



University of Wisconsin
Whitewater

Annual Security and Fire Safety Report

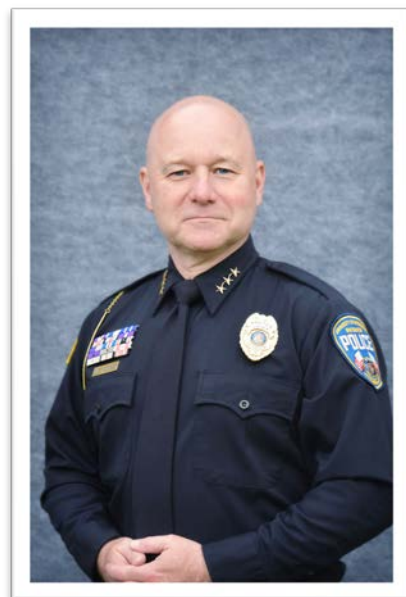
Whitewater and Rock County Campuses

October 2022

Copy available by request or at police.uww.edu

From the Chief

As the Chief of Police at the University of Wisconsin-Whitewater, I am proud to serve, assist and protect our students, staff, faculty and community. Our commitment to the safety of our campus community is absolute, we seek to prevent incidents before they occur through the development of relationships and trust within our community, by educating our population on how to assist themselves and providing opportunities to change behaviors before larger concerns develop. When crime does occur, we provide skilled investigation, compassionate assistance and a desire to help heal the mental, emotional and physical concerns of victims. We encourage reporting of all criminal incidents regardless of their perceived magnitude as you never know when you can be the key to unlocking a larger mystery.

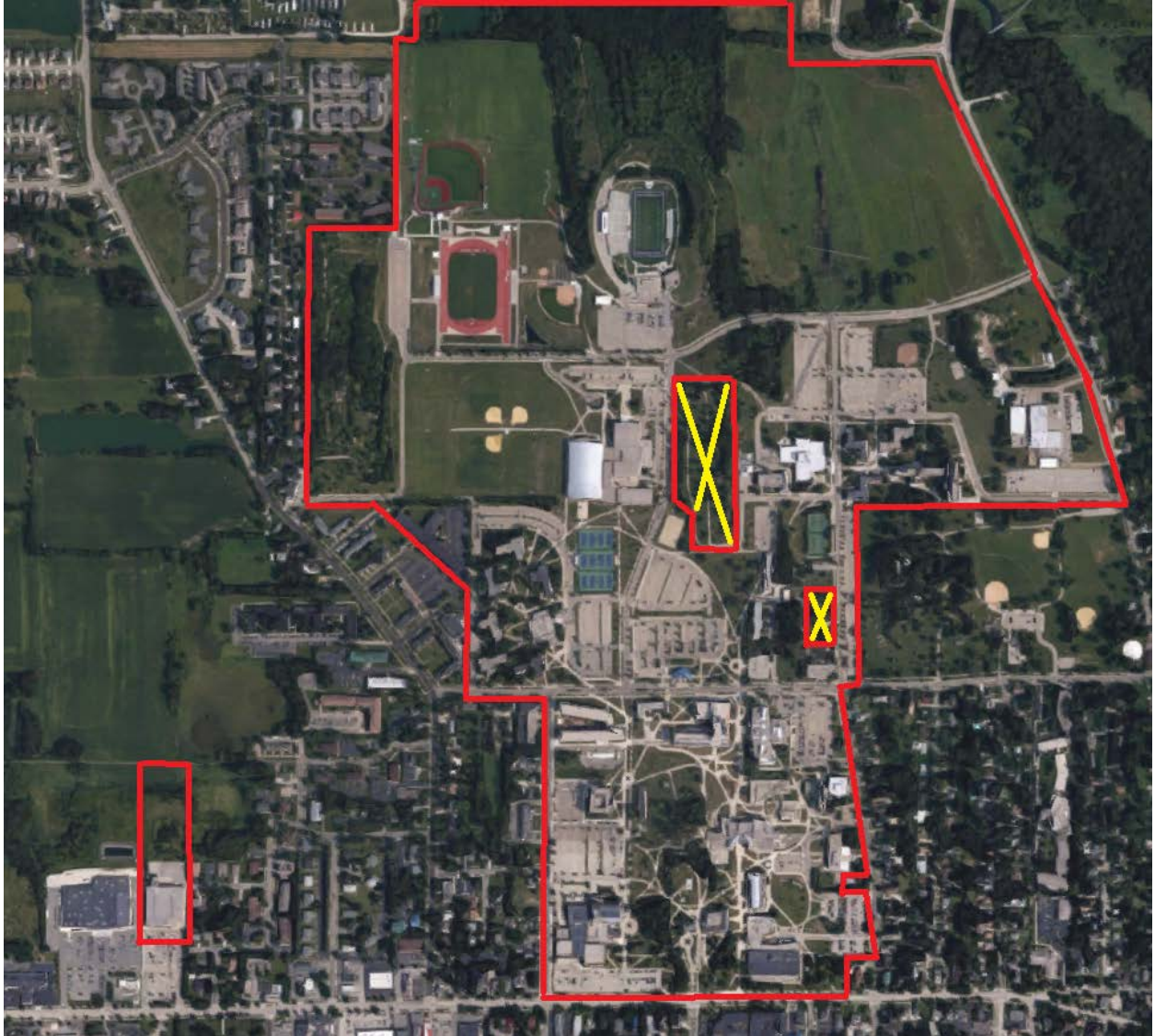


The Annual Security and Fire Safety Report (“ASFR”) serves to provide you with factual information not only about relevant statistics, but the multitude of safety-related services available on campus, information on emergency messaging and emergency preparedness, and key policies and procedures. We hope the information provided here can assist you in having a positive, productive and enjoyable tenure here. If you have any questions, comments or concerns, please never hesitate to reach out for assistance, if you need help, we will figure out how to provide it.

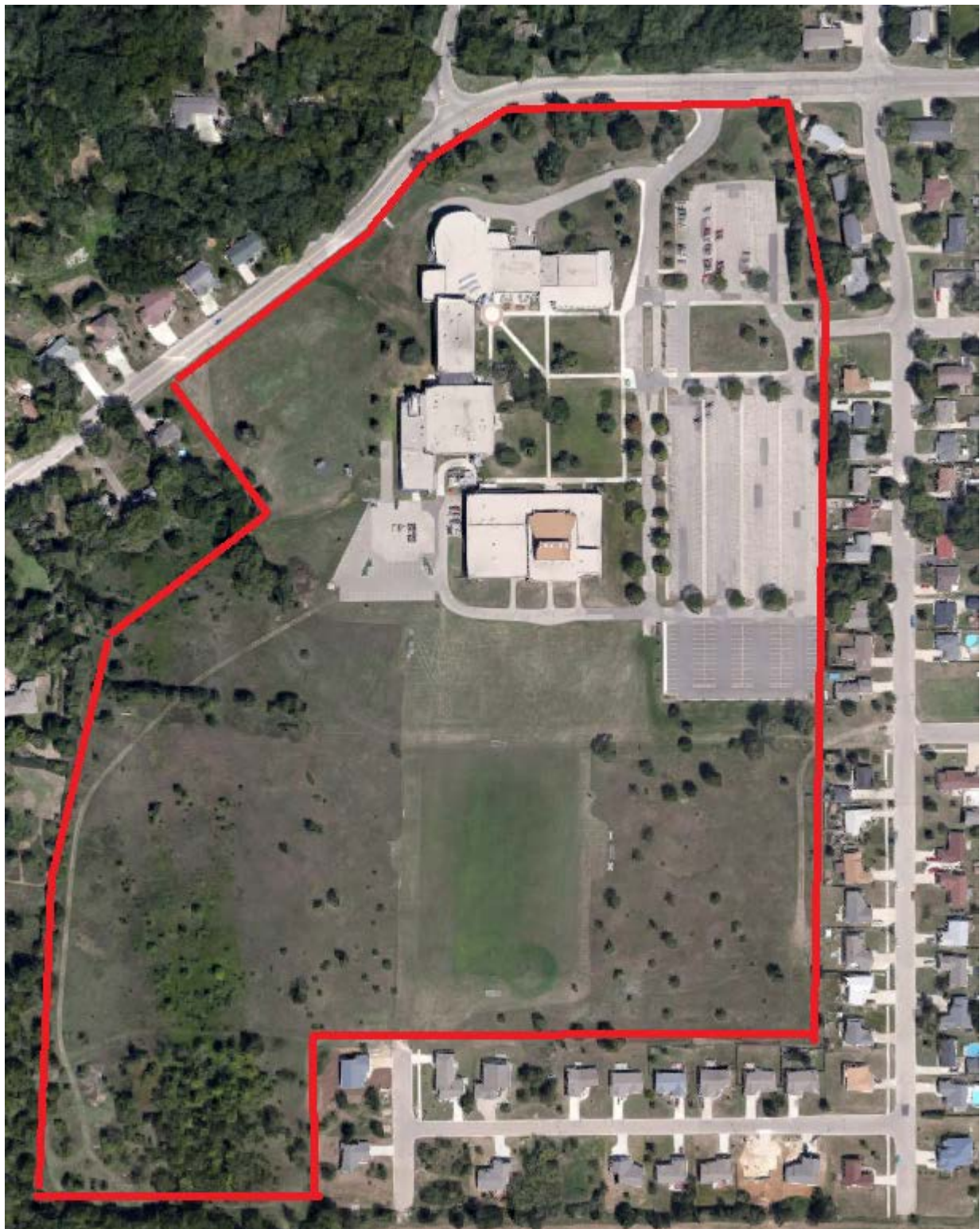
A handwritten signature in black ink, appearing to read 'Matt Kiederlen', with a stylized flourish at the end.

