcohol and Other Drugs

### Alcohol and Drug Abuse Programs and Interventions

UW-Eau Claire provides a variety of programs and interventions for drug and alcohol abuse. Confidential information, assessment, referral, and short-term counseling services are available for students at Counseling Services at 715-836-5521 or counsl01@uwec.edu. The Wisconsin Department of Health and Family Services has extensive programs and resources available for people struggling with substance abuse. Please visit their website at http://www.dhs.wisconsin.gov/substabuse. Insurance may affect your ability to use off-campus alcohol and other drug service providers, and UW-University of Wisconsin-Eau Claire urges all students and employees to have adequate insurance coverage.

Information about University of Wisconsin-Eau Claire's full compliance with the Drug Free Schools and Communities Act, including the descriptions of drug and alcohol abuse education and intervention programs, can be found at https://kb.uwec.edu/articles/alcohol-and-other-drug-policies#Drug.

## University of Wisconsin-Eau Claire Alcohol and Drug Policy

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

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

UWS 18.09(1), Wisconsin Administrative Code, prohibits the use or possession of alcoholic beverages on all university premises except as specifically permitted by institutional regulations. University of Wisconsin-Eau Claire has developed specific institutional regulations to permit the use and possession of alcoholic beverages by individuals above the minimum legal drinking age. Students and employees who fail to comply with University of Wisconsin-Eau Claire regulations are subject to disciplinary action.
This policy covers the possession or consumption of alcoholic beverages by any individual on institutional lands, at institutional facilities, and at all institutional events. This policy is applicable to events held both on and off campus, including those held in other municipalities, states, and nations. To view the policy, select Alcohol and drug prohibitions.

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

Violation of alcohol and drugs laws or policies by a student may lead to the imposition of a disciplinary sanction up to and including suspension or expulsion under s. UWS 17.09, Wis. Adm. Code. Alcohol and drug education programs are often used as a conduct sanction for alcohol policy violations committed by UW-Eau Claire students. For alcohol misuse, students may be referred to appropriate intervention programs to address high risk drinking practices among college students. For marijuana use, students may be referred to appropriate intervention programs to identify harm reduction strategies or minimize use. For drug or alcohol violations, students may also be required to meet with a licensed clinician for alcohol or drug abuse assessments. Student organizations or groups violating alcohol and drug policies, or laws may also be subject to discipline by University of Wisconsin-Eau Claire consistent with the Blugold Student Conduct Code. Violations of local, state, or federal laws may result in civil forfeitures or criminal prosecution.

University employees are also subject to disciplinary sanctions, up to and including termination from employment, for:

- violations of University of Wisconsin-Eau Claire alcohol and drug policies
- violations of local, state, and federal drug and alcohol laws occurring:
    - on university property or the worksite

[5] Wis. Stat. § 125.07(1)(a)(1).
[6] Wis. Stat. § 125.07(4)(a).

- during work time or in the course of their employment.

Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in:

- Wisconsin statutes
- administrative rules
- faculty and academic staff policies
- university staff policies and procedures.

Referral for prosecution under criminal law is also possible. In addition, violations of ss. UWS 18.09 and 18.10(1), Wis. Adm. Code may result in additional penalties as allowed under ch. UWS 18, Wis. Adm. Code.

## UWS 18.09 Alcohol and Drug Prohibitions

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

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

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

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

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

## Wis. Stats. 125.07

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

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

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

(a) Restrictions.

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

(b) Penalties.

1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.
2. A person who commits a violation may be:
   a. Required to forfeit not more than $500 if the person has not committed a previous violation within 30 months of the violation.
   b. Fined not more than $500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
   c. Fined not more than $1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
   d. Fined not more than $10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
3. A court shall suspend any license or permit issued under this chapter to a person for:
   a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
   b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
   c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.
4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.
5. A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to subd. 3. but is not subject to subd. 2. or s. 125.11.
6. 
   a. Notwithstanding subd. 1., in this subdivision, "violation" means a violation of par. (a) or of a local ordinance that strictly conforms to par. (a).

b. Subject to subd. 6. c., only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.

c. If a violation occurs on licensed premises and the violation is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

(4) UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.

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

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

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

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

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

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

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

1. For a first violation, a forfeiture of not less than $250 nor more than $500, suspension of the person’s operating privilege as provided under s. 343.30 (6)(b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.
2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than $300 nor more than $500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person’s operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (a) involved a motor vehicle the person’s operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.
3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than $500 nor more than $750, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person’s operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person’s operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.
4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than $750 nor more than $1,000, participation in a supervised work program or other community service

work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

(c) Any person violating par. (b) is subject to the following penalties:

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

## State of Wisconsin Uniform Controlled Substances Act

The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes, regulates controlled substances and 961.41 outlines specific penalties for the violation of the regulations. Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. The distribution of a controlled substance to a minor can lead to the doubling of an authorized sentence term.[7]

## 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.[8]
- 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

[7] Wis. Stat. § 961.46

[8] Wis. Stat. § 125.07(5)(b)1.

enforcement officer at a medical facility, the underage person cooperates with the officer and furnishes any requested information, unless the underage person lacks capacity to cooperate with the officer.[9]

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.[10]

If the underage person is a student at a UW System school, the board or an institution or college campus may not impose any of the following disciplinary sanctions against a student for the student's violation of s. 125.07 (4) (a) or (b), if the student is exempt from issuance of a citation for, or conviction of, the violation under the amnesty law[11]:

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

## University of Wisconsin-Eau Claire Hazing Policy

UW-Eau Claire Wisconsin promotes safe environments for our students, staff and faculty on and off campus. Hazing is illegal in the state of Wisconsin and prohibited at UW-Eau Claire. Any students participating in or promoting hazing are subject to both legal and university administrative consequences as stipulated by law and the Blugold Student Code of Conduct.

### Hazing Definition and Reporting Process

UW-Eau Claire defines hazing in accordance with the Wisconsin State statute **948.51 Hazing** and the federal Stop Campus Hazing Act. Hazing is a crime and is investigated and charged as such. The Wisconsin state statute and Blugold Code of Conduct states " **(1)** In this section "forced activity" means any activity which is a condition of initiation or admission into or affiliation with an organization, regardless of a student's willingness to participate in the activity.

**(2)** No person may intentionally or recklessly engage in acts which endanger the physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating in connection with a school, college or university. Under those circumstances, prohibited acts may include any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, forced confinement or any other forced activity which endangers the physical health or safety of the student.

**(3)** Whoever violates sub. (2) is guilty of:

**(a)** A Class A misdemeanor if the act results in or is likely to result in bodily harm to another.

**(b)** A Class H felony if the act results in great bodily harm to another.

**(c)** A Class G felony if the act results in the death of another.

Hazing may be reported to the Dean of Students using the **Hazing Report Form**, via phone or email (715-836-5626 or dos@uwec.edu), or to the UW-Eau Claire Police Department by calling the dispatch non-emergency line: 715-839-4972.All UW-Eau Claire students, organizations, clubs, athletics, recreation sports, Greek Life, staff, and faculty on - and

[9] Wis. Stat. § 125.07(5)(b)2.
[10] Wis. Stat. § 125.07(5)(c)
[11] Wis. Stat. § 36.35(4)

off campus - are expected to follow anti-hazing policies. Those not in compliance need to be reported and investigated. Students who have witnessed or have knowledge of possible hazing incident should immediately report the incident.

UW-Eau Claire hazing resources and the Campus Hazing Transparency Report may be found online, Hazing Resources | UW-Eau Claire.

## Prevention and Awareness Programming

The UW-Eau Claire Dean of Students office is responsible for updating or implementing hazing policies on campus. UW-Eau Claire follows the UWS Ch. 17 and WI Stat 948.51 in regards to hazing policy and the investigation of suspected incidents. The Dean of Students provides prevention and awareness programming for all students, faculty and staff. This programming advises individuals on campus that hazing is prohibited in all programs and university activities and how to report suspected incidents. This training also provides a brief description of the process, procedures and policy information regarding hazing while educating our campus community on bystander intervention, ethical leadership and teambuilding strategies without hazing. By the third week of class, all students are sent information regarding their Right to Know, which provides information and access to resources regarding hazing and other policies at UW-Eau Claire.

UW-Eau Claire clubs, organizations and Greek Life are required to read and sign off on hazing information every year. UW-Eau Claire organization presidents and treasurers are provided a presentation from the Dean of Students office to ensure the active groups on campus are educated and aware of UW-Eau Claire's anti-hazing policies. All individuals or groups at UW-Eau Claire can report hazing using the **Hazing Report Form** or by contacting the Dean of Students Office or the UW-Eau Claire Police Department.

## Reporting and Investigations

All Hazing Investigations are completed following UWS Ch.17 and WI Stat 948.51. Once a hazing report has been made, the Dean of Students reviews the information and begins investigating the report. Organizations themselves are investigated under the Student Orgs Conduct Process but individual students alleged to have been involved in hazing incidents will be investigated using UWS Ch. 17 processes and procedures. The incident report review is followed by a conference with any respondent(s), determination by investigating officer (DOS), and preparation of a report. From there, student respondents will receive the report and will have the right to appeal a determination of responsibility and/or a sanction. For enrollment restrictions, suspension, or expulsion, a hearing is required unless waived by the respondent. The UW-Eau Claire Police Department, Human Resources and additional departments are notified as needed regarding the Dean of Student's investigation.

When a complaint is received by the University Police Department the following occurs. A sworn police officer is assigned to complete a thorough investigation of the alleged crime. Once the investigation is complete and all evidence obtained meets the elements of the crime of hazing under Wisconsin State Statute 948.51, appropriate charges will be referred to the District Attorney's Office for review.

In compliance with the Stop Campus Hazing Act, UW-Eau Claire Dean of Student's office will publish our first Campus Hazing Transparency Report by the required deadline of December 23. This report will share information about hazing incidents reported to campus officials or local law enforcement and will summarize findings concerning any recognized or established student organization found to be in violation of UW-Eau Claire's standards of conduct relating to hazing. This report can be found along with additional hazing information and resources through the Dean of Student's website at Hazing Resources.

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

University of Wisconsin-Eau Claire 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.

University of Wisconsin-Eau Claire 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. University of Wisconsin-Eau Claire 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.[12]
- A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.[13]

### *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.[14]

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.[15]

[12] Wis. Stat. § 940.225(4)(b)
[13] Wis. Stat. § 940.225(4)(c).
[14] Clery Act, 34 CFR 668.46
[15] Wis. Stat. § 813.12(1)(ag).