Chief Matt Kiederlen
Kiederlm@uww.edu
262-472-4660

UW-Whitewater On-Campus Geography Map



UW-Whitewater Rock County On-Campus Geography Map



Resources at a Glance.....	1
UW-Whitewater Annual Security Report & Policy Statement.....	4
Campus Crime Statistics Charts.....	13
Preventing and Responding to Sexual Assault, Domestic Violence, Dating Violence and Stalking.....	15
Statement of Policy.....	15
Definitions.....	16
Services Available to Victims/Survivors.....	24
Bystander Intervention.....	32
Risk Reduction.....	33
Reporting Options for Victims/Survivors.....	33
Sexual Assault, Dating Violence, Domestic Violence, and Stalking Disciplinary Procedures for Student Perpetrators.....	34
Institutional Procedures for Employees in Cases of Alleged Sexual Assault, Dating Violence, Domestic Violence, and Stalking by Faculty, and University Staff.....	38
Sexual Assault Education and Prevention Activities for Students.....	63
Annual and Ongoing Prevention and Awareness Programs.....	64
Ways to Reduce the Risk of Being Sexually Assaulted.....	65
Ways to Avoid Being Accused of Sexual Assault.....	66
Alcohol and Other Drug Intervention.....	66
Effects of Alcohol and Other Drug Abuse.....	67
University Standards of Conduct and Sanctions.....	68
Legal Penalties and Sanctions.....	69
Alcohol and Drug Education and Prevention Activities.....	73
Procedures for Reporting a Missing Student.....	79
UW-Whitewater Annual Fire Safety Report.....	80

Resources at a Glance

The *Resources at a Glance* section is intended to provide you with a quick reference guide to generally utilized services both on and off campus and to help find a starting point for most issue potentially encountered during the college years.

Other campus numbers can be found through the UW-Whitewater Directory Search page located at <http://wp.uww.edu/>.

Safety and Security

UW-Whitewater Police Department

Emergency 911
Non-Emergency/Business 262-472-4660
Goodhue Hall
790 W Starin Road
Whitewater WI 53190
police@uww.edu

City of Whitewater Police Department

Emergency 911
Non-Emergency/Business 262-473-0555
312 W Whitewater Street
Whitewater WI 53190
police@whitewater-wi.gov
www.whitewater-wi.gov/department/police

Walworth County Sheriff's Office

Emergency 911
Non-Emergency/Business 262-741-4400
1770 County Rd NN
Elkhorn WI 53121
www.co.walworth.wi.us/Sheriffs%20Office/Sheriff/

Jefferson County Sheriff's Office

Emergency 911
Non-Emergency/Business 920-674-7310
411 S Center Ave
Jefferson WI 53549
www.jeffersoncountywi.gov/departments/departments_s-z/departments/sheriff.php

Rock County Sheriff's Office

Emergency 911
Non-Emergency/Business 608-757-8000
200 US-14
Janesville, WI 53545
<http://www.co.rock.wi.us/sheriff>

Campus Offices

Dean of Students Office

262-472-1533
750 W Main Street
Anderson Library L2100
Whitewater WI 53190
www.uww.edu/dean-of-students/

Human Resources and Diversity

262-472-1024
Hyer Hall Room 330
800 W Main Street
Whitewater WI 53190
www.uww.edu/adminaffairs/hr/

University Housing

262-472-4255
Goodhue Hall Floor 200
790 W Starin Road
Whitewater WI 53190
housing@uww.edu
www.uww.edu/housing

Visitor and Parking Services

262-472-1011
826 Starin Road
Whitewater WI 53190
parking@uww.edu
www.uww.edu/adminaffairs/parking

Campus Offices

Environmental Health, Risk Management, Safety & Loss Control

262-472-1856
Hyer Hall 330
800 W Main Street
Whitewater WI 53190
riskmgmt@uww.edu
www.uww.edu/adminaffairs/riskmanagement

Financial Aid Office

262-472-1130
Hyer Hall Room 130
800 West Main Street
Whitewater WI 53190
uwwfao@uww.edu
www.uww.edu/financialaid

Center for Global Education

262-472-5759
Hyland Hall Suite 1227
809 West Starin Road
Whitewater, WI 53190
international@uww.edu
www.uww.edu/international

Title IX Contact

Title IX Coordinator

Vicki Schreiber
262-472-1024
Hyer Hall Room 330
800 W Main Street
Whitewater WI 53190
www.uww.edu/sexual-misconduct-information

Dean of Students Office

Deputy Title IX Coordinator
Elizabeth Watson
262-472-1533
750 W Main Street
Anderson Library L2100
Whitewater WI 53190
www.uww.edu/dean-of-students/

UW-Whitewater Police Department

Deputy Title IX Coordinator
Chief Matt Kiederlen
262-472-4660
Goodhue Hall
790 W Starin Road
Whitewater WI 53190
police.uww.edu

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

PAVE

920-390-4206
POB 561
Beaver Dam, WI 53916
pave@pavedc.org
www.pavedc.org

New Beginnings - Association for the Prevention of Family Violence (APFV)

262-723-4653
143 W. Main St.
Whitewater, WI 53190
www.co.walworth.wi.us/Health%20and%20Human%20Services/Intervention/apfv.aspx

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

Wisconsin Coalition Against Sexual Abuse

608-257-1516
2801 West Beltline Highway
Suite 202
Madison WI 53713
wcasa@wcasa.org
www.wcasa.org

Health Services

University Health and Counseling Services

262-472-1300
Ambrose Health Center
710 Starin Road
Whitewater WI 53190
uhcs@uww.edu
www.uww.edu/uhcs

Fort Health Care

920-568-5000
611 Sherman Avenue East
Fort Atkinson WI 53538
www.forthhealthcare.com

St. Mary's Hospital

608-373-8000
3400 E. Racine Street
Janesville WI 53546
www.stmarysjanesville.com/Pages/default.aspx

Mercy Hospital and Trauma Center

608-756-6000
1000 Mineral Point Ave #7
Janesville WI 53548
mercyhealthsystem.org/location/mercy-hospital-
and-trauma-center/

Aurora Lakeland Medical Center

262-741-2000
W3985 County Rd NN
Elkhorn, WI 53121
<https://www.aurorahealthcare.org/locations/hospital/aurora-lakeland-medical-center>

**Mental Health and Substance Abuse
Resources**

**Walworth County Department of Health and
Human Services**

800-365-1587
262-741-3200
W4051 County Road NN
P.O. Box 1005
Elkhorn WI 53121
[www.co.walworth.wi.us/Health%20and%20Human%
20Services/Mental%20Health/mental-health-
home.aspx](http://www.co.walworth.wi.us/Health%20and%20Human%20Services/Mental%20Health/mental-health-home.aspx)

Jefferson County Human Services

888-794-5780
920-674-3105
1541 Annex Road
Jefferson WI 53549
[www.jeffersoncountywi.gov/departments/departme
nts_f-r/departments/human_services.php](http://www.jeffersoncountywi.gov/departments/departments_f-r/departments/human_services.php)

Rock County Human Services Department

608-757-5200
3530 N County Rd F
Janesville, WI 53545
<http://www.co.rock.wi.us/hsd>

UW-Whitewater Annual Security Report & Policy Statement

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the distribution of an Annual Security Report to all current faculty, staff, and students and notice of its availability to prospective students, faculty, and staff. This document is one of many mechanisms designed to inform current and potential UW-Whitewater community members of crime, arrest and referral statistics, of current crime response, reporting, prevention and awareness policies, including policies regarding sexual assault, domestic violence, dating violence and stalking, of campus disciplinary policies and relevant state laws, and of campus safety and security. This Annual Security and Fire Safety Report (ASFR) includes crime, arrest, and referral statistics for the previous three calendar years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the University of Wisconsin–Whitewater, and on public property within, or immediately adjacent to and accessible from, the campus. The Fire Report at the end the document contains UW-Whitewater Housing fire safety protocols and fire statistics for the previous three calendar years.

This report is prepared by the University of Wisconsin-Whitewater Police Department (UWWPD). To gather policies for this report, UWWPD collaborated with University Housing, University Health and Counseling Services, Athletics, Human Resources and Diversity, Dean of Students Office and other divisions and departments on campus.

Statistics are gathered through reports to the University of Wisconsin-Whitewater Police Department (UWWPD), the Dean of Students Office, University Housing, Human Resource and Diversity, Athletics and other Campus Security Authorities. UWWPD also requests crime statistics from outside law enforcement agencies that may have jurisdiction over UW-Whitewater's non-campus property. UWWPD and the Dean of Students Office collaborate in compiling the crime, arrest and referral statistics to ensure statistics are not missed or double counted. A copy of this report is disseminated to faculty, staff, and students in an e-mail sent in early October of each fall semester. Crimes are classified using the FBI Uniformed Crime Reporting Handbook, the National Incident Based Reporting System Handbook and The Handbook for Campus Safety and Security Reporting. Wisconsin law is used to define drug, liquor and weapons law violations, as well as incidents of domestic violence.

Reports of criminal actions or other emergencies occurring on the UW-Whitewater campus shall be made to the University Police Department. The University Police Department shall respond in accordance with established law enforcement procedures.

Access to and Security of University Buildings

Conduct on university property is governed by Chapters UWS 18 and UWS 21 Wisconsin Administrative Code and institutional policies on file in the Office of the Chancellor.

Academic and Administrative Buildings

Security is provided in the maintenance of the University's facilities through a number of mechanisms, including limitations on hours of operation, policies on keys, restricting access to those bearing proper identification as university staff or students, the provision of adequate lighting, key card access control, randomized patrol by Police and Campus Service Officers, and making available telephone call boxes for emergency assistance. Specific security mechanisms may vary with the type of university facility. Security precautions in place for the various types of facilities at UW-Whitewater are on file in respective campus offices. Administrative and academic building security policies are on file in the Office of the Director of Facilities Planning and Management, University Center policies in the University Center Facilities Management Office, and campus residence policies in the individual Residence Hall offices. For information about the access protocol for a specific building, see the building manager, a department head, or contact UWWPD at (262)472-4660.

Residence Halls

The Residence Halls are controlled by 24-hour key card access points. There are no Residence Halls on the UWW Rock County campus. Sworn Police randomly patrol all Residence Hall buildings, exterior common areas and parking lots, utilizing foot, bicycle and vehicle patrols. The University Police Department maintains sub-stations in the Wells Hall complex and Drumlin Dining Hall. They provide two (2) full-time officers who specifically engage the Residence Hall community to address its specific needs in programming, information dissemination, and the formulation of mutual trust. Housing staff also enforce security measures in the residence halls and work with residents to achieve a community respectful of individual and group rights and responsibilities. Housing Staff and UWWPD staff also conduct periodic educational sessions on prevention of various crimes, including sexual assault. Basic building security measures and expectations are regularly presented by Resident Assistants during floor meetings and additionally discussed by University Housing Staff, Police personnel, and various New Student Seminar classes.

Maintenance

University Police and Campus Service Officers perform weekly checks of Emergency Call Boxes, monthly checks of exterior lighting and random daily inspections of building security. University Police notify Facilities, Planning and Management to facilitate repairs. University Housing personnel routinely check for Residence Hall maintenance issues, such as non-functioning interior lighting, and submit for repair or replacement via their internal maintenance personnel or Facilities, Planning and Management.

University Police and Crime Reporting

In Accordance with 36.11(2), Wisconsin Statutes, UW-Whitewater University Police Department is staffed by sworn, armed police officers who meet the standards of the Wisconsin law enforcement standards board and have the authority to arrest and bring before the proper courts persons violating the law on university property. The University's police officers cooperate with local, county, state and federal law enforcement authorities in the exercise of their responsibilities as requested. The University of Wisconsin-Whitewater does not have formal Memorandums of Understanding with these agencies but does utilize the provision of Mutual Aid as outlined in Wisconsin Statute. According to Wisconsin Statute 66.0313(2), "Upon the request of any law enforcement agency, including county law enforcement agencies as provided in statute 59.28(2), the law enforcement personnel of any other law enforcement agency may assist the requesting agency within the latter's jurisdiction, notwithstanding any other jurisdictional provision. For purposes of Statute 895.35 and Statute 895.46, law enforcement personnel, while acting in response to a request for assistance, shall be deemed employees of the requesting agency."

University Police officers are responsible for the overall safety and security of the UW-Whitewater campuses. This includes the campus geography and those streets immediately adjacent to the campus. University Police actively patrol the campus jurisdiction through the use of foot, bicycle and vehicle patrol. University Police enforces all applicable State and Federal laws, utilizing referral for University disciplinary action, warnings, diversion programs, citations, arrests and referral for prosecution to the appropriate agency. The University Police are supplemented by non-sworn Campus Service Officers (CSO), consisting of University students trained by the police department to provide patrol and safety measures to the students, staff and faculty. The CSOs assist with the patrol of parking lots, building checks, safety escorts and event monitoring. CSOs do not possess the authority to arrest but have direct radio communication with University Police. This allows a direct and immediate response of any violations of university policy they may observe.

The University Police have a limited presence on the UWW Rock County campus. When officers are not physically present, minor reports can be taken over the phone. Other immediate or emergency response will be provided by the Rock County Sheriff's Office or other requested mutual aid through 911 or (608)757-8000.

Students, faculty, staff and visitors who are witness, victim or representing a victim who is unable to report a crime, are encouraged to promptly report all crimes or suspicious activities to the appropriate jurisdiction. Incidents which occur on UW-Whitewater property should be reported to the University Police. Incidents which are not of an emergency nature may be reported to University Police in person at the University Police Department located on

the 1st floor of Goodhue Hall, by calling 262-472-4660 or emailing police@uww.edu (email response will be within the next business day). Incidents of an emergency nature may be reported by dialing 911 from any campus or cell phone. Additionally, students, staff or faculty living in the City of Whitewater community can report in person at the City Police Department at 312 W. Whitewater, by calling 911 for emergencies or for non-emergency situations dial 262-473-0555. Victims of sexual assault who do not wish to report the crime to a law enforcement official or to the University are still highly encouraged to get help and support.

Alleged victims of crimes of violence, upon written request, can obtain the results of any University disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Although licensed health and counseling staff acting in that capacity do not report crimes as Campus Security Authorities, they will assist individuals in reporting a crime, should they decide they would like to. Counseling may, in situations of extreme concern or imminent threat, encourage individuals to report crimes. Licensed health and counseling staff are required to submit statistics to the Dean of Students on a yearly basis of any sexual assaults they have learned about in the last year under Wisconsin 36.11(22)(c), but do not include identifying information unless the student wishes to share it.

Crimes can generally be reported confidentially to the University Police to ensure their inclusion in the Annual Security and Fire Safety Report. Certain heinous crimes, such as Sexual Assault, Armed Robbery and others, may require the University to notify the community of the danger via Timely Warning or Emergency Notification, but the individual reporting the crime, will have their identity protected as allowed by law.

Emergency Warnings and Information

The University Police, in conjunction with the Office of University Marketing and Communications and the Vice Chancellor for Administrative Affairs, will release information and safety suggestions via timely warnings for significant crimes. The University Police staff will assess crimes and incidents reported to determine if a timely warning or emergency notification is necessary. Timely warnings are disseminated via email. All crimes reported to the University of Wisconsin-Whitewater Police Department will be evaluated for inclusion in the campus annual security report statistics.

On the Main Campus, University Police are responsible for confirming an emergency and utilize various means to do so, such as: community reports, personal observation or environmental factors. Once confirmed, the determination is made of the potential effects or dangers to the campus community. University Police will determine whether notification will be sent to the entire campus or certain segments of the campus community. Factors considered will include, but are not limited to; the number of people potentially affected, location and type of emergency. Alerts, evacuations and notifications are then appropriately disseminated.

In the event the Police Department confirms an occurrence to be a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus, the Chief/Director of Police Department, Matt Kiederlen (262-472-4660) is responsible for ensuring the dissemination of emergency information to the University community and initiating the emergency notification process. Depending on the type of incident, initiation of the notification process may include, alerting first responders, use of fire alarm or public address systems, mass email, University Emergency Notification website, IP phones and InformaCast (see below for installation information). Personal identifying information or personal information of victims will be held confidential when providing warnings. This determination is made by evaluating information received from citizens, officers and other sources. Notification of incidents is the responsibility of Police Department. The University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Responsible authorities shall include Chief Matt Kiederlen, University Marketing and Communications Director Jeff Angileri, Vice Chancellor for Administrative Affairs Brenda Jones, and their appropriate designee(s).

Dissemination of emergency information to the larger community is the joint responsibility of these staff and the Director of University Marketing and Communications, Jeff Angileri (262-472-1195). The dissemination of information to the general public is primarily done through the University website and area media outlets. Additionally, the University and City Police share a joint dispatch center and the same radio frequency, events occurring on campus are immediately known to the surrounding community's emergency services. Individuals who may authorize dissemination of emergency information in the absence of the Chief or Director include:

Assistant Chief Matt Schwartz, University Police 262-472-4660

Lieutenant Jason Burt, University Police 262-472-4660

Lieutenant Kelsey Servi, University Police 262-472-4660

Jeff Angileri, Executive Director, University Marketing and Communications, 262-472-1195

On the Rock County Campus, administrative personnel are responsible for confirming an emergency and utilize various means to do so, such as: community reports, personal observation or environmental factors. Once confirmed, the determination is made of the potential effects or dangers to the campus community. Personnel will determine whether notification will be sent to the entire campus or certain segments of the campus community. Factors considered will include, but are not limited to; the number of people potentially affected, location and type of emergency. Alerts, evacuations and notifications are then appropriately disseminated.

In the event administrative personnel confirms an occurrence to be a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus, the Associate Dean of SA & EM, Kristin Fillhouer (608-898-5040) is responsible for ensuring the dissemination of emergency information to the University community and initiating the emergency notification process. Depending on the type of incident, initiation of the notification process may include, alerting first responders, use of fire alarm or public address systems, mass email, University Emergency Notification website, and IP phones. Personal identifying information or personal information of victims will be held confidential when providing warnings. This determination is made by evaluating information received from citizens, officers and other sources. Notification of incidents is the responsibility of Police Department. The University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Responsible authorities shall include Associate Dean Kristin Fillhouer, Assistant to the Associate Dean Tanja Anderson, and their appropriate designee(s).

Dissemination of emergency information to the larger community is the joint responsibility of these staff and the Executive Director of University Marketing and Communications, Jeff Angileri (262-472-1195). The dissemination of information to the general public is primarily done through the University website and area media outlets.

Required non-emergency notifications will be directed to the Chief of Police, Matt Kiederlen, for determination on distribution needs and will follow the main campus protocols.

The most current emergency information is updated on the University website and distributed through campus email throughout any event. Information remains posted until the event is mitigated. Notifications are maintained in an electronic archive managed by University Marketing and Communications.