### *Domestic Violence*

According to the Clery Act, "domestic violence" is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.[16]

### *Domestic Abuse; Domestic Abuse Restraining Orders and Injunctions[17]*

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.[18]

### *Domestic Abuse Incidents; Arrest and Prosecution[19]*

"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.[20]

### *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.[21]

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[16] Clery Act, 34 CFR 668.46
[17] Wis. Stats. § 813.12(1)
[18] Wis. Stat. § 813.12(1)(am).
[19] Wis. Stat. § 968.075
[20] Clery Act, 34 CFR 668.46
[21] 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

### *Incest*

According to the Clery Act, "incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.[22]

In the state of Wisconsin, people who are nearer of kin than 2nd 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.[23]

### *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.[24]

### *Sexual Assault*

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.[25]
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.

[22] 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
[23] Wis. Stat. § 765.03
[24] 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
[25] 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.[26]

### *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.[27]

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.[28]

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.[29]

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.[30]

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.[31]

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.[32]

### *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

[26] Wis. Stat. § 940.225(1-3m).
[27] Wis. Stat. § 948.02(1)(am)
[28] Wis. Stat. § 948.02(1)(b)
[29] Wis. Stat. § 948.02(1)(c)
[30] Wis. Stat. § 948.02(1)(d)
[31] Wis. Stat. § 948.02(1)(e)
[32] Wis. Stat. § 948.02(2)

years, is guilty of a Class A misdemeanor if the person has not attained the age of 19 years when the violation occurs.[33] 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.[34] In the state of Wisconsin, the statutory age of consent for sexual intercourse is 18 years of age.[35] 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.[36]

### *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.[37]

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[38]:

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
4. Appearing at the victim's home or contacting the victim's neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.

6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.

7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
10. Causing a person to engage in any of the acts described in subds. 1. to 9.[39]

[33] Wis. Stat. § 948.093
[34] 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
[35] Wis. Stat. § 948.09
[36] Wis. Stat. § 948.09
[37] Violence Against Women Act, 34 CFR 668.46(c)(1)(iv)
[38] Wis. Stat. § 940.32
[39] Wis. Stat. § 940.32(1)(a).

*Sexual Harassment; UWS Ch 4 and 11*

**"**Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following[40]:

(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:[41]:

(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 include[42]:

(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.

[40] UWS Ch 4.015(10) and Ch. 11.015(10), Wisconsin Admin. Code.
[41] UWS Ch. 17.151(1)(a)-(b),, Wisconsin Admin. Code.
[42] UWS, Wisconsin Admin. Code.

(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.

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[43]:

(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.

[43] UWS Ch. 17.151(6), Wisconsin Admin. Code.

## Educational Programs and Campaigns

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

University of Wisconsin-Eau Claire is committed to providing educational primary prevention and awareness programs for its students and employees. Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcomes that are intended to stop sexual harassment, dating violence, domestic violence, sexual assault, sexual exploitation, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.[44] Awareness programs are defined as community wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety, and reduce perpetration.[45]

## Primary Prevention and Awareness Programs

At University of Wisconsin-Eau Claire, we continuously work to change the culture that permits sexual violence and harassment through a number of institutional and student-led campaigns, including Blugold Welcome Week and Sex Signals.

UW-Eau Claire has a number of primary prevention programs, including online training for all incoming students through a systemwide online student sexual assault prevention training. Annually required online trainings for enrolled students are: Sexual Assault Prevention for Undergraduates, Sexual Assault Prevention for Graduate Students, Sexual Assault Prevention for Adult Learners.

UW-Eau Claire implements annual educational programs and campaigns to promote the awareness of sexual harassment domestic violence, dating violence, sexual assault, sexual exploitation, and stalking for students through the culturally relevant, diversity-inclusive, sustainable, online training programs. All incoming freshman and transfer students are trained with online sexual assault prevention training which is Sexual Assault Prevention by Everfi. This program engages students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs.

UW-Eau Claire also provides information on communitywide and audience-specific programming, in addition to the programs mentioned above such as programming to NCAA communities under the NCAA's adoption of new athlete and staff training requirements.

Employees also undergo extensive training for sexual assault reduction and prevention. In 2015, UW System adopted an online sexual assault prevention training for all new employees, as well as a "train-up" program every three years.[46]

[44] 34 CFR 668.46(j)
[45] 34 CFR 668.46(j)
[46] UW System Task Force on Sexual Violence and Harassment Report (2015), 19, available at https://www.wisconsin.edu/sexual-assault-harassment/download/UWS-SVH-Report.pdf.

Employees who are both students and system employees, contact Title IX Coordinator or Dean of Students.

## Bystander Intervention Programs and Risk Reduction

UW-Eau Claire is committed to providing bystander intervention strategies. In addition, all employees and students can engage as a proactive bystander, identify signs of an abusive dating partner, or engage in protective behaviors and risk reduction techniques by adopting the tips below:

- There are several trainings offered through the Gender & Sexuality Resource Center. Information regarding Bystander Intervention Training and Safe Space Training can be found here.

You can play a vital role in the prevention of sexual assault and sexual violence by being able to identify unsafe situations and knowing when and how to intervene safely. UW-Eau Claire provides bystander intervention training, please contact the Dean of Students for information about upcoming training. The National Sexual Violence Recourse Center provides free online education on the role of bystanders in preventing sexual violence. For more information contact the UWEC Center for the Awareness of Sexual Assault or visit the PreventConnect website for online training resources: http://www.preventconnect.org/

## Bystander Intervention Tips

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

- Be active in supporting a safe and respectful community. If you see others engaging in disrespectful or inappropriate actions, speak up and get involved, or contact someone to assist.
- Listen for rape jokes and sexist language. You don't have to laugh or participate.
- If you see someone who looks to be in immediate danger, call 911.
- You can intervene even after an assault. Learn what options sexual assault victims have available to them on this campus and be supportive of their choices.
- If you're a bystander and see someone behaving in a way that seems suspicious, be direct and step in and do something about it, such as distracting their attention away from a potential victim. If you don't feel comfortable or safe confronting them, call 911.
- If you sense something is wrong, don't ignore it. You can help by getting involved. Check-in and ask, "Hey, do you know this person?" or, "Are you OK?" or, "Can I call a friend to walk you home?"
- It can feel awkward to step in and say something if you notice harmful behavior, but often all it takes is a brief introduction. Let the potential perpetrator know their actions are noticeable with a simple, "Hey, do I know you? Aren't you in Tuesday Chemistry section?"
- When you go out, consider going out as part of a group. People tend to step in and intervene in situations when they have friends who will back them up.

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

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

- Have healthy, open, and ongoing conversations with your partner or potential partner about sex and sexual contact. Talk about your boundaries and what behaviors you both feel comfortable, and uncomfortable, engaging in.
- The next time you hear yourself talking about gender or sex in a derogatory way, stop. Speak up when you hear others talk this way—no matter their gender.
- Read or listen to the personal story of a survivor of violence.
- Make sure you have enthusiastic, affirmative, and ongoing consent from your partner. Consent is a clear and freely given yes, not the absence of a no.
- Consent to one act does not mean consent to other acts. Communicate and be responsive. You must continually get consent for sex. If someone seems not okay with what's happening, it is your responsibility to check in.
- Understand your partner's limits and communicate your own limits clearly when you have sex. Don't engage in sexual activities without affirmative consent from your partner.
- Sexual assault is most commonly perpetrated by someone the victim knows such as a date or acquaintance and not by a stranger.
- People who are incapacitated by alcohol or drugs cannot give consent. Signs of incapacitation may include—but are not limited to:
    - throwing up
    - slurring words
    - stumbling
    - not being able to remember conversations
- Do not pressure others to drink or use drugs and be alert to people pressuring you or others to use.
- Alcohol and drugs are often used to create vulnerability to sexual assault. Studies of sexual assault incidents show a high correlation between sexual assault perpetration, victimization, and drug/alcohol usage.
- Some sex offenders target people by using alcohol as a weapon. Get your own drinks; don't let someone continually fill your cup. Don't leave your drink unattended.
- Use and encourage others to have a companion or a safe means of getting home. Call the SafeWalk/SafeRide program at 715-836-3333 to or from a location on campus. For hours and additional information visit: https://www.uwec.edu/police/safewalk-saferide/
- Tell someone if an authority figure pressures you to engage in sexual activity.
- Understand that crime victims are never responsible for the behavior of perpetrators.
- Tell someone if you've been sexually assaulted or victimized – there are resources available to help.

## Signs of an abusive dating partner

An abusive dating partner may include someone who:

- calls you names, insults you or continually criticizes you.
- does not trust you and acts possessive or jealous.
- tries to isolate you from family or friends.
- takes your possessions to punish you and refuses to return them.
- monitors where you go, who you call, and who you spent time with.
- controls finances or refuses to share money.
- punishes you by withholding affection.
- expects you to ask permission from them to do what you want to do.

- threatens to hurt you, your family, your pets, or your belongings.
- threatens and/or uses a weapon against you.
- has ever forced, coerced, or manipulated you into having sex or performing sexual acts.
- accuses you of cheating or is often jealous of your relationships with others.
- traps you in your apartment or residence hall room and keeps you from leaving.
- social media messages, Facebook messages, tweets, text messages, and/or calls you obsessively to find out where you are and what you are doing.

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

| Offense | Contact | Location | Phone |
|---|---|---|---|
| **Criminal Reporting** | **UW-Eau Claire Police** | 119 Crest Wellness Center | Emergency: 911<br>Non-Emergency: 715-839-4972 |
| **University Administrative Reporting** | **For Students**: Dean of Students | 240 Schofield Hall | 715-836-4326 |
| | **For Employees**: Human Resources | 226 Schofield Hall | 715-836-3131 |
| | **For everyone**: Title IX Coordinator | 240 Schofield Hall | 715-836-5626 |

University of Wisconsin-Eau Claire encourages victims of sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, and or stalking to report the incident immediately to University of Wisconsin-Eau Claire Police Department at 715-836-2222 or by calling 911. In addition to law enforcement, individuals may also report sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, and/or stalking to UW-Eau Claire through UW-Eau Claire Police Department. Following a report of sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, and/ or stalking to UW-Eau Claire, whether the offense occurred on or off-campus, UW-Eau Claire will provide the student or employee a written explanation of the student's or employee's rights and options. All victims have the right to be accompanied by a person of their choosing, including a victim advocate, when they file a report, and to any meetings related to institutional disciplinary proceedings.

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

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

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

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

- The preservation of evidence may strengthen investigations, which may result in a better chance of holding the accused responsible or obtaining a restraining order. (Evidence may include the clothing worn at the time, a record of threatening text messages and emails, and bodily fluids.)
- A Sexual Assault Nurse Exam (SANE) can be obtained free of charge and without notifying UW or law enforcement. Information on how to obtain SANE can be found here:
    - Center for Awareness of Sexual Assault
- Although it is best not to shower, even if a victim has showered and changed clothes, a police report can be filed and/or medical exam can be obtained.
- Campus officials are required to provide information about options and assist in contacting law enforcement personnel if requested.
- Filing a report will generally involve an interview with a law enforcement officer. You may request an officer of the gender you feel most comfortable with to take your statement.