Evacuation

In the event of a required evacuation, individuals are first expected to self-evacuate. Individuals unable to self-evacuate should first make themselves as safe as possible and then contact 911 for further assistance. Information on safe directions of travel or areas to avoid will be disseminated through appropriate methods as described above.

InformaCast Application

InformaCast is a smart phone application designed to allow push messaging in emergency situations on campus. It is an available service and must be downloaded by the user. There is no charge to the user for this application. The application and registration process can be found at informacast.uww.edu. A valid UWW user ID and password are required.

Texting Notification System

Students, staff, faculty and others wishing to receive text messages should go to <https://my.uww.edu/alertinfo> to enroll. Family members may receive messages with the endorsement of a currently enrolled student, staff, or faculty member through this system.

System Testing

The University of Wisconsin-Whitewater Police Department conducts tests of the campus emergency notification systems on the main campus. This is done during each semester. In addition to those tests, a fire and evacuation drill is conducted within every building on campus twice a year, once during each fall and spring semester. This assists in not only training our students, staff and faculty to the presence of alarms, but it also provides for additional testing, assessment and evaluation of the University's emergency systems. Information on emergency procedures is provided with testing notifications, usually through the campus email system. Each test is documented and archived within the University's Incident Archive of the Emergency Notification website. After each test, the University Police distribute an after-action report, assessing and evaluating the emergency systems for improvements. The University Police do not do unannounced tests.

The Rock County campus conducts monthly tests of the campus emergency notification systems on the Rock County campus. In addition to those tests, a fire and evacuation drill is conducted within every building on campus twice a year, once during each fall and spring semester. This assists in not only training our students, staff and faculty to the presence of alarms, but it also provides for additional testing, assessment and evaluation of the University's emergency systems. Information on emergency procedures is provided with testing notifications, usually through the campus email system. Each test is documented and archived within the University's Incident Archive of the Emergency Notification website. After each test, the University Police distribute an after-action report, assessing and evaluating the emergency systems for improvements. The University Police do not do unannounced tests.

Community Programming and Training

UW-Whitewater provides information to students and employees about campus security procedures and practices, encourages them to be responsible for their own security and the security of others, and informs them about the prevention of crime through regular programs and literature distribution. Programming is conducted on an "as requested" basis and most classes are normally scheduled 1-2 times per semester. University Police staff conduct numerous programs throughout the academic year concerning various crime prevention topics such as theft prevention, identity theft, internet scams, drug and narcotics, and "date rape" drugs. The University Police will tailor programming to the specific needs of the requestor and are not confined to the listed topics. Scheduled programs are advertised on posters, the UWW Weekly Newsletter, local papers and the my.uww.edu website. For scheduling, designing, or information on programming call the University Police at 262-472-4660 or email police@uww.edu.

The following list highlights some of the past and currently available programs for personal safety and crime prevention. Any student, staff, faculty or community member may attend unless specifically stated otherwise in the scheduled course information or if sign up is necessary through my.uww.edu; all courses are taught by UW-Whitewater Police Officers. Programming is available any time of day, or day of the week. If you are seeking information on a topic you don't see listed, the University Police will tailor a program to your needs or provide you information on where to receive it on campus. For more information, please contact University Police Department between 8:00 am & 4:30 pm at 262-472-4660 or email police@uww.edu.

Sexual Assault Awareness – Straightforward discussions on the prevention, recovery, investigation and potential effects of sexual assault on victims, offenders, families and friends.

Alcohol Awareness – An informative and interactive workshop on the potential negative effects and consequences of inappropriate alcohol use.

Drug Awareness – an informative and interactive workshop on the potential negative effects and consequences of inappropriate drug use, and current trends in the usage of drugs and narcotics such as prescription drug abuse, molly, marijuana, heroin and others.

Traffic Safety-OWI, Seat Belt Safety – Discussions on driving behaviors, operating while intoxicated consequences, and positive outcomes of seat belt use. The workshop can include individual use of technologies to physically demonstrate the effectiveness of seat belts, the physiological outcomes of intoxication and driving, and a hands-on driving simulation using golf carts, traffic cones and intoxication simulation goggles.

Basic Crime Prevention – Discussion on the basics of crime prevention including everything from locking your door to being aware of your surroundings.

Spring Break and Travel Safety – Provides information on the unique challenges and concerns surrounding spring break and travel activities, not just to protect the individual and property, but to ensure a good time is had in a safe manner.

Working with the Police Department – Offers opportunities and information on how to work with the police when an individual is involved as a victim or witness to a crime or incident. The emphasis of this experience is to take the fear out of the unknown, to explain the systems involved, and to help people understand why some things are done the way they are.

Identity Theft and Computer Website Safety – Offers advice and information on how to avoid becoming a victim of identity theft. Topics such as phishing and scams are discussed and how to avoid being fooled by people trying to access your system for inappropriate reasons.

New Student Seminar – This presentation provides an overview of the current trends and safety concerns on campus. The presentation provides information on contacting and utilizing services generally related to incidents common with police interactions, such as University Health and Counseling, as well as Title IX and sexual assault issues. The student's responsibilities as a community member and the potential long-term consequences of inappropriate actions are discussed. Students are challenged to provide solutions to scenarios related to these topics. They are further provided information on the campus' emergency messaging systems and encouraged to develop plans for their personal response to extreme incidents, incoming students are encouraged to attend the New Student Seminar presentation. The New Student Seminar Police presentation occurs at various day and evening hours, to accommodate varying student schedules, during the 3rd and 4th weeks of the fall semester. Further information on the New Student Seminar can be found at www.uww.edu/fye.

Emergency Response Guide

The University of Wisconsin-Whitewater is fully committed to the safety and security of our students, staff and faculty. The University has an emergency response guide for all students, staff and faculty available at <http://emergency.uww.edu/Topic>. The guide is also available in every classroom on campus. The guide provides information on who to contact and what actions to take during emergency events. The following topics are covered within the emergency response guide:

- Active Threat to Life Safety
- Airborne Release
- Bomb Threat
- Building Evacuation for Individuals with Disabilities
- Chemical or Radiation Spill
- Civil Disturbance/Demonstrations

Communicable Disease
Earthquake
Elevator Malfunction
Explosion
Fire
Gas Leak
Homeland Security Threat
Inclement Weather
Medical and First Aid
Psychological Crisis
Responsibilities
Suspicious, Violent or Criminal Behavior
Tornado Warning
Utility Failure

Campus Assessment, Response and Evaluation Team (CARE)

The Campus Assessment, Response and Evaluation Team, known as the CARE Team, is a group of staff members from various departments who meet regularly to assist individuals experiencing difficulty and to help ensure the safety of our campus. High priority is placed on balancing individuals' right to privacy with the university's duty to respond to people experiencing difficulty or expressing at-risk behavior. The CARE Team's primary objective is to connect individuals with the support and resources they need to be healthy and productive members of our campus community. You can contact the CARE Team by email at deanofstudents@uww.edu or calling 262-472-1533.

Cooperation with Local Authorities

UW-Whitewater encourages cooperation with local police authorities to monitor and record information concerning criminal activity occurring away from the campus, but involving University recognized student organizations and properties. The City of Whitewater Police and Rock County Sheriff's Office actively engage in enforcement, recording and monitoring of non-campus properties. Individuals can be cited, arrested and referred for inappropriate or illegal actions. These enforcement actions may be referred to the University for further disciplinary actions under Wisconsin Administrative Code Chapter 17.

Underage Alcohol Enforcement

UW-Whitewater takes a proactive stand against underage alcohol possession or consumption on campus and the illegal sale or distribution of alcohol. Various informational programs on this issue are presented throughout the academic year. Institutional and Residence Hall policies have been established to deal with alcohol situations. University Police may issue citations to those persons found in violation of State Law. In addition to law enforcement action or court sanctions, students may be held accountable for violations of university rules.

University Police may issue citations or provide diversion opportunities to those persons found in violation of State Law, specifically Wisconsin State Statute 125.07(4) (b), for possession or consumption of alcoholic beverages while underage. With each new violation, the fine is increased and the loss of a driver's license may also occur.

1ST Offense = \$263.50 (max fine = \$389.50) and a possible 90-day Driver's License suspension (Illinois residents WILL BE SUSPENDED for at least 6 months MANDATORY under Illinois law and reciprocity agreements).

2nd Offense= \$389.50 (max fine = \$515.50) and up to a 1-year Driver's License suspension

3rd Offense= \$515.50 (max fine = \$830.50) and up to 2-year Driver's License suspension

4th and subsequent =\$767.50 (max fine= \$1397.50) and 2-year Driver's License suspension

In addition to law enforcement action or court sanctions, students may be held accountable for violations of university rules.

Drug Enforcement

UW-Whitewater takes a proactive stand against possession, use, sale or production of illegal drugs, narcotics and related paraphernalia on campus. Various informational programs on this issue are presented throughout the academic year. Institutional and Residence Hall policies have been established to deal with drug and narcotics situations. University Police may issue citations or arrest those persons found in violation of State Law. In addition to law enforcement action or court sanctions, students may be held accountable for violations of university rules.

University Police may issue citations or provide diversion opportunities to those persons found in violation of State Law. With each new violation, the fine and consequences increase, which can include the loss of State and Federal financial aid.

1st Offense Citation for Possession of Marijuana = \$389.50 (max fine= \$767.50)

1st Offense Citation for Possession of Drug Paraphernalia = \$326.50 (max fine = \$767.50)

2nd and subsequent offenses related to Marijuana and Paraphernalia can result in criminal charges. All other statutory drug offenses can result in immediate criminal charges. All criminal drug related charges can result in the suspension of State and Federal financial aid.