## Crime Victim's Rights

In the state of Wisconsin, individuals who are the victims of a crime, and who report that crime to the police, are entitled to certain protections.[47] These rights include the general right to:

- be "treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies"[48]
- attend court proceedings[49]
- "receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts"[50]
- "be informed of financial assistance and other social services available as a result of being a witness of a crime"[51]
- be accompanied by a victim advocate to law enforcement interviews;[52] and at interviews and proceedings related to the crime.[53]

[47] Wis. Stat. Ch. 950.
[48] Wis. Stat. § 950.04(1v)(ag).
[49] Wis. Stat. § 950.04(1v)(b).
[50] Wis. Stat. § 950.04(2w)(c).
[51] Wis. Stat. § 950.04(2w)(d).
[52] Wis. Stat. § 950.045(1).
[53] Wis. Stat. § 950.045(2).

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

In addition to the rights given by federal and state law, UW-Eau Claire is committed to ensuring that victims of violence also have the following rights:

- The right to a victim advocate of their choosing. For additional information and resources about victim advocacy, services on campus, and in the community, see Dean of Students Office (715-836-5626), Center for Awareness of Sexual Assault [715-836-HELP (4357)] and Eau Claire County Office of Victim Services (715-839-4795).
- The right to access sexually transmitted infection (STI) testing and treatment, emergency contraception, and pregnancy testing.
- The right to be informed of and have access to their own medical, mental health, Sexual Assault Nurse Examiner, campus disciplinary, and victim advocacy services.
- The right to not be punished for underage drinking if reporting a sexual assault or other crime per UW-Eau Claire Responsible Action Guidelines.
    - "In those cases where a student has been a victim of sexual assault and/or a violent crime while under the influence of alcohol, neither the Dean of Students, University Housing nor UW-Eau Claire Police will pursue disciplinary actions against the student victim (or against a witness) for his or her improper use of alcohol (e.g., underage drinking). A student victim who is under the influence of alcohol at the time of a sexual assault is entitled to university and community assistance and encouraged to seek help." For more information, visit: Policies: Responsible Action Guidelines.
- The right to have options for offering their testimony in a campus disciplinary hearing, including via phone or video conference.
- UW-Eau Claire will disclose to the victim of a crime of violence or non-forcible sex-offense, the results of any disciplinary hearing conducted by UW-Eau Claire against a student who is an alleged perpetrator of such crime or offense. If the victim is deceased as a result of the crime or offense, UW-Eau Claire will provide the results of the disciplinary hearing to the next of kin of the victim, if requested in writing.

## Restraining Orders and No Contact Orders

The following 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 Restraining Orders In Wisconsin. You will want to look at our local District Attorney's website for additional, and more detailed, information.

https://www.co.eau-claire.wi.us/our-government/departments-and-facilities/department-directory/clerk-of-courts/restraining-orders

## 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.[54]

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. On the UWEC campus, CASA can assist with this process and provide information. 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.[55]

## 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.

[54] Wisconsin Department of Justice (2017). Restraining Orders, available at https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders.

[55] WCASA. Restraining Orders for Sexual Assault Victims, available at Civil Legal Needs of Survivors | WCASA

## Domestic Abuse Restraining Order (DARO)

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

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

### *Who can file?*

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

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

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

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

### *Remedies:*

The respondent can be ordered to:

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

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

## Child Abuse Restraining Order (CARO)

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

- sexual assault (1st – 4th degree)
- sexual assault of a child (1st and 2nd degree)
- repeated acts of sexual assault

- sexual exploitation of a child
- permitting, allowing, or encouraging a child to engage in child prostitution
- causing a child to view or listen to sexual activity
- causing child to expose or exposing genitals or pubic area to a child
- emotional damage
- physical injury
- threats to engage in this conduct.

*Who can file?*

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

*Against whom can the CARO be granted?*

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

*Remedies:*

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

## Enforcing a Restraining Order

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

## University of Wisconsin-Eau Claire and Restraining Orders

UW-Eau Claire 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-Eau Claire should contact the Dean of Students office and the UW-Eau Claire Police Department. Employees who have a court issued restraining order should notify the UW-Eau Claire Police Department. 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 UW-Eau Claire Police, please call 911 immediately.

## No-Contact Directives Issued by University of Wisconsin-Eau Claire

One tool University of Wisconsin-Eau Claire 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 Dean of Students 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.

Notices of the no-contact directive are sent to one or more of the following departments Title IX Coordinator, University Police, Housing and Residence Life, Dean of Students. 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.

### *Employees*

Supervisors, in consultation with Human Resources staff, have the authority to regulate workplace behavior of Academic and University staff, and the Provost may regulate faculty, as long as there is a work-related reason for doing so. The Title IX Coordinator may also issue a no contact directive for any employee. No contact directives are typically issued in a letter to the recipient. UW-Eau Claire may issue no-contact directives to employees when appropriate circumstances arise. Circumstances under which a no-contact directive may be issued include, but are not limited to, pending disciplinary investigations. A no-contact directive may limit an employee's contact with another employee, a student, or other member of the University community or limit an employee's contact with a work location for a length of time determined by the employee's supervisor or the Provost. The following types of contact may be prohibited by a no-contact directive: face-to-face/in person, telephone, e-mail, text message, social networking sites, written communication, video and other electronic communication, and contact through third parties. Violation of a no-contact

directive issued by UW-Eau Claire 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:

- Dean of Students
- Title IX Coordinator
- Housing and Residence Life
- Office of Human Resources

### *Enforcing a University of Wisconsin-Eau Claire No Contact Directive*

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

## Information About Sex Offenders

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

In Wisconsin, convicted sex offenders must register with the Department of Corrections; a registry can be found at https://appsdoc.wi.gov/public. The Wisconsin Department of Corrections supplies information to UW-Eau Claire Police Department regarding registered sex offenders who are enrolled or employed at UW-Eau Claire. This information can also be found at https://www.uwec.edu/police/resources/sex-offender-information/.

## University of Wisconsin-Eau Claire Protective Measures and Resource Notification

UW-Eau Claire will provide written notification about options for protective measures to victims [and respondents] who report sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, or stalking. There are a range of protective measures available upon request by the victim, including changes to academic, working, transportation, and living situations when reasonably available. UW-Eau Claire may also issue a directive ordering the alleged offender(s) and victim not to have contact with each other. Protective measures are developed on a case-by-case basis in response to the request and concerns of the victim. The measures can be ongoing and independent from the outcome of a disciplinary action. The Dean of Students Office, 715-836-5992, can assist in the creation of a safety plan, if requested. For more information about institutional no-contact orders and how to request accommodations, please see the Restraining Orders and No Contact Orders section of this document.

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

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

Typically, the Institution determines whether or not to provide a requested accommodation though the Title IX Coordinator may also provide direction and assistance.

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

| Students or Employees? | Contact | Location | Email | Phone |
|---|---|---|---|---|
| **For Students** | University Housing | 222 Crest Wellness Center | housing@uwec.edu | 715-836-3674 |
| | Dean of Students | 240 Schofield Hall | dos@uwec.edu | 715-836-5626 |
| **For Employees** | Human Resources | 226 Schofield Hall | humanresources@uwec.edu | 715-836-3131 |
| **Additional Resources** | Counseling Services | 2122 Vicki Lord Larson Hall | Counsl01@uwec.edu | 715-836-5521 |
| | University Police | 119 Crest Wellness Center | police@uwec.edu | 715-836-2222 |

Students and employees who report sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, or stalking on or off campus, to UW-Eau Claire will be provided written information about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims at the institution and within the community. This information is also provided to all students and employees through this ASR.

UW-Eau Claire will provide written notification to victims about requesting accommodations and protective measures available for their academic, living, transportation, or working situations. The notification will be provided regardless of whether the offense occurred on or off campus. Regardless of whether the victim chooses to report the crime to campus police or local law enforcement, UW-Eau Claire is obligated to comply with the above and will provide protective measures or accommodations if the victim requests them as long as the measures or accommodations are reasonable. This information is also provided to all students and employees through this ASR.

## Confidentiality

UW-Eau Claire will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

In an effort to protect victim safety and privacy, UW-Eau Claire maintains information about sexual violence in a secure manner. When the University is notified of an incident, University of Wisconsin-Eau Claire will balance the victim's request to keep identifying information confidential with Title IX's mandate to investigate hostile environments.

To the extent permissible by law, UW-Eau Claire will try to keep victim and necessary party information private. However, confidentiality cannot be guaranteed unless that information is reported directly to one of the confidential resources listed. UW-Eau Claire will strive to confidentiality maintain any accommodations or protective measures

provided to the victim but keeping victim information confidential may limit UW-Eau Claire's ability to provide accommodations or protective measures.

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

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

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

For Clery Act reporting and disclosures, a victim's name and personally identifying information will never appear in a Timely Warning, on the Daily Crime Log or in the ASR. UW-Eau Claire will not publicly release personally identifiable information regarding a victim. We will redact a victim's identifying information when responding to requests for information pursuant to the Wisconsin Public Records law. UW-Eau Claire also will not disclose identifiable information about research subjects if prohibited by:

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

UW-Eau Claire must respond to valid subpoenas unless prohibited by other applicable law and may not be able to redact information when responding to a subpoena.

Other licensed healthcare providers, counselors, and social workers employed by the UW-Eau Claire follow the confidentiality requirements of their profession when they are providing care to a patient or a client.

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

## On-Campus Confidential Resources

Students and Employees can contact the following resources on-campus confidential resources:

**(CASA) Center for Awareness of Sexual Assault**
Confidential victim advocacy that offers a supportive space to talk about any issues surrounding sexual assault, dating violence, harassment, or concerns for someone close to them
Schofield Hall, room 101, 124 Garfield Ave., Eau Claire, WI 54701
Crisis Line: 715-836-4357
Email: casa@uwec.edu | Website: https://www.uwec.edu/offices-services/center-awareness-sexual-assault

**UWEC Counseling Services** (for students only)

Confidential counseling service that offers emotional support, support groups, couples counseling, and information/referral. Counseling services also offers Telehealth services through a third party vendor, Mantra Health. Telecounseling, telepsychiatry, coaching, and offer a 24/7 crisis line.
Vicki Lord Larson Hall (Old Library) 2122
For appointments: (715) 836-5521
Crisis Line: 1-888-552-6642
Email: counsl01@uwec.edu | Website: https://www.uwec.edu/counseling-services/

**Student Health Service**
Medical services including physical exams (not medical forensic exams), emergency contraception, sexually transmitted infection (STI) screen, and pregnancy testing.
630 Crest Wellness Center, 630 Hilltop Circle, Eau Claire, WI 54701
Phone: 715-836-5360
Email: shs@uwec.edu | Website: https://www.uwec.edu/student-health-service/

**Employee Assistance Program (EAP), Office of Human Resources (Employees only)**
Effective January 1, 2021, the Employee Assistance Program (EAP) vendor Acentra Health. The EAP is a free, confidential program available to you and the family members living in your household. You can contact Acentra Health for assistance with:

- Emotional Situations: relationships, parenting, grieving
- Work/Life Challenges: childcare, elder care, adoption
- Legal and Financial Circumstances: managing expenses or debt, preparation of simple wills, child custody or child support

You may contact Acentra Health by calling **833-539-7285** or online at sowi.mylifeexpert.com **(code SOWI)**. You will need to create an account to access the EAP resources online.

105 Garfield Avenue, Schofield Hall 220, Eau Claire, WI 54701
Phone: 715-836-3131
Email: humanresources@uwec.edu | Website: https://www.uwec.edu/human-resources/employees/faculty-staff/employee-wellness/

## Off-Campus Confidential Resources

Anyone can contact the following community resources:

**Sexual Assault Nurse Examiner (SANE)**
1221 Whipple Street, Eau Claire, WI 54703
Phone: 715-838-3242
Website: https://www.mayoclinichealthsystem.org/locations/eau-claire

**Family Support Center**
21 S. Barstow, Suite 7, 2nd Floor, Eau Claire, WI 54703
Phone: 715-830-0188
24-hour Crisis Line: 715-723-1138 or toll free 1-800-400-7020
Email: familysupport@fsccf.org | Website: http://www.familysupportcentercf.org/

**Bolton Refuge House**

Confidential victim advocacy including supportive listening, information and referrals, legal advocacy, emergency assistance, safety planning, support group, and medical advocacy.
PO Box 482 Eau Claire, WI 54701
Phone: 715-834-0628
Email: director@boltonrefuge.org | Website: https://www.boltonrefuge.org/

## University of Wisconsin-Eau Claire Disciplinary Action for Sexual Harassment, Sexual Assault, Sexual Exploitation, Domestic Violence, Dating Violence, & Stalking

University of Wisconsin-Eau Claire 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 Wisconsin-Eau Claire's educational and work environment.

The disciplinary proceeding will be based on the status of the accused person to the university. Complaints against Employees should be reported to Human Resources at humanresources@uwec.edu. Complaints against students should be reported to Dean of Students at dos@uwec.edu. Anyone can report to the Title IX Coordinator at dos@uwec.edu.

## 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.[56] Complaints against employees occurring before that date will be processed under:

- The previous version of University of Wisconsin System Chapter 4 for faculty[57]
- The previous version of University of Wisconsin System Chapter 11 for academic staff[58]
- UW System Administrative Policy 1233[59] for university staff.
- Previous version of Regent Policy Document 14-2[60] 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.[61] Complaints against employees will be processed under:

- University of Wisconsin System Chapter 4 for faculty[62]

[56] Previous UWS Ch 17, Wisconsin Admin. Code. Available at UWS Ch. 17
[57] Previous UWS Ch 4, Wisconsin Admin. Code. Available at UWS Ch 4
[58] Previous UWS Ch. 11, Wisconsin Admin. Code. Available at UWS Ch 11
[59] SYS 1233 available at https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/
[60] Regent Policy Document 14-2. For allegations before 8/5/20, use: https://www.wisconsin.edu/regents/download/meeting_materials/2016(3)/december/Education-Committee-pdf-December-2016.pdf (pgs 76-90). For allegations between 08/05/20-8/14/20, use: https://www.wisconsin.edu/regents/download/meeting_materials/2020_meeting_materials/meeting-book---board-of-regents-meeting---august-5,-2020.pdf (pgs 108-133)
[61] UWS Emergency Ch 17, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2027
[62] UWS Emergency Ch 4, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2024

- University of Wisconsin System Chapter 11 for academic staff[63]
- UW System Administrative Policy 1233[64] for university staff
- Regent Policy Document 14-2 and Appendix C[65] for Title IX complaints against employees other than faculty and academic staff.

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

Complaints against students involving allegations occurring on and after May 11, 2021, will be processed through the University of Wisconsin System Chapter 17.[66] Complaints against employees will be processed under:

- University of Wisconsin System Chapter 4 for faculty[67]
- University of Wisconsin System Chapter 11 for academic staff[68]
- UW System Administrative Policy 1233[69] for university staff
- Regent Policy Document 14-2 and Appendix C[70] 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. Complaints may be filed here or by emailing the Dean of Students office at dos@uwec.edu.

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. Procedures for disciplinary action are provided in writing through a link.
- Proceedings will be conducted by officials who receive, at minimum, annual training on:

[63] UWS Emergency Ch. 11, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2026
[64] SYS 1233 available at https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/
[65] Regent Policy Document 14-2 Appendix C: For allegations between 8/14/20-8/20/20, use: https://www.wisconsin.edu/regents/download/meeting_materials/2020_meeting_materials/meeting-book---board-of-regents-meeting---august-5,-2020.pdf (pgs 108-133). For allegations between 08/20/20-6/1/21, use: https://www.wisconsin.edu/regents/download/meeting_materials/2020_meeting_materials/meeting-book---board-of-regents-meeting---august-20,-2020.pdf (pgs 82-111)
[66] UWS Ch 17, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/admin_code/uws/17
[67] UWS Emergency Ch 4, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/admin_code/uws/4
[68] UWS Ch. 11, Wisconsin Admin. Code. Available at https://docs.legis.wisconsin.gov/code/admin_code/uws/11
[69] SYS 1233 available at https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/grievance-procedures/
[70] Regent Policy Document 14-2 and Appendix C available at https://www.wisconsin.edu/regents/policies/sexual-violence-and-sexual-harassment

  - 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.
  - Protective measures for victims may include changes to the housing of either party, class schedules or format, removal of directory data, referral to medical or mental health care and confidential resources, no contact directives, and campus bans and removals.
- University of Wisconsin-Eau Claire 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 Wisconsin-Eau Claire 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 written 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. If available, University of Wisconsin-Eau Claire procedures for the complainant and respondent to appeal the result
  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.
  - Outcomes of informal resolution or settlement agreements include but are not limited to disciplinary standings such as probation, suspension, or expulsion, agreed upon time away from campus without a disciplinary standing, no contact directives, restitution, or agreement to engage in education programs, mental health care, or proof of abiding by court orders.
- 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."

(2m) "Complainant" means any individual who is alleged to be the subject of sexual misconduct, as defined in s. UWS 17.151.

(2g) "Consent" means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual activity or other 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.

(3) "Days" means calendar days.

(4) "Delivered" means sent by electronic means to the student's official university email address and, in addition, provided by any of the following methods:

(a) Given personally.

(b) Placed in the student's official university mailbox.

(c) Mailed by regular first-class United States mail to the student's current address as maintained by the institution.

(5) "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.

(6) "Disciplinary probation" means a status in which a student may remain enrolled in the university only upon the condition that the student complies with specified standards of conduct or other requirements or restrictions on privileges, for a specified period of time, not to exceed two years.

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

(7m) "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.

(8) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.

(8m) "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.

(9) "Hearing examiner" means an individual, other than the investigating officer, appointed by the chief administrative officer in accordance with s. UWS 17.06 (2) for the purpose of conducting a hearing under s. UWS 17.12 or 17.153.

(9m) "Incapacitation" means the state of being unable to physically or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol or drugs affects a person's decision-making ability; awareness of

consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

(10) "Institution" means any university, or an organizational equivalent designated by the board.

(11) "Investigating officer" means an individual, or 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 conduct defined in s. UWS 17.09.

**(2)** CONFERENCE WITH RESPONDENT. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the respondent in person, by telephone, or by electronic mail to offer to discuss the matter, review the investigating officer's basis for believing that the respondent engaged in nonacademic misconduct, and to afford the respondent an opportunity to respond. If the respondent fails to respond to the investigating officer, the investigating officer may proceed to decide on the basis of the available information.

**(3)** DETERMINATION BY THE INVESTIGATING OFFICER THAT NO DISCIPLINARY SANCTION IS WARRANTED. If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter 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.
  - **3.** Specification of the sanction sought.
  - **4.** Notice of the respondent's right to a hearing.
  - **5.** A copy of this chapter and of the institutional procedures adopted to implement this section.
- **(b)** The written report shall be delivered to the respondent.
- **(c)** A respondent who receives a written report under this section has the right to a hearing under s. UWS 17.12 to contest the determination that nonacademic misconduct occurred, the choice of disciplinary sanctions, or both.
  - **1.** Where the disciplinary sanction sought is one of those listed in s. UWS 17.085 (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 scheduled hearing and to proceed, the hearing examiner or committee may issue a decision based upon the information provided.

(k) Disciplinary hearings are subject to 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:

(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.

(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.

## University of Wisconsin-Eau Claire's Student Disciplinary Process

In addition to UW Ch. 17, UW-Eau Claire 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.
UW-Eau Claire prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. The Dean of Students Office takes seriously all incidents of sexual assault, stalking, and/or domestic and dating violence and will investigate all incidents under the Blugold Code of Conduct. Students who engage in conduct that constitutes a danger to the personal safety of others stand to be disciplined through sanctioned disciplinary actions stated in the Blugold Code of Conduct.

The UW-Eau Claire Student Disciplinary Procedures (University of Wisconsin System - Chapter UWS 17) provides specific authority for the University to discipline students who engage in nonacademic misconduct that constitutes a danger to the personal safety of others. Section 17.09 states "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 conduct: Dangerous Conduct (conduct that endangers or threatens the health or safety of oneself or another person), sexual assault, stalking, harassment, hazing…" etc.

Disciplinary sanctions under this provision would include actions affecting the status of the student including probation, suspension or expulsion.

Disciplinary Sanctions: The disciplinary sanctions that may be imposed for non-academic misconduct, in accordance with the procedures of 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.
Enrollment restrictions on a course or program.
h. Suspension
i. Expulsion

One or more of the disciplinary sanctions listed above may be imposed for an incident of non-academic misconduct (Blugold Code of Conduct 17.10).