Sex Offender Information

The University Police provide information on known registered sex offenders who reside or work on the campus in compliance with the Adam Walsh Child Protection and Safety Act of 2006. The University Police receive a list of individuals known to be associated with campus from the Department of Corrections each semester. Information on individuals is located on the University Police website at

<https://www.uww.edu/adminaffairs/police/students/personal-safety#sex-offender-registry>.

More detailed information can be provided in person at the University Police Department. The State of Wisconsin Sex Offender Registry can be found at <http://doc.wi.gov/community-resources/wi-sex-offender-registry>. The United States Department of Justice National Sex Offender Public Website can be accessed at <http://www.nsopw.gov/>.

Campus Crime Statistics Charts

In this chapter are statistical charts for calendar years 2021, 2020 and 2019. Changes may occur in how UW-Whitewater tracks and reports Clery Crimes that occur in and around campus. This can be caused by statutory changes or refined definitions. Differences in categories from year to year are explained in introductions to the charts. Differences in the statistics themselves reflect the number of crimes *reported*, and not necessarily a difference in the rate of crime itself. The data does not reflect prosecutions, convictions or the outcome of disciplinary actions.

Crimes statistics published in this document reflect crimes that are reported to have occurred in one of four federally defined locations. Crimes that are reported to have occurred outside of the following locations are not included in this report. The four federally defined locations are:

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

reasonably contiguous to above that is owned by the institution but controlled by another person, frequently used by students, and supports institutional purposes (such as a food or other retail vendor.)

On-campus student housing is defined as any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

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

Non-campus property is defined as any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property that is owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution. This category includes property that is outside of Whitewater, outside of Wisconsin and outside of the United States.

Unfounded Crime Statistics: A crime is considered unfounded for Clery Act purposes when a sworn or commissioned law enforcement officer makes a formal determination that the report is false or baseless. There were 0 unfounded crime in 2021, 1 unfounded crime in 2020, and 1 unfounded crime in 2019.

UW-Whitewater, Whitewater Campus Crime Statistics Charts

OFFENSES	Year 2021				Year 2020				Year 2019			
	ON-CAMPUS PROPERTY		Public Property	Non-Campus	ON-CAMPUS PROPERTY		Public Property	Non-Campus	ON-CAMPUS PROPERTY		Public Property	Non-Campus
	Residence Hall	On Campus			Residence Hall	On-Campus			Residence Hall	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	6	9	1	0	0	0	0	1	8	17	1	0
Fondling	3	3	0	0	1	3	0	0	1	1	0	0
Statutory Rape	0	0	0	0	1	2	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	2	0	0	0	0
Burglary	0	0	0	0	0	0	0	1	3	7	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	1	0	1	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES												
Domestic Violence	1	1	0	0	1	2	0	0	2	5	0	0
Dating Violence	2	3	0	0	0	0	0	0	2	4	0	0
Stalking	0	1	0	0	0	0	0	0	0	0	0	0
ARRESTS												
Weapons	2	3	2	0	0	1	0	1	0	0	0	0
Drugs	13	21	23	2	23	62	19	1	42	111	35	12
Liquor	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS												
Weapons	0	3	0	0	0	0	0	0	0	0	0	0
Drugs	13	16	0	0	29	66	3	0	23	59	0	1
Alcohol	250	262	0	0	181	431	5	0	327	442	15	0
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	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	0

***Note on Statistics:** Underage drinking and possession is a civil offense in the State of Wisconsin, and should not be reported as an arrest per Clery Act regulations. In the spirit of transparency, UWSPD issued 13 civil underage alcohol tickets in 2021, 42 in 2020 and 63 in 2019 for violations that occurred within Clery-reportable geography.

UW-Whitewater, Rock County Campus Crime Statistics Charts

OFFENSES	Year 2020				Year 2019				Year 2018			
	ON-CAMPUS PROPERTY		Public Property	Non-Campus	ON-CAMPUS PROPERTY		Public Property	Non-Campus	ON-CAMPUS PROPERTY		Public Property	Non-Campus
	Residence Hall	On-Campus			Residence Hall	On-Campus			Residence Hall	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	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	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS												
Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0
Liquor	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS												
Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0	0	0	0	0	0

***Note on Statistics:** Underage drinking and possession is a civil offense in the State of Wisconsin, and should not be reported as an arrest per Clery Act regulations. In the spirit of transparency, UW-WPD issued 0 civil underage alcohol tickets in 2021, 0 in 2020 and 0 in 2019 for violations that occurred within Clery-reportable geography.

Preventing and Responding to Sexual Assault, Domestic Violence, Dating Violence, and Stalking

The University of Wisconsin-Whitewater (UWW) prohibits the crimes of domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. UWW utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by officials who receive annual training on these issues as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The following are the policies and procedures related to this.

UW-Whitewater Sexual Violence and Sexual Harassment Policy

Implemented in accordance with Regent Policy Document 14-2 (formerly 81-2).

Policy Statement

The mission of the University of Wisconsin-Whitewater is to provide a teaching, learning and working environment in which faculty, staff, and students can discover, examine critically, preserve, and transmit the knowledge, wisdom, and values that will improve quality of life for all. To promote these institutional values, UW-Whitewater is committed to creating and maintaining a community environment that is free from sexual violence and sexual harassment.

Purpose and Scope of Policy

This policy prohibits acts of sexual violence and sexual harassment on university property, at university-sanctioned or university-affiliated events, and where off-campus conduct affects a member of the university community. UW-Whitewater is committed to educating its community and to promptly and effectively responding to and redressing conduct that violates this policy. This policy also provides the UW-Whitewater community with information and resources to identify, report, and respond to sexual violence and sexual harassment including sexual assault, sexual exploitation, stalking, and dating and domestic violence. These efforts support the overall missions of UW-Whitewater and the University of Wisconsin System.

This policy applies to:

- A. University sponsored and supported activities held both on and off campus, including those held in other municipalities, states, and nations.
- B. All students while they are on campus or if their off-campus conduct meets any of the following criteria:
 - 1. The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.
 - 2. The conduct indicates that the student presented or may present a danger or threat to the health or safety of self or others.
 - 3. The conduct demonstrates a pattern of behavior that seriously impairs the University's ability to fulfill its teaching, research, or public service missions.

- C. All other members of the University community (including, but not limited to employees, volunteers, visitors, guests, contractors, and third-party vendors) while they are on campus or engaged in activities associated with University sponsored and supported activities.

Title IX Statement

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.

I. Definitions

Advisor: An individual who assists a complainant or respondent in any grievance proceeding or related meetings. This individual may or may not be an attorney.

Clear and convincing evidence: Information that would persuade a reasonable person to have firm belief that a proposition is more likely true than not true. It is a higher standard of proof than “preponderance of the evidence.”

Complainant: 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 policy.

Confidential Employee: Any employee who is a licensed medical, clinical, or mental health professional when acting in that role in the provision of services to a patient or client who is a university student or employee. A Confidential Employee will not report specific information concerning a report of sexual violence or sexual harassment received by that Employee in the Employee’s professional capacity without the consent of the reporting individual or unless required by the Employee’s license or by law.

Confidential Resource: Individuals or agencies in the community, whose professional license, or certification permits that individual or agency to preserve the confidentiality of the patient or client.

Consent: 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. 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.

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.

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 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.

Employee: Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment. (See, e.g., UW System Administrative Policy 1225 (formerly GEN 0), General Terms and Definitions (<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/general-terms-and-definitions/>))

Education Program or Activity: 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.

Executive Order 54: Executive Order issued by Governor Walker in 2011 requiring that university employees report incidents of child abuse and neglect which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services. (https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf)

Formal Title IX Complaint: 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 respondent 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.

Incapacitation: 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.

Official with Authority: Any official of the university who has the authority to institute corrective measures on behalf of the university.

Office for Civil Rights: The U.S. Department of Education office that is responsible for enforcing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other education-based discrimination acts. <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

Preponderance of the Evidence: 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.

Respondent: An individual who has been reported to be the perpetrator of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or sexual exploitation, as defined in this policy.

Responsible Employee: Any employee (other than a "confidential resource") who has been given the duty of reporting incidents of sexual misconduct by students or employees to the Title IX Coordinator or other appropriate school designee.

Retaliation: Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured in, 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 this policy.

Sex Discrimination: Discrimination on the basis of sex or gender. Sexual harassment and sexual assault are forms of sex discrimination. [See 20 USC §§ 1681-1688]

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 the complainant, without the consent of the complainant.
- b) **Fondling:** 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:** 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 complainant who is under the statutory age of consent as per s. 948.02, Stats.

Sexual Exploitation: Attempting, taking or threatening to take, nonconsensual sexual advantage of another person. Examples include:

- a) Engaging in the following 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.

Sexual Harassment: 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 objectionably 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.

Sexual Violence: The phrase, as used in this policy, refers to incidents involving sexual assault, dating violence, domestic violence, stalking, and sexual exploitation.

Stalking: 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.

Student: Any person who is registered for study in a University of Wisconsin System institution for the academic period in which the alleged act of sexual violence or sexual harassment occurred, or between academic periods for continuing students. [See Chapter UWS 17.02(14), Wis. Admin. Code.]

Title IX: Title IX of the Education Amendments of 1972 (20 U.S.C. sec. 1681 et seq.; 34 C.F.R. Part 106)(as amended) is a federal law that states, “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a).