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 above. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the student in person, by telephone, or by electronic mail to offer to discuss the matter with the student. The purpose of this is to allow the student an opportunity to respond, but if the student does not respond to the investigating officer's offer to discuss the matter, the investigating officer may proceed to make a determination on the basis of available information. If the investigating officer determines that a non-academic misconduct did occur and that one or more of the disciplinary sanctions listed 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. Such information shall be available to the student upon request, except as may be precluded by applicable state or federal law.
3. Specification of the sanction sought.
4. Notice of the student's right to a hearing.
5. A copy of this chapter and of the institutional procedures adopted to implement this section (17.11 (4) (a)).

The written report shall be delivered to the student. A student who receives a written report under this section has the right to a hearing under s. 1712 to contest the determination that non-academic misconduct occurred, the choice of disciplinary sanctions, or both.

Where the disciplinary sanction sought is one of those listed in 17.10 (1) (a) to (g), and if the student desires a hearing, the student shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the student. If the student does not request a hearing within this period, the determination of non-academic misconduct shall be regarded as final, and the disciplinary sanction sought shall be imposed (17.11 (4)(c) 1). Where the disciplinary sanction sought is one of those listed in 17.10 (1) (h) to (j), the investigating officer shall forward a copy of the written report under par. (b) to the student affairs officer. The student affairs officer shall, upon receipt of the written report, proceed under 17.12 to schedule a hearing on the matter. A hearing shall be conducted unless the student waives, in writing, the right to such a hearing (17.11 (4) (c) 2).

A student who requests a hearing, or for whom a hearing is scheduled under 17.11 (4)(c)2., shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee. If a student requests a hearing under 17.11 (4)(c)1., or a hearing is required to be scheduled under 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 of 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 student and investigating officer or is ordered or permitted by the hearing examiner or committee. 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 student 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 17.11 (4) (a) 2.

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 non-academic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in this Code.
(b) The student shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be accompanied by an advisor of the student's choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified in 17.10 (1) (a) to (h), the advisor may counsel the student, but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the student except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in 17.10 (1) (i) or (j), or where the student 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 student. In accordance with the educational purposes of the hearing, the student is expected to respond on his or her own behalf to questions asked of him or her 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. Blugold Code - 24 –

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 student is 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 student charged with misconduct may access the record, upon the student's request.

(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 non-academic 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 17.10 (1) (h) to (j).

2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in 17.10 (1) (a) to (g).

3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment and sexual assault.

(g) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in 17.10 (1) (a) to (g) that differs from the recommendation of the investigating officer. Sanctions under 17.10 (1) (h) to (j) may not be imposed unless previously recommended by the investigating officer.

(h) The hearing shall be conducted by the hearing examiner or committee, and the university's case against the student shall be presented by the investigating officer or his or her designee.

(i) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing and delivered to the student. The decision shall become final within 14 days of the date on the written decision, unless an appeal is taken under 17.13.

(j) If a party fails to appear at a scheduled hearing and to proceed, the hearing examiner or committee may either dismiss the case or, based upon the information provided, find that the student committed the misconduct alleged.

(k) Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the student whose case is being heard requests a closed hearing or if the hearing examiner or committee determines that it is necessary to hold a closed hearing, as permitted under the Wisconsin open meetings law. Deliberations of the committee shall be held in closed session, in accordance with s. 19.85, Stats. As such, proper notice and other applicable rules shall be followed (17.12).

Where the sanction prescribed by the hearing examiner or committee is one of those listed in 17.10 (1) (h) to (j), the student may appeal 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. In such a case, the chief administrative officer has 30 days from receipt of the student's appeal to respond and shall sustain the decision of the non-academic misconduct hearing examiner or committee unless the chief administrative officer finds any of the following: (a) The information in the record does not support the findings or decision of the hearing examiner or committee. (b) Appropriate procedures were not followed by the non-academic misconduct hearing examiner or committee and material prejudice to the student resulted. (c) The decision was based on factors proscribed by state or federal law. If the chancellor makes a finding under sub. (1), the chancellor may return the matter for consideration by a different hearing examiner or committee or may invoke an appropriate Blugold Code - 25 - remedy of his or her own (17.13).

Institutional decisions under 17.11 to 17.13 shall be final, except that the board of regents may, at its discretion, grant a review upon the record (17.14).

The procedures set forth in this chapter allow the university and a student 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 student and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the student (17.15).

A student who, at the time of commencement, is subject to a continuing disciplinary sanction under 17.10 (1) or unresolved disciplinary charges as a result of a report under 17.11, shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding (17.16).

Effect of Suspension or Expulsion Within the University System:

(1) Suspension or expulsion shall be system-wide in effect and shall be noted on an individual's transcript, with suspension noted only for the duration of the suspension period.

(2) A student 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 17.18.

(3) A student 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 17.18.

4) A person 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 non-academic 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, a student who is academically eligible may re−enroll in the institution which suspended him or her, provided all conditions from previous disciplinary sanctions have been met (17.17)

A student who has been suspended may petition to have his or her student status, rights, and privileges restored before the suspension has expired by its own terms under 17.17 (2). A student 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 student was suspended or expelled or of a different University of Wisconsin institution to which the student seeks admission. The chief administrative officer shall make the readmission decision (17.18).

The chief administrative officer may impose an emergency suspension on a student, pending final institutional action on a report of non-academic misconduct, in accordance with the procedures Blugold Code - 26 - of this section. The chief administrative officer of each institution may impose an emergency suspension on a student when all of the following conditions are met:

(a) The investigating officer has made a reasonable attempt to offer the student 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 student's continued presence on campus meets one or more of the following conditions:

1. Would constitute a potential for serious harm to the student.

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.

If the chief administrative officer determines that an emergency suspension is warranted under sub. (2), he or she shall promptly have written notification of the emergency suspension delivered to the student. The chief administrative officer's decision to impose an emergency suspension shall be effective immediately when delivered to the student and is final. 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 student agrees to a later date. 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 17.12 is rendered or the chief administrative officer rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the student agrees to a longer period. 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 17.12.

The proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result; be conducted by officials who, at minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The proceedings will provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice; not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; and both the accuser and accused shall be simultaneously informed, in writing, of—the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; the University of Wisconsin-Eau Claire's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; of any change to the results that occurs prior to the time that such results become final; and when such results become final. The University of Wisconsin-Eau Claire is required to follow these procedures regardless of where the sex offense occurred. Furthermore, the victim cannot be required to sign nondisclosure agreement or otherwise agree to a prohibition from discussing the case.

You can find the Blugold Code of Conduct through the Dean of Students Office webpage, under "Student Conduct." https://kb.uwec.edu/articles/blugold-student-conduct-code

You can find the Housing Judicial Code through the Housing and Residence Life webpage found here: https://www.uwec.edu/campus-life/housing-dining/housing/current-students/judicial-board/

## University of Wisconsin-Eau Claire's Employee Disciplinary Procedures

University of Wisconsin-Eau Claire has three major categories of employees: faculty, academic staff, and university staff. Each of these categories of employees has distinct procedures for discipline and dismissal, which are provided below. In addition, University of Wisconsin-Eau Claire has various types of at-will employees, including limited appointees, teaching assistants (TA), project assistants (PA), postdoctoral trainees, other employees-in-training, and student hourlies. All employees may be subject to one or more of the following disciplinary responses: written reprimand, unpaid suspension, dismissal, demotion, revocation of responsibilities, reassignment, and retraining. Complaints regarding faculty or staff can be made through Human Resources at hrsupportcompliance@uwec.edu or the Dean of Students Office through dos@uwec.edu. You can find more information here.

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 in collaboration with University Senate and according to UW System policy and Wisconsin law. The discipline and dismissal procedures for University Staff employees are based upon UW System policy and Wisconsin law and in collaboration with University Staff Council.

University of Wisconsin-Eau Claire 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.
- University of Wisconsin-Eau Claire 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 Wisconsin-Eau Claire 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 written 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. If available, University of Wisconsin-Eau Claire procedures for the complainant and respondent to appeal the result
    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:

**Human Resources:**
226 Schofield Hall
humanresources@uwec.edu
Human Resources | UW-Eau Claire (uwec.edu)

The following information provides policy and procedure regarding employee discipline.

## 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 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 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 a 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, 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 Meetings of Governmental Bodies);
(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, the 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 and 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 Meetings of Governmental Bodies). 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 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 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.

*Subchapter III — Procedures for Faculty Dismissal and Discipline in Title IX Cases*

*UWS 4.12 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 at which the university exercised substantial control over both the faculty member and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the university.

(3) "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.

(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 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.

(6) "Title IX misconduct" means sexual assault, stalking, dating violence, or domestic violence, as defined in s. UWS 4.015 and sexual harassment as defined in sub.(5).

### *UWS 4.12 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 Title IX misconduct as defined in s. UWS 4.11.

(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 4.13 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 a university's 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 Title IX complaint.

*UWS 4.14 Dismissal of formal Title IX complaint and related appeal.*

(1) The university shall dismiss a formal Title IX complaint consisting of allegations that meet any of the following:
   (a) The alleged conduct would not constitute Title IX misconduct if proved.
   (b) The alleged conduct did not occur in a university program or activity.
   (c) The alleged conduct did not involve actions against someone physically located in the United States.

(2) The university may dismiss a formal Title IX complaint when any of the following applies:
   (a) The complainant formally requests in writing to withdraw the formal Title IX 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 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 Title IX complaint, but the university may extend that timeline as necessary. If a formal Title IX 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 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 faculty member or against the complainant, or against complainants 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) The dismissal of a formal Title IX 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 Title IX complaint, the university shall appoint an investigator to conduct an investigation of the allegations in the formal Title IX 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 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 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 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 Title IX 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, that seriously impairs the university's ability to fulfill its missions, or that seriously impairs the faculty member's fitness or ability to fulfill the faculty member's duties. Situations involving such serious criminal misconduct by faculty members shall 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 7.015 Definitions*

(1g) "Affected party" means any student, employee, visitor, or an individual participating in a university program or activity, who is a victim of a faculty member's serious criminal misconduct.
(1m) "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 a faculty member reported to an appropriate university official.
(4) "Consult" or "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.
(5) "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."
(6) "Serious criminal misconduct" is defined in s. UWS 7.02.

### *UWS 7.02 Serious Criminal Misconduct*

(1) In this chapter, "serious criminal misconduct" means:
  (a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:
    1. Causing serious physical injury to another person.
    2. Creating a serious danger to the personal safety of another person.
    3. Sexual assault.
    4. Theft, fraud or embezzlement.
    5. Criminal damage to property.
    6. Stalking or harassment.

(b) A substantial risk to the safety of members of the university community or others is posed.
(c) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.
(d) The faculty member's fitness or ability to fulfill the duties of the faculty member's position is seriously impaired.
(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.
(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 7.03 to 7.06.
(4) Any act required or permitted by ss. UWS 7.03 to 7.06 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the Board of Regents under s. UWS 2.02.

### *UWS 7.03 Dismissal for Cause*

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of the term of appointment only by the board and only for just cause and only after due notice and hearing.
(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

### *UWS 7.04 Reporting Responsibility*

Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

### *UWS 7.05 Expedited Process*

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 7.04 or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, the chancellor shall:
(a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the chancellor as to whether to proceed under this section or ch. UWS 4. If the university knows the identity of an affected party, the university shall make a reasonable attempt to notify the affected party of the report or information at the same time as the faculty member.
(b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.

(2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.
(3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings as follows:
(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) 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.

(a) If the recommendation is for dismissal, the chancellor shall transmit it to the board for review.

(b) 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 identity of an affected party is known to the university, 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 as well as for oral argument. 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 shall 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 the faculty member's dismissal where:

(a) The faculty member has been charged with a felony of a type listed in s. UWS 7.02 (1) (a) and the chancellor, after following the provisions of s. UWS 7.05 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, and 2) that the faculty member has engaged in the conduct as alleged; or

(b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or

(c) The faculty member has pleaded guilty or no contest to or been convicted of a felony of a type listed in s. UWS 7.02 (1) (a) and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present.

(2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the

faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.

(3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:

(a) If the chancellor later determines that the faculty member should not be dismissed, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, and, except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.

(b) If the board later determines that the faculty member should not be dismissed, the board may order a lesser penalty and shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.

(c) If the chancellor or board later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the faculty member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the faculty member.

(4) If, after affording the faculty member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

## University of Wisconsin-Eau Claire Faculty Discipline and Dismissal for Cause

Additional process and procedure for Faculty discipline and dismissal is found in the UW-Eau Claire Faculty and Academic Staff Rules and Procedures: here.

## UWS Chapter 11: Wis. Admin. Code: Procedures for Academic Staff Dismissal and for Discipline and Dismissal in Title IX Cases

*Subchapter I - General*

*UWS 11.01 Dismissal for cause—indefinite academic staff appointments.*

(1) A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. UWS 11.02 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 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."

(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.

(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 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 a 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 affected by the specifications in the original notification of charges. The hearing before the dean, director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be effective immediately on receipt of written notification of the decision of the dean or director or designee unless a different dismissal date is specified by the dean or director. Dismissals for cause shall be appealable by filing an appeal with the hearing body established under s. UWS 11.03. The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. The provisions of s. UWS 11.04, procedural guarantees, contained in ss. UWS 11.05 and 11.06 and the review provisions of s. UWS 11.07, shall be applicable to the appeal proceeding. In no event, however, shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the chancellor's decision or the end of the contract period, whichever is earlier, shall be restored. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all procedural rights provided to the academic staff member in this section and the standard of proof shall be

by a preponderance of the evidence. Dismissal for cause and lesser discipline based on allegations of Title IX misconduct as defined in 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 objectionably 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 member 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.

*UWS 11.21 Adequate due process.*

(1) A fair hearing for an academic staff member against whom dismissal or other discipline is sought shall include all of the following:

(a) Service of written notice of a live hearing on the allegations in the formal complaint at least 10 days prior to the hearing.

(b) A right to the names of witnesses and of access to documentary and other evidence 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, 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.
      3. Sexual assault.
      4. Theft, fraud or embezzlement.
      5. Criminal damage to property.
      6. Stalking or harassment.
   (b) A substantial risk to the safety of members of the university community or others is posed.
   (c) The university's ability, or the ability of the academic staff member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.
   (d) The academic staff member's fitness or ability to fulfill the duties of their position is seriously impaired.
   (e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.
(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.
(3) Except as otherwise expressly provided, an academic staff member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 11.30 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 sub ch. 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 Wisconsin-Eau Claire Academic Staff Discipline and Dismissal for Cause

Additional process and procedure for Academic Staff discipline and dismissal is found in the UW-Eau Claire Faculty and Academic Staff Rules and Procedures here.

### UW System Administrative Policy 1233 (formerly GEN 14): Grievance Procedures

1. **POLICY PURPOSE:**
   The purpose of this policy is to establish grievance procedure parameters for university staff that include the elements required by Wis. Stat. § 36.115(4).

2. **POLICY BACKGROUND:**
   This policy establishes grievance procedures for university staff who were formerly members of the classified staff (subject to Wis. Stat. Chapter 230) as of June 30, 2015, and for university staff hired on or after July 1, 2015, who, by the terms of their appointment, have an expectation of continued employment.

   **A. Dismissal**

Under Wis. Stat. § 36.115(4) the University of Wisconsin System personnel systems must include grievance procedures applicable to dismissals that include the following elements:

a) A written document specifying the process that a grievant and an employer must follow Wis. Stat. § 36.115(4)(a).
b) A hearing before an impartial hearing officer Wis. Stat. § 36.115(4)(b).
c) An appeal process in which the highest level of appeal is the Board of Regents Wis. Stat. § 36.115(4)(c).

All UW System institutions will need to develop and administer, through university staff shared governance, grievance procedures for dismissals of university staff consistent with the elements outlined in this policy.

University of Wisconsin System faculty are subject to Chapters UWS 4 and UWS 7 of the Wisconsin Administrative Code. University of Wisconsin System academic staff are subject to Chapter UWS 11 of the Wisconsin Administrative Code. Institution faculty and academic staff governance bodies will need to make the necessary changes to incorporate the impartial hearing officer concept into their respective rules. Academic staff governance bodies will need to incorporate appeal to the Board for fixed term and probationary academic staff. Indefinite academic staff are currently provided with appeal to the Board.

**B. Discipline**

Wis. Stat. § 36.115(4) requires the Board and the UW-Madison chancellor to establish personnel systems that include provisions relating to employee discipline. Chapters UWS 6 and UWS 13 of the Wisconsin Administrative Code require UW System institutions to establish grievance procedures for faculty and academic staff in cases involving discipline other than dismissal. Institutional policies adopted pursuant to those provisions satisfy the requirements of Wis. Stat. § 36.115(4).

All UW System institutions will need to develop and administer grievance procedures for discipline of university staff consistent with the elements outlined in this policy. University staff shared governance groups shall have the opportunity to participate in the development of the grievance procedures.

**C. Working Conditions**

University of Wisconsin System university staff may file grievances regarding some matters that affect working conditions. Grievances may not be filed on issues pertaining to:

a) Utilizing personnel, methods and means to carry out the mission of the University of Wisconsin System or institution;
b) Determining the size and composition of the work force;
c) Managing and directing the employees of the University of Wisconsin System;
d) Hiring, promoting, assigning or retaining employees; or
e) Establishing reasonable workplace expectations.

All UW System institutions will need to develop and administer, through university staff shared governance, grievance procedures for university staff regarding working conditions consistent with the elements outlined in this policy.

Chapters UWS 6 and UWS 13 of the Wisconsin Administrative Code require UW System institutions to establish complaint procedures for faculty and academic staff in cases involving discipline other than dismissal.

**3. POLICY DEFINITIONS:**

"Dismissal" means separation from employment for disciplinary or performance reasons.

"Discipline" means any action taken by a University of Wisconsin institution with respect to a university staff member with an expectation of continued employment which has the effect, in whole or in part, of a penalty.

"Grievance procedure" means the process through which certain working conditions, discipline, or dismissal of a UW System university staff member with an expectation of continued employment can be appealed.

"Impartial hearing officer" means a grievance review committee established through shared governance, an arbitrator employed by the Wisconsin Employment Relations Commission (WERC), an arbitrator from the WERC roster of neutral decision-makers not employed by the WERC, or an arbitrator from a UWSA roster of arbitrators with a set fee for resolving a discharge case.

"Just cause" means a standard that is applied to determine the appropriateness of a disciplinary action. The elements of determining whether just cause exists are:

- Whether the employee had notice of workplace expectations and potential consequences if those expectations were not met;
- Whether the workplace expectations were reasonably related to business efficiency and performance the employer might reasonably expect from the employee;
- Whether an investigation was undertaken by the employer before discipline or discharge to determine whether the employee violated expectations;
- Whether the investigation was conducted fairly and objectively;
- Whether the employer obtained substantial evidence of the employee's guilt;
- Whether workplace expectations were applied fairly and without discrimination; and
- Whether the degree of discipline imposed reasonably related to the seriousness of the employee's offense and the employee's past record.

"Layoff" means separation from employment for reasons of budget or due to the discontinuance, curtailment, modification, or redirection of a program.

"University staff" are members of the university workforce who contribute in a broad array of positions in support of the University's mission and are not exempt (hourly) from the overtime provisions of the Fair Labor Standards Act (FLSA).

[Note: All FLSA exempt employees holding positions in the State of Wisconsin "classified" service as of June 30, 2015 are given the choice to remain in the university staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an academic staff or limited appointment position - see UPS Operational Policy TR 3: Voluntary Reassignment]

**4. POLICY:**

This policy provided UW System institutions with a framework for the establishment of new grievance procedures for university staff with an expectation of continued employment appealing certain working conditions, discipline, layoff or dismissal from a UW System institution. University staff serving a probationary period do not have the right to file grievances on dismissal, discipline or layoff.

Discipline and dismissal of a university staff member with an expectation of continued employment may be imposed only for just cause.

Grievances shall be submitted on a form provided by the employer, and each grievance shall describe the facts upon which the grievance is based and the relief sought by the employee. The employee and a management designee may agree in writing to extend the time limits in any step of the grievance procedure. Parties are strongly encouraged to resolve situations prior to a grievance being filed, but upon filing, parties are encouraged to resolve grievances at early stages of grievance procedures. UW System institutions are prohibited from retaliating against a grievant for filing a grievance or against a representative or witness who participates, or is scheduled to participate, in grievance proceedings.

Grievances shall be pursued in accordance with the following steps and time limits.

- Dismissal appeals begin at Step Two A, as outlined below, and may proceed to Step Three.
- Discipline grievances will begin at Step One and may proceed no further than Step Two.
- Working condition grievances may be processed through Step One only.

| | STEP ONE | STEP TWO | | STEP THREE |
|---|---|---|---|---|
| | | STEP 2A | STEP 2B (employed on June 30, 2015) | |
| DISMISSAL | | X | X | X |
| DISCIPLINE | X | X | X | |
| WORKING CONDITIONS | X | | | |

**A. Step One:** If attempts to resolve a matter through discussion between an employee and supervisor are not successful, a grievance may be filed. Grievances shall be filed with the employee's department head, director, dean, or equivalent administrator no later than 30 calendar days from the date the grievant first became aware, or should have become aware (with the exercise of reasonable diligence), of the matter grieved. Within 30 calendar days of receipt of the written grievance, the department head, director, dean, or equivalent administrator (or designee) shall meet with the grievant to hear the grievance. The grievant shall receive a written decision no later than seven (7) calendar days after this meeting. If the subject of the grievance is not discipline or layoff, there will be no further opportunity for appeal.