Title IX Misconduct: A report of sexual harassment or sexual violence under this policy will be considered Title IX misconduct when a formal Title IX complaint (as defined in this section) is either filed by a complainant or signed by the Title IX Coordinator and the alleged conduct meets the definition of sexual harassment, sexual assault, dating violence, domestic violence, or stalking as defined in 34 C.F.R. 106.30, occurred within a university “education program or activity” (as defined in this section) and occurred against the complainant while in the United States; and the complainant is participating in or attempting to participate in a university education program or activity at the time they file the formal complaint. Title IX misconduct cases will follow procedures as detailed in Chs. UWS 4.11-24 (faculty), UWS 11.13-26 (academic staff), UWS 17.16-21 (students), and Appendix C (university employees other than faculty or academic staff).

Title IX Coordinator (and Deputies): An employee designated to coordinate compliance with Title IX, who plays an important role in an institution’s efforts to ensure equitable opportunity for all students and employees, and who works with school officials to remind the school community that students and employees must have equal access to all programs.

Trauma-Informed Care: Trauma-informed care reflects an understanding of trauma and emphasizes creating services and programs that are sensitive and directly responsive to the trauma that many victims and survivors experience following a violent crime. Trauma-informed care programs identify and limit potential triggers to reduce their re-traumatization and protect their mental and emotional health.

<https://www.justice.gov/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>.

Trauma-informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed care also emphasizes physical, psychological and emotional safety for both consumers and providers, and helps survivors rebuild a sense of

control and empowerment. *See also:* <http://www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf> and http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building-cultures-of-care.pdf.

A process that employs trauma-informed care accounts for the impact of trauma but does not recognize symptoms of trauma as evidence that a particular incident did or did not occur.

Violence Against Women Act (VAWA): Federal law enacted in 1994, which promotes the investigation and prosecution of violent crimes against women, among other objectives. Recently, it enacted amendments to the Clery Act [42 U.S.C. §§ 13701-14040], through the Campus Sexual Violence Elimination Act (SaVE) provision, Section 304.

Related Regent Policies and Applicable Laws

- RPD 14-2, “Sexual Violence and Sexual Harassment (*formerly 81-2*)”
- RPD 14-3, “Equal Opportunities in Education: Elimination of Discrimination Based on Gender”
- RPD 14-6, “Discrimination, Harassment, and Retaliation”
- RPD 14-8, “Consensual Relationships”
- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106)
- § 36.11(22), Wis. Stats., Orientation Program; Information on Sexual Assault and Harassment
- Violence Against Women Act (1994) 42 U.S.C. §§ 1371-14040

II. Roles and Duties of University Officials and Employees

A. Title IX Coordinator

The duties of the UW-Whitewater Title IX Coordinator are described in the institutional position description. Those duties include:

- receiving reports of sexual violence and sexual harassment
- maintaining appropriate records
- providing or supporting the provision of appropriate education and training
- maintaining ongoing communication with Title IX Personnel and the Title IX Committee
- overseeing and/or investigating allegations of sexual violence and sexual harassment, as appropriate
- coordinating the effective implementation of supportive measures
- ensuring that applicable policies, resources, and other information is up-to-date and properly disseminated.

The duties of the Title IX Coordinator will be guided by principles of trauma-informed care and ensuring equity and due process for complainants and respondents.

B. UWW Sexual Violence & Sexual Harassment Committee (Title IX Committee)

The Sexual Violence & Sexual Harassment (Title IX) Committee at UW-Whitewater meets regularly to:

- discuss policy implementation and revision
- assess the effectiveness of trainings and educational programming
- address campus climate issues
- provide guidance to the Title IX Coordinator

The following are offices represented on this committee:

- Academic Staff Assembly
- Athletics
- Dean of Students

- Faculty Senate
- First-Year Experience Office
- Human Resources and Diversity
- Sexual Assault Prevention and Awareness Committee
- Title IX Coordinator
- University Police
- University Housing
- University Health & Counseling
- University Staff Council
- Whitewater Student Government
- Women's and Gender Studies Department

C. Responsible Employees

UW-Whitewater has designated the following individuals as "Responsible Employees" under this policy. They include but are not limited to:

- All instructors, including full-time professors, adjuncts, lecturers, adjunct instructors, and any others who offer classroom instruction or office hours to students;
- All advisors
- All coaches, trainers, and other athletic staff that interact directly with students
- All student affairs administrators
- All residential hall staff
- Employees who work in offices that interface with students with the exception of UHCS staff who are considered confidential employees
- All supervisors and university officials with the exception of UHCS staff who are confidential employees.
- Any other employee who does not fall under the umbrella of confidential employee.

Responsible Employees are not necessarily "Officials with Authority" to institute corrective measures on behalf of the university. Responsible employees should be properly trained to do the following:

1. Be familiar with definitions of sexual violence and sexual harassment.
2. Be familiar with this policy and other related policies.
3. Be prepared to respond should an individual report an incident of sexual violence or sexual harassment.
4. Be familiar with resources on campus to which to refer a reporting individual.

D. Official with Authority

UW-Whitewater has designated individuals with the following titles as "Officials with Authority," under this policy, as they have the authority to institute corrective measures on behalf of the university. All Officials with Authority are also Responsible Employees.

- Chancellor
- Vice-Chancellors
- Academic Deans
- Department Chairs and Supervisory Staff
- Dean of Students and DOS Staff
- Chief Human Resources Officer and HR Staff
- Chief of University Police
- Director and Associate Director of Athletics
- Residence Life Central Staff, Complex Directors & Assistants
- Title IX Team Members who are not designated as Confidential Employees like UHCS staff

E. All Employees

Regardless of whether they are a “Responsible Employee” or an “Official with Authority,” all employees are required to comply with the following reporting obligations.

In accordance with § 36.11(22), Wis. Stats., employees who witness an act of sexual assault, or who receive a first-hand report of sexual assault from an enrolled student, must report that information to the Title IX Coordinator or designee. “Confidential Employees”, described below, are only required to report the occurrence of the sexual assault without any personally identifying information about the complainant or respondent.

All employees must comply with **Executive Order 54** which requires that university employees report incidents of child abuse and neglect which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services. [https://docs.legis.wisconsin.gov/code/executive_orders/2011_scott_walker/2011-54.pdf].

III. Reporting an Incident of Sexual Violence or Sexual Harassment

A. Reporting Options

Those who have been subjected to an incident of sexual violence or sexual harassment have several options for reporting the incident:

1. The individual may elect not to report or may only seek confidential services.
2. The individual may report information to the campus Title IX Coordinator or other designated reporting office:

Title IX Coordinator

Vicki Schreiber, Ph.D.

Office of Human Resources and Diversity

Hyer Hall Room 330

Phone: (262) 472-2143 (direct number); (262) 472-1024 (main office)

Email: titleix@uww.edu or schreibv@uww.edu

Offices

Dean of Students Office (Students)

Anderson, Suite 2130

Phone: 262-472-1533

Human Resources Office (Employees)

Hyer Hall 336

Phone: 262-472-1024

Residence Life Office (Resident Students)

Goodhue Hall 200

Phone: 262-472-5275

3. The individual may report information to campus law enforcement:

UW-Whitewater Police

Goodhue Hall

Phone: (262) 472-4660 (Non-Emergency); 911 (Emergency)

Fax: (262) 472-5746

Email: police@uww.edu

Website: police.uww.edu

4. The individual may report information to local law enforcement:

a. Whitewater Police Department

Daniel Meyer

City of Whitewater Deputy Chief

City of Whitewater Police

312 W. Whitewater St.

Whitewater, WI 53190

(262) 473-0555, option 4 (phone)

(262) 222-5909 (fax)

Email police@whitewater-wi.gov

Website <https://www.whitewater-wi.gov/153/Police>

b. Janesville Police Department (For Rock County individuals)

David J. Moore

City of Janesville Chief of Police

Chad Pearson

City of Janesville Deputy Chief

Todd Kleisner

City of Janesville Deputy Chief

City of Janesville Police Services

100 N Jackson St

Janesville, WI 53548

(608) 755-3100 (phone)

Website <https://www.janesvillewi.gov/departments-services/police/police-management-team>

Note: An individual may make a report to one or more of the offices or individuals noted above.

Individuals also have the option to file a complaint with the U.S. Department of Education:

U.S. Department of Education

Office for Civil Rights

400 Maryland Avenue, SW

Washington, D.C. 20202-1328

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

The Sexual Assault Reporting form: <http://www.uww.edu/dean-of-students/reporting-forms> *This means of reporting is highly recommended, as it ensures that outreach support to the individual subjected to sexual misconduct be initiated upon receipt of the form.*

B. Amnesty

Individuals, including complainants, respondents, and witnesses, who have made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing regarding incidents of sexual harassment or sexual violence generally will not be issued citations by campus law enforcement or subject to disciplinary sanctions for personal consumption of alcohol or other drugs arising out of the same facts and circumstances of the alleged incident unless the institution determines that the violation was egregious, and/or placed the health or safety of any person at risk, and was beyond the amnesty provided by state law.

(<https://www.doj.state.wi.us/sites/default/files/ocvs/act279/Sexual%20Assault%20Victim%20Amnesty%20What%20You%20Should%20Know.pdf>.)

C. Confidentiality

Individuals, including complainants, who report to any of the offices or individuals noted above, or to any other university employee, except Confidential Employees or resources as defined above, cannot be assured absolute confidentiality. However, information provided in the report and in any subsequent, related proceeding will only be shared with those individuals who have a need to know to fulfill obligations consistent with university policies or laws.

D. Resources and Supportive Measures

1. Supportive Measures

The university will work with individuals involved in alleged incidents of sexual violence and sexual harassment to undertake appropriate measures to assist in their safety and wellbeing. These may include no-contact directives, academic or work modifications, and relocation of living or working space. Supportive measures are available to complainants and respondents.