**B. Step Two A:** When an employee has filed a grievance alleging that a discipline decision was not based on just cause and is dissatisfied with the Step One decision, the employee may appeal the decision to an impartial hearing officer. In order to file such an appeal, the grievant must inform the Chancellor or Chancellor's designee of his or her desire to appeal the Step One decision within 10 calendar days from receipt of the answer in Step One. An appeal of dismissal of a university staff member will begin at Step Two and must be filed within 20 days of the date of written notice of dismissal.

At issue before the impartial hearing officer will be whether just cause for the discipline or discharge exists. If the subject of the appeal is layoff, the issue before the hearing officer will be whether the applicable layoff procedure was followed. The hearing officer will be charged with hearing the case and making a report and recommendations to the chancellor or chancellor's designee. Impartial hearing officers should be selected in accordance with processes established by each institution. Such a hearing for a university staff employee shall include a right to representation, a right to offer witnesses, and a right to a written decision. The hearing shall be closed unless the grievant requests an open hearing. Within 20 days of receipt of the report and recommendations, the chancellor or chancellor's designee shall release a statement accepting or rejecting the findings of the impartial hearing officer and explaining how the decision will be implemented.

**C. Step Two B - Direct Appeal to WERC for Certain University Staff:** An employee who held permanent

status in employment prior to July 1, 2015 and according to the provisions of Wis. Stat. § 36.115(6) retains Chapter 230 appeal rights and may appeal a disciplinary action (suspension, demotion, or reduction in base pay), layoff or discharge using a procedure different than the Step Two A procedures set forth above. Such a grievance may be appealed directly from Step One to the chancellor or chancellor's designee within 10 calendar days from receipt of the answer in Step One.
Thereafter, if the employee is still dissatisfied with the decision as issued by the chancellor or chancellor's designee, the employee may appeal the decision to the WERC under Wis. Stat. §230.44(1)(c)) within 30 calendar days from the date of the decision being appealed. If an appeal to WERC is filed, no further steps in the grievance process will apply. The decision of the WERC may be subject to judicial review, but an appeal to the Board of Regents is not available using this procedure.

**D. Step Three - Board of Regents Review:** For matters that involve dismissal only, a grievant who is dissatisfied with a chancellor's or chancellor's designee's Step Two decision may appeal the decision to the Board of Regents. If the matter is not appealed to the Board of Regents within 30 calendar days of receipt of the Step Two A decision, the grievance will be considered ineligible for Board review. Upon receiving an appeal, the President of the Board shall refer the appeal to the Board of Regents Personnel Matters Review Committee. In accordance with Board of Regents Bylaws, the Committee shall conduct a review based on the record of the matter created by the impartial hearing officer, and it shall prepare recommended findings and a decision, and shall transmit them to the full Board for final action. The full Board may confirm the Committee's decision, or it may direct a different decision. No further appeal shall be available to the parties.

## University of Wisconsin-Eau Claire University Staff Discipline and Dismissal for Cause

No additional policy applies for UW-Eau Claire's University Staff.

# 2026 Annual Fire Safety Report

University of Wisconsin-Eau Claire Fire Safety Policy can be found here.

## General Emergency Evacuation Procedures

The following procedures are to be followed **IMMEDIATELY** when notified by Supervisor or Designated Persons to evacuate the building.

- Walk directly to the nearest safe exit routes. (See attachment # 1 for Evacuation Routes).
- DO NOT collect belongings before exiting.
  - ▪Designated persons need your full immediate attention.
  - ▪Designated persons will be advised when it is safe to return to the building to collect belongings.
- WALK – DO NOT RUN! (Do not use elevators when working in a building that has them).
- DO NOT TALK during the exiting period to allow the designated persons to issue and receive instructions.
  - ▪Prepare to receive instructions and proceed accordingly.
  - ▪Comply with the designated persons' instructions completely.
  - ▪Clear the exit way IMMEDIATELY.
  - ▪Above all, REMAIN CALM – DO NOT PANIC!

## Fire Evacuation Procedures

When smoke or fire is observed, the following actions should be taken:

Use the acronym **R.A.C.E** for general fire response and evacuation procedures as follows:

- **R**escue – people from the immediate area if trained and safe to do so.
- **A**lert – all people in the immediate area, activate a verbal evacuation procedure by calling FIRE, FIRE, FIRE) and then call 9-911 to report the smoke or fire. (Activate the nearest Fire Pull Station if you are working in a building that has one).
  1. The individual noting the emergency, or someone designated to do so will call for emergency responders. *Note: The call must be made from a safe location.*
  2. The person calling must inform the dispatcher of the building number, name and/or street address, if known. In addition, the information should include:
     - ○ Type of emergency (smoke, fire, electrical arcing, vehicle accident, smell, or gas, etc.).
     - ○ Location of the emergency within or near the facility.
     - ○ The extent of the emergency (one room, a vehicle, the first floor, etc.).
     - ○ Whether or not the building is being, or has been, evacuated.
     - ○ If the fire is spreading, contained or if it has been extinguished.
     - ○ If the fire alarms are sounding or if the sprinkler system has been activated.
  3. An individual who is knowledgeable of the situation should be designated to stand outside and advise the first emergency responder of the location and current situation regarding the emergency.
     - ○ Type of emergency (smoke, fire, electrical arcing, vehicle accident, smell, or gas, etc.).
     - ○ Location of the emergency within or near the facility.
     - ○ The extent of the emergency (one room, a vehicle, the first floor, etc.).
     - ○ Whether or not the building is being, or has been, evacuated.
     - ○ If the fire is spreading, contained or if it has been extinguished.
     - ○ If the fire alarms are sounding or if the sprinkler system has been activated.

- **C**ontain – close all doors to contain the fire and smoke.

  1. When evacuating, it is best to close all doors on your way out. Do not lock them except under security-required conditions. The fire department may have to forcibly open the door to check for fire spread. Closing doors will aid in containing the fire to a smaller area.

2. Turn off any gas, oxygen or other valve that may control a hazardous substance.
3. Secure all fire doors leading to rooms with high value items.
4. It is imperative that fire doors not be propped open at any time. Exceptions may be made during residence hall move-in and move-out periods.

- **E**xtinguish small fires. DO NOT ATTEMPT TO EXTINGUISH LARGE FIRES. If necessary, evacuate the building/area. *NOTE: The phrase "if necessary", relates to the safety of the person who is attempting extinguishment of a fire. (Notify designated persons of the nature and location of the fire).*
  1. Designated persons will report without delay to the area when notified of a fire. The decision to fight fire, or retreat/evacuate, will be made by the designated persons on site.
  2. Employees should:
  - Know at least two exits from the building.
  - Be familiar with the evacuation routes posted for the designated area.
  - When notified to evacuate, do so in a calm and orderly fashion:
    - Walk, do not run
    - Keep conversation level down
    - Close all doors behind you
    - Assist others in need of assistance. Direct individuals in wheelchairs or with mobility impairments to wait in the nearest stairwell rescue assistance area until emergency personnel are notified of their location.
  - Go to the designated area or as instructed during the notification.
    - If exiting the building, move at least 150 feet from the building to allow others to also exit the building safely.
    - Do not re-enter the building or immediate area until the All-Clear signal is sounded.

## University of Wisconsin-Eau Claire Residence Halls

If a fire occurs in a University of Wisconsin-Eau Claire residence hall or apartment, community members should:

1. Pull the fire alarm
2. Use the nearest safe exit to evacuate
3. Meet at designated assembly area
4. Immediately notify UW-Eau Claire Police Department and Eau Claire Fire Department by calling 911.

If a community member finds evidence of a fire that has been extinguished, and the person is not sure whether UW-Eau Claire Police Department has already responded, the community member should immediately notify UW-Eau Claire Police Department at 715-839-4972 to investigate and document the incident. For the purposes of including a fire in the statistics in the Annual Fire Safety Report, notify UW-Eau Claire Police Department at police@uwec.edu, 715-836-2222.

### *Residence Hall Fire Drills*

Fire drills are conducted in all Housing residence halls during the school year to allow residents to become familiar with building alarm systems and practice an evacuation. Housing and Residence Life, Risk Management and Safety, University Police, and Eau Claire Fire Department conducts and coordinates the drills. In 2025, these drills were conducted on October 13, 2025.

One fire drill was held for each of the residence halls.

### *Residence Hall Judicial Code*

Codes and consequences related to violations of fire safety can be found starting on page 14, Section V-VI, of the Residence Hall Judicial Code.

### *Prohibitions on Portable Electrical Appliances, Smoking, and Open Flames*

Food preparation in an extensive and/or ongoing manner is not permitted in resident rooms as a matter of safety and sanitation. Kitchens and kitchenettes are available in each residence hall for this purpose. Students are not permitted to use any cooking appliance with an exposed heating element. Non-cooking appliances with open coils or exposed heating elements are also prohibited. These include, but are not limited to:

- hot plates
- convection ovens
- toaster ovens,
- toasters
- electric frying pans
- space heaters with open coils
- portable type electric grills
- cup-type immersion heating coils
- wax warmers
- plug-in air fresheners
- other appliances with open coils or exposed heating elements

Gas/propane powered appliances and charcoal cooking appliances are prohibited inside the Residence Halls. Appliances should not be operated in closets or other closed areas or close to flammable items. Residents may be held responsible for any damages caused by negligent use of appliances.

In addition, residents should monitor the number and type of appliances they bring, as well as the use and placement of electrical cords, extension cords, and surge protectors.

Use of non-permitted appliances may lead to educational sanction, referral to Judicial Board, and possibly dismissal from University of Wisconsin-Eau Claire Housing.

### *Lithium-ion powered transportation devices*

Lithium-ion batteries over 1000-Watt hours are not allowed in the residence halls. Residents are not allowed to dismantle or undertake repairs to lithium-ion batteries in their residence hall or apartment. Devices such as but not limited to Onewheels, electric scooters, electric bikes, which contain lithium-ion batteries between 100- and 1000-Watt hours must follow the following protocols: Residents may only use battery chargers intended to be used for the battery being charged. All lithium-ion batteries used in the device example list must be charged and stored in a fire safe bag. This policy does not limit the use of micro-mobility devices that are necessary due to a disability or medical reason and must be approved by Services for Students with Disabilities (SSD).

### *Candles/Incense*

Objects used to cast an open flame, included but not limited to incense and candles are prohibited in all residence halls. These objects are not allowed, even if used for the sole purpose of decoration.