2. Resources

The university offers a variety of free resources that are available to individuals involved in incidents of sexual violence or sexual harassment, including the following:

- **24-hour UW-Whitewater Police Services (262) 472-4660**
- **24-hour Emergency Help: 911**
- **Walworth County Crisis Line (262) 741-3200 or 1-800-365-1587**
- **UWW Dean of Students Office, (262) 472-1533**
- **University Health and Counseling Services (UHCS)** has confidential employees and provides confidential and free services. <http://www.uww.edu/uwcs/about-us/staff-directory>.
 - **Health Services: (262) 472-1300**
M-F 8:00am to 4:30pm (summer & evening hours may vary)
Services provided include medical treatment, emergency contraception, treatment for STI's, pregnancy/STI/anonymous HIV testing, referrals to specialists, phone consultations with RN. No evidence collection is done on site.
 - **Counseling Services: (262) 472-1305**
M-F 8:00am to 4:30pm
Free individual assessment & counseling, consultation with staff, referrals to community agencies, and crisis intervention
24-hour Crisis Line 262-741-3200 or 1-800-365-1587

- **Walk-ins:** Second floor of Ambrose Health Center between 8 and 4:30 (Monday - Friday). For urgent concerns there is a counselor available without appointment for crisis intervention when the Counseling Service is open. For confidential employees/resources who can provide emotional support, advocacy, or information following a sexual assault: 262-472-1060 (Sexual Assault Crisis Line.)
- **Aurora Lakeland Medical Center – Elkhorn – SANE Services**
Aurora Lakeland Medical Center provides 24-hour emergency care with specially trained nurses, Sexual Assault Nurse Examiner (SANE) services. These are nurses who can provide forensic evaluations and emotional support to sexual assault and domestic violence survivors. If you request an advocate, New Beginnings APFV is the agency that is called to work with you.

For more information you can contact:

Aurora Lakeland Medical Center
W3985 County Rd NN
Elkhorn, WI 53121
Phone: 262-741-2000
24-hour crisis hotline: 414-219-5555
Website: <https://www.aurorahealthcare.org/healing-advocacy-services/refer-to-us>

- **Mercyhealth Hospital and Trauma Center – Janesville – SANE Services**
Mercyhealth Hospital and Trauma Center offers round-the-clock compassionate care for individuals whose traumatic injuries are caused by sexual assault through its SANE (sexual assault nurse examiner) program. Mercyhealth's SANE program, the only one of its kind in Rock County, provides comprehensive care for assault victims of all ages.

A Sexual Assault Nurse Examiner is a registered nurse who has received special training so they can provide comprehensive care to sexual assault victims including a forensic exam. The nurse examiner offers:

- Full attention focused on the care and comfort of the patient
- Emergency health services
- Expertise to offer effective courtroom testimony
- Definitions of consent and assault
- Community education about preventing sexual abuse
- Access to important local resources

For details about Mercyhealth's SANE program, you can contact:

Mercyhealth Hospital and Trauma Center – Janesville
1000 Mineral Point Ave
Janesville, WI 53548
(608) 756-6522

- **New Beginnings (The Association for Prevention of Family Violence, APFV):**
New Beginnings APFV helps victims of domestic violence, sexual assault, harassment, stalking and human trafficking as well as their affected family members.

They provide:

- A 24-hour telephone crisis line for victims of domestic violence and/or sexual assault
- Legal advocacy, including information on how the criminal and civil court systems work
- Safety planning including assistance in obtaining a restraining order
- Court accompaniment
- Services for current or past victims of sexual assault of all ages
- Support services for family members affected by domestic or sexual abuse
- Individual counseling with an advocate
- Weekly ongoing support groups for women, adolescents, and children
- Referral to emergency safe housing
- Information and referral to other helpful community agencies
- Advocacy and counseling for elder abuse

For a comprehensive list, please visit their website listed below.

Walworth & Jefferson County: 262-723-4653; <http://newbeginningswalworth.com/>

Locations:

20 N Church Street
Elkhorn, WI 53121

143 W. Main St.
Whitewater, WI 53190

- **Beloit Domestic Violence Survivor Center:**
Beloit Domestic Violence Survivor Center provides services for victims of domestic violence. All domestic violence victims' information is kept confidential. Location of shelters is confidential to protect the victims and their children.

24 Hour Helpline: 608-365-1119
<https://www.statelinefamilyservices.org/bdvsc>
Office hours: Monday – Friday 8am – 5pm

Services include:

- 24 hour crisis, information and referral 365 days a year
- Emergency shelter for victims of domestic violence
- Legal advocacy including help with preparing and filing a restraining order
- Support groups - In House and Outreach
- Safety, housing, and financial planning for victims
- Children's services
- Parenting classes
- Budgeting classes
- Hispanic and other minority domestic violence outreach services
- Sexual assault services

- **Wisconsin Victim Resource Center (VRC):** 1-800-446-6564 or 608-264-9497
If you are the victim of a crime, you may come in contact with the criminal justice system. You are entitled to certain rights under the Wisconsin law, which ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and that the rights extended to victims and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants. If you are unable to resolve the situation yourself, you have the right to contact the Victim Resource Center for further assistance and possible informal mediation. The VRC is a team of individuals housed in the Office of Crime Victim Services who specialize in assisting victims of crime with questions and concerns regarding their crime victim rights. See below for the relevant citation.
- **YWCA Rock County:**
 - 24 Hour Emergency Hotline: 608-752-2583 or text 608-371-9288
 - Business Hours Number: 608-752-5445
 - <https://www.ywcarockcounty.org/>
 - Services include emergency shelter providing food, clothing, personal needs, legal advocacy, safety planning, support groups, and a transitional living program
- **UW-Whitewater Campus Tutorial Services:** (262) 472-1230; tutorctr@uww.edu
The UW-Whitewater Tutorial Services office offers tutors for a variety of subject areas, including but not limited to Accounting, Biology, Chemistry, Communication, CORE classes, DevEd, Math, Music, and many others. For a complete list, give the office a call at the number listed above or visit their website at <https://www.uww.edu/tutorial>

E. Procedures

1. University Procedures:

- a. When a report is made to the *Title IX Coordinator* alleging that a *student* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
[Chapter UWS 17, Wis. Admin. Code].

https://docs.legis.wisconsin.gov/code/admin_code/uws/17
<http://www.uww.edu/dean-of-students/sexual-assault>
- b. When a report is made to the *Title IX Coordinator* alleging that a *faculty member* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
[Chapters UWS 4, 6, and 7, Wis. Admin. Code].

https://docs.legis.wisconsin.gov/code/admin_code/uws/4
https://docs.legis.wisconsin.gov/code/admin_code/uws/6
https://docs.legis.wisconsin.gov/code/admin_code/uws/7
- c. When a report is made to the *Title IX Coordinator* alleging that a *member of the academic staff* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
[CUWS chapters UWS 11 and 13, Wis. Admin. Code].
https://docs.legis.wisconsin.gov/code/admin_code/uws/11
https://docs.legis.wisconsin.gov/code/admin_code/uws/13
- d. When a report is made to the *Title IX Coordinator* alleging that a *member of the university staff* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply (*Regent Policy Document 14-2, Appendix C.*)
<https://www.wisconsin.edu/regents/policies/sexual-violence-and-sexual-harassment/>

- e. When a report is made to the *Title IX Coordinator* alleging that *any other university employee who does not fall into any of the above categories* has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply. (*Regent Policy Document 14-2, Appendix C.*)
<https://www.wisconsin.edu/regents/policies/sexual-violence-and-sexual-harassment/>

2. Title IX Misconduct Informal Resolution Procedures

At any time prior to reaching a determination regarding responsibility for Title IX misconduct, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the university:

- a) Provides to the parties a written notice disclosing:
 - i. the allegations
 - ii. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations
 - iii. at any time prior to agreeing to a resolution any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
 - iv. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared
- b) Obtains the parties' voluntary, written consent to the informal resolution process
- c) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

The university may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Title IX misconduct. Similarly, the university may not require the parties to participate in an informal resolution process to address Title IX misconduct and may not offer an informal resolution process for Title IX misconduct unless a formal complaint is filed. The requirements of this section do not apply to allegations of sexual harassment and sexual violence that do not constitute Title IX misconduct.

3. Law Enforcement Procedures:

- a) When a report is made to campus law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.

Contact Information for the University of Wisconsin-Whitewater Police Department:

University of Wisconsin-Whitewater Police Department

Goodhue Hall
790 W. Starin Road
Whitewater, WI 53190
Phone: 262-472-4660
Email: police@uww.edu

Procedure:

A police officer will discuss procedural issues with the complainant before the complainant makes the decision whether or not to report the sexual assault.

The officer will review with the complainant:

- Means to preserve evidence

- Whether any substances such as alcohol or drugs were involved
- Details of the police investigation
- What the complainant will have to do and when
- Who must be informed about the assault
- Whether the complainant would be required to press charges and appear in court
- Whether the complainant would have to pay for anything
- How many times the complainant could expect to explain or testify about the assault
- When the process will end

The complainant has a right to feel safe in their community, and Police Services will assist the complainant in developing a personal safety plan by providing:

- Safety escorts
- Evaluation of living quarters
- Self-defense training if requested
- Assistance in changing classrooms
- Assistance in changing class schedules
- Assistance with parking arrangements
- Assistance with resources and contacting agencies such as the following:
 - "New Beginnings-The Association for Prevention of Family Violence" (New Beginnings APFV, Elkhorn and Whitewater: 262-723-4653)
 - UW-Whitewater Health and Counseling Services (health appointment: 262-472-1300) (counseling appointment: 262-472-1305)
 - UW-Whitewater Sexual Assault Survivors Assistance (262-472-1060)
 - Whitewater Police Department (262-473-0555)
 - Jefferson County Human Services (920-674-3105)
 - Walworth County Health and Human Services (262-741-3200)
 - Wisconsin Department of Justice, Office of Crime Victim Services (1-800-446-6564) doj.state.wi.us
 - Wisconsin Coalition Against Sexual Assault (608-257-1516) wcasa.org
 - RAINN (Rape, Abuse and Incest National Network) (1-800-656-HOPE (4673) RAINN.org)

- b. When a report is made to local law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.