- Burning candles and incense is prohibited in resident rooms and public spaces.
- Burning candles for religious purposes may be permitted with prior permission, though restrictions may still apply.
- Burning incense for religious purposes or smudging may be permitted with prior permission, though restrictions may still apply.
- To request religious exemption for otherwise prohibited burning, please request an exemption form from the Hall director or Housing Office.

Unauthorized use of candles/incense may lead to educational sanction, referral to Judicial Board, and possibly dismissal from University of Wisconsin-Eau Claire Housing.

### *Firecrackers/Fireworks*

Possession or use of fireworks or firecrackers is prohibited. Violations of this rule include, but are not limited to:

- Discharging any type of manufactured or homemade fireworks in or near a residence hall
    - including cannons or bottle rockets
- Attempting to discharge any type of manufactured or homemade fireworks in or near a residence hall
    - including cannons or bottle rockets

Use of fireworks or firecrackers may lead to educational sanction, referral to Judicial Board, and possibly dismissal from University of Wisconsin-Eau Claire Housing.

### *Fires*

Setting fires in and around the residence hall is prohibited. Violations of this rule include setting fire to items on a room door or bulletin board or any other flammable material in the residence hall, or fires caused by a lit candle or cigarette.

Storage of flammable, hazardous chemicals is prohibited. This includes but is not limited to:

- nitrous oxide
- liquid nitrogen
- turpentine
- dry cleaning fluid
- lighter fluid
- gasoline
- other flammable chemicals that might create a hazard

Unauthorized fires may lead to educational sanction, referral to Judicial Board, and possibly dismissal from University of Wisconsin-Eau Claire Housing.

### *Smoking*

Smoking, including cigarettes, electronic cigarettes, hookah pens, or any other inhalant device which creates smoke or vapor, is not permitted anywhere in the University Residence Halls including student rooms and public areas such as dens, hallways, and bathrooms. Smoking is also prohibited outside within 25 feet of any University Residence Hall and/or dining facility. Campuswide, smoking is allowed only in designated smoking areas. “No Smoking” signs are posted near fuel and chemical storage areas.

Smoking in unauthorized locations may lead to educational sanction, referral to Judicial Board, and possibly dismissal from University of Wisconsin-Eau Claire Housing.

### *Procedures to Use in Case of a Fire*

In case of a fire:

- If the fire is small and can be contained, and you feel safe doing so, use the nearest fire extinguisher.
- Pull the nearest fire alarm.
- Evacuate the building as outlined above.

If you notice smoke coming from a room:

- Pull the fire alarm.
- Notify a staff person to the location of the room.

- If there is heavy smoke and you cannot find your way to an exit, or if your room door or doorknob is hot:
  - o Remain in your room with the door closed.
  - o Place a towel or other clothing along the bottom of the door.
  - o Open a window and hang a sheet or white towel out to attract attention.
  - o Call 9-1-1 and give the dispatcher your location. Stay on the phone with the dispatcher.
  - o Stay in your room until emergency personnel tell you it is okay to leave.

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

Emergency Safety Maps are installed at numerous locations within buildings, including entrances, stairwells, and elevators. These maps include important information about the locations of fire extinguishers, alarm pulls, AEDs, evacuation routes, and assembly areas. Map locations and information are strongly suggested to be reviewed with residents at the time of move in.

General safety and fire safety information is available to students, faculty, and staff at http://www.firescience.org/resources/fire-science-and-safety-education and in this report.

## Fire Safety Education for Student Employees and Occupants of University Housing

Fire safety training and education for residence hall occupants is covered during opening year residence hall wing meetings. Fire safety training is also reinforced during annual residence hall fire drills. Training includes procedures that occupants should follow in case of a fire.

Student employees receive fire safety training during standard new employee training times. Fire evacuation plans are outlined in Hall Transition Reports so new and returning residence hall directors have an updated plan. Training includes procedures for where resident assistants (RAs) should report in the event of an alarm, where occupants should evacuate to, and what duties RAs will have in the event of an alarm. Residence hall directors will receive direction from fire, police, and supervisors as needed depending on whether there is an actual fire and its severity. Residence hall directors will then communicate with RAs what needs to be done through texting and in person direction by going to designated evacuation locations. The Hall Director on Duty will assist if the assigned Hall Director is not available.

## Fire Safety Training and Education for Staff

Fire education training for staff is available on the Risk Management, Safety and Sustainability's (RMSS) website. During annual fire drills, RMSS emails all students and employees and includes procedures that should be followed in case of a fire.

In addition to this training, students and employees can reference emergency safety maps to locate exit doors and fire safety equipment in each campus building. Building coordinators are utilized during fire drills to watch for human behaviors and comments as students and employees evacuate the building, and complete and submit a fire drill checklist at the conclusion of the drill.

## Plans for Future Improvement in Fire Safety

In the short term, our plans are to continue to adhere to stringent inspection, testing and maintenance of all fire safety systems, equipment and devices. All new facilities will be fully sprinklered and fire alarm systems will be replaced as needed with the most up to date technology.

## Fire Statistics for On-Campus Student Housing Facilities

## 2023 On-Campus Residence Hall Fire Statistics

| 2023 | | | | | |
|---|---|---|---|---|---|
| **Name of Facility** | **Fires** | **Injuries** | **Death** | **Cause** | **Value** |
| **Bridgman Hall** | 0 | 0 | 0 | 0 | 0 |
| **Chancellors Hall** | 0 | 0 | 0 | 0 | 0 |
| **Governors Hall** | 0 | 0 | 0 | 0 | 0 |
| **Horan Hall** | 0 | 0 | 0 | 0 | 0 |
| **Murray Hall** | 0 | 0 | 0 | 0 | 0 |
| **Oakridge Hall** | 0 | 0 | 0 | 0 | 0 |
| **Putnam Hall*** | | | | | |
| **Sutherland Hall** | 0 | 0 | 0 | 0 | 0 |
| **Thomas Hall*** | | | | | |
| **Towers Hall North** | 0 | 0 | 0 | 0 | 0 |
| **Towers Hall South** | 0 | 0 | 0 | 0 | 0 |
| **Aspenson-Mogensen** | 0 | 0 | 0 | 0 | 0 |
| **The Suites** | 0 | 0 | 0 | 0 | 0 |

## 2024 On-Campus Residence Hall Fire Statistics

| 2024 | | | | | |
|---|---|---|---|---|---|
| **Name of Facility** | **Fires** | **Injuries** | **Death** | **Cause** | **Value** |
| **Bridgman Hall** | 0 | 0 | 0 | 0 | 0 |
| **Chancellors Hall** | 0 | 0 | 0 | 0 | 0 |
| **Governors Hall** | 0 | 0 | 0 | 0 | 0 |
| **Horan Hall** | 0 | 0 | 0 | 0 | 0 |
| **Murray Hall** | 0 | 0 | 0 | 0 | 0 |
| **Oakridge Hall** | 1 | 0 | 0 | Grease cooking fire | 0 |
| **Putnam Hall*** | | | | | |
| **Sutherland Hall** | 0 | 0 | 0 | 0 | 0 |
| **Thomas Hall*** | | | | | |
| **Towers Hall North** | 0 | 0 | 0 | 0 | 0 |
| **Towers Hall South** | 0 | 0 | 0 | 0 | 0 |
| **Aspenson-Mogensen** | 0 | 0 | 0 | 0 | 0 |
| **The Suites** | 0 | 0 | 0 | 0 | 0 |

## 2025 On-Campus Residence Hall Fire Statistics

| 2025 | | | | | |
|---|---|---|---|---|---|
| **Name of Facility** | **Fires** | **Injuries** | **Death** | **Cause** | **Value** |
| **Bridgman Hall** | 0 | 0 | 0 | 0 | 0 |
| **Chancellors Hall** | 0 | 0 | 0 | 0 | 0 |
| **Governors Hall** | 0 | 0 | 0 | 0 | 0 |
| **Horan Hall** | 0 | 0 | 0 | 0 | 0 |
| **Murray Hall** | 0 | 0 | 0 | 0 | 0 |
| **Oakridge Hall** | 0 | 0 | 0 | 0 | 0 |
| **Putnam Hall *** | | | | | |
| **Sutherland Hall** | 0 | 0 | 0 | 0 | 0 |
| **Thomas Hall *** | | | | | |
| **Towers Hall North** | 0 | 0 | 0 | 0 | 0 |
| **Towers Hall South** | 1 | 0 | 0 | Burned flag | $0-$99 |
| **Aspenson-Mogensen** | 0 | 0 | 0 | 0 | 0 |
| **The Suites** | 0 | 0 | 0 | 0 | 0 |

* Thomas and Putnam residence halls were demolished in the fall of 2022 to prepare for construction of the Science and Health Sciences Building.

## Residence Hall Fire Safety Report

| Facility | Fire Alarm Monitored by: | Partial Sprinkler System * | Full Sprinkler System ** | Smoke Detectors | Heat Detectors | Fire Extinguisher Devices | Evacuation Plans & Placards Posted | Number of Evacuation/Fire drills each calendar year |
|---|---|---|---|---|---|---|---|---|
| **Towers North<br>642 University Dr.** | Access Security | | X | X | X | X | X | 1 |
| **Towers South<br>642 University Dr.** | Access Security | | X | X | X | X | X | 1 |
| **Murray<br>11 Garfield Ave.** | Access Security | X | | X | X | X | X | 1 |
| **Horan<br>651 Hilltop Circle** | Access Security | X | | X | X | X | X | 1 |
| **Sutherland<br>620 Hilltop Circle** | Access Security | X | | X | X | X | X | 1 |
| **Bridgman<br>610 University Dr.** | Access Security | X | | X | X | X | X | 1 |
| **Oak Ridge<br>810 University Dr.** | Access Security | X | | X | X | X | X | 1 |
| **Governors<br>640 Hilltop Circle** | Access Security | X | | X | X | X | X | 1 |
| **Chancellors<br>820 University Dr.** | Access Security | | X | X | X | X | X | 1 |
| **Priory (noncampus)<br>1190 Priory Rd.** | Access Security | | X | X | X | X | X | 1 |
| **Aspenson-Mogensen<br>222 Water St.** | Silent Knight | | X | X | X | X | X | 1 |
| **Haymarket Landing (noncampus)<br>220 Eau Claire St.** | Ban-Koe Systems | | x | x | x | x | x | 1 |
| **The Suites<br>660 Hilltop Circle** | Access Security | | x | x | x | x | x | x |

* Partial sprinkler system is defined as having sprinklers in the garbage chutes.
** Full sprinkler system is defined as having sprinklers in common areas, individual rooms, and garbage chutes.

# University of Wisconsin Eau Claire



Any inquiries about the 2026 Annual Security Report and Annual Fire Safety Report may be directed to Chief of Police Amanda Carrier at 715-836-2222 or police@uwec.edu