Contact Information and Procedure for Local Law Enforcement Office:

Whitewater Police Department

312 W. Whitewater St.
 Whitewater, WI 53190
 Phone: 262-473-1371
 Fax: 262-222-5909
<https://www.whitewater-wi.gov/153/Police>

City of Janesville Police Department

100 N Jackson St
 Janesville, WI 53548
 Phone: 608-755-3100
<https://www.janesvillewi.gov/departments-services/police/police-management-team>

UW-Whitewater Police Procedure:

Recognizing the intense and painful psychological and social pressures placed upon the victims of sensitive crimes, it shall be the policy of this Department to investigate these offenses with a great deal of sensitivity for the victim and with the unique skill afforded by a specialized Sensitive Crime Investigation Team.

A multi-disciplinary team approach to investigating sensitive crimes enhances the efficiency, effectiveness and sensitivity of all agencies providing services to the victim. Collaborative protocols for investigating sensitive crimes promote cooperation among law enforcement, child protection, prosecutors, educators, medical care providers, victim advocates and other community agencies to guide their response when completing investigations. Investigating personnel shall remain sensitive to the needs and request of the victim, especially during critical stages such as gathering evidence, photographing injuries and conducting interviews.

At the procedural level the following are considerations for the officers involved:

Primary Officer:

- Assess medical condition of the victim and whether immediate medical attention is needed
- Determination if a sensitive crime occurred and jurisdiction
- Request response of a sensitive crimes team member
- Ensure victim is escorted to a safe location
- Encourage victim to seek a SANE exam even if they do not wish to pursue a criminal investigation
- Offer information for local resources (APFV)

Secondary Officer:

- Protect crime scene and request an evidence technician
- Investigate; canvass area
- If applicable notify surrounding jurisdictions

Sensitive Crimes Team Member:

- Contact an advocate for the victim and ensure victim has access to crime victim services and literature
- Confirm victim safety and medical needs
- Obtain preliminary information from primary officer
- Ensure evidence collected at crime scene
- Coordinate with victim advocate to arrange transportation of victim to hospital facility for SANE exam
- Conduct thorough interview of adult victim (children victims are generally interviewed by a forensic interviewer)
- Coordinate investigation-follow up with charging as dictated by the results of the investigation

When a report is made to more than one of the offices noted above, the offices will endeavor to cooperate as they are able. Attempts will be made to limit the number of times a complainant or respondent is required to repeat information about the allegations.

F. Prompt Resolution

The university offices and employees that receive a report of sexual violence or sexual harassment will endeavor to resolve the matter in a timely manner, with consideration to available information and context.

1. Time Frames

Best efforts will be made for the university to complete an informal resolution process or an investigation of a complaint within 90 calendar days. The 90-calendar day time frame and any other time frame set by the university related to appeals and conclusion of the grievance process may be extended for good cause. Good cause may include but is not limited to considerations such as:

- the absence of a party or party's advisor or witness
- concurrent law enforcement activity
- the need for language assistance or accommodation of disabilities.

The complainant and the respondent will be notified in writing of an extension for good cause.

2. Potential Sanctions

The procedures identified above provide for disciplinary action against employees and students who are found responsible for violating a university policy. For students, such sanctions include those listed in UWS 17. Employee sanctions may include measures that range from a written reprimand through dismissal. Vendors and guests may be subject to other sanctions.

3. Notice of Outcome

Both the complainant and the respondent will be provided with notice of the outcome of the final resolution.

G. Prohibition Against Retaliation

Prohibited retaliation includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy 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 this policy.

Those who believe they have been subjected to retaliation under this section may report the allegations to the Title IX Coordinator or Deputy. Those who believe they have been subjected to retaliation that would also constitute a crime may report to campus law enforcement or campus safety office. (See contact information above)

H. False Information

Any person who knowingly makes false statements or knowingly provides false information when reporting a violation of this policy or during the course of any investigation or disciplinary proceeding pursuant to this policy may be subject to disciplinary action. The fact that a complaint of sexual harassment or sexual violence did not result in a finding of wrongdoing in a law enforcement or University disciplinary proceeding will not, by itself, be a basis for determining that this provision has been violated.

IV. Education and Training

The Title IX Coordinator will be primarily responsible for facilitating the training and educational programs to the campus community. At a minimum, all students and employees will be required to complete the campus-supported on-line training covering issues of sexual violence and sexual harassment.

The Chancellor or designee will identify and offer more in-depth training for employees who are Officials with Authority, Responsible Employees, Title IX Personnel, and those connected with the disciplinary process.

All Title IX Personnel, including the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution, shall receive training on the definitions of sexual violence and sexual harassment, scope of the institution's program or activity, how to conduct an investigation and grievance process, how to serve impartially, and how to avoid conflicts of interest and bias. All decision-makers shall receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence. All investigators shall receive training on issues of relevance and how to create an investigative report that fairly summarizes relevant evidence.

V. Record Keeping and Data Collection

As noted above, the Title IX Coordinator will maintain records of reports and resolution of sexual violence and sexual harassment consistent with the institutional records-retention policy, which must be at least seven (7) years. In addition, the Title IX Coordinator will track compliance with mandatory training programs and maintain a list of training and education offered on campus.

The institution will post a link to all training materials for Title IX Personnel (including the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution), whether developed internally or purchased externally, on their website for public viewing. All materials used to train Title IX Personnel will be maintained for at least seven (7) years.

The UW-Whitewater Police Department or other appropriate office will collect, maintain, and submit the Annual Security Report, consistent with the federal Clery Act.

The Title IX Coordinator, who reports to the Human Resources & Diversity Office, or other appropriate official, will collect appropriate data and compile the state report required under § 36.11(22), Wis. Stats.

VI. Assessment

The University of Wisconsin-Whitewater will conduct a study that seeks to gather data and information concerning sexual violence and sexual harassment. Efforts will be made to conduct such a study once every 3 years. All students and employees are encouraged to participate. The Title IX office will also work to design methods for effectively evaluating the outcomes of campus training and educational programming. It is imperative that UW System institutions proactively integrate empirically informed assessment and evaluations into sexual violence and sexual harassment prevention and awareness programs to measure whether they are achieving the intended outcomes.

Bystander Intervention

Many people think that sexual assault only affects the victim, when in fact entire families, friend groups, and communities are hurt. Campuses suffer from the victims who drop out, the perpetrators who cause fear, and the classrooms that are distracted. It's simple. If you see something, say something.

- Before it even happens, listen up for rape jokes and sexist language. You don't have to laugh or participate.

- If you witness something happening, step in. Create a diversion. Even if you don't know the person who looks in trouble, you can still help. Get them to a safe place. Remember, it's your campus, so it's your business.
- You can be a bystander even after an assault. Learn what options rape victims have available to them on this campus and be supportive of their choices

Risk Reduction

Preventing Perpetration and Protecting Yourself: Strategies to Prevent Perpetration

- Understand and respect your partner's limits.
- Men who use sexually callous language are more likely to perpetrate sexual assault. The next time you hear yourself or someone else talking about women or sex in a derogatory way, stop. Speak up when you hear others talk this way— men or women!
- Know your own sexual limits.
- Learn more about how men and women communicate differently.
- Listen to or read the story of a survivor.
- Make sure you have consent. Consent is a clear and freely given yes, not the absence of a no. People who are incapacitated by alcohol or drugs cannot give consent.

Strategies to Protect Yourself:

- Practice being assertive about your boundaries.
- If saying NO or STOP is too hard, consider creating a diversion so you can leave.
- Enroll in Chimera or another self-defense program that focuses on sexual assault.
- Set your drinking limits before you start drinking.
- Get your own drinks; don't let someone continually fill your cup or leave your drink unattended.

Signs of an abusive dating partner may include:

- Calls you names, insults you, or continually criticizes you
- Does not trust you and acts possessive or jealous
- Tries to isolate you from family or friends
- Monitors where you go, who you call, and who you spent time with
- Controls finances or refuses to share money
- Punishes you by withholding affection
- Expects you to ask permission
- Threatens to hurt you, your family, your pets, or 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 of the opposite gender
- Trapped you in your apartment or dorm room and kept you from leaving
- IM, text messages, and calls you obsessively to find out where you are and what you are doing

Remember, sexual assault, dating violence, and stalking are never the fault of the victim; they are the choice of the perpetrator.

Reporting Options for Victims/Survivors:

Students who experience sexual assault, dating violence, and/or stalking have many options and services available to them on and off campus, including counseling; victim advocacy; access to the criminal and campus disciplinary systems; medical attention. All of these services are available to students regardless of their choice to report the incident to law enforcement, and most are free.

Individuals are highly encouraged to report all sexual assaults to the appropriate law enforcement agency at 911. In addition, individuals may also report a sexual assault to any of the resources listed above. The Title IX Coordinator or other designee will assist individuals in reporting to law enforcement if the individual decides they want to.

Licensed health and counseling staff, provide confidential service and will assist an individual in reporting a crime, should the victim decide they would like to. Counselors may, in situations of extreme concern or imminent threat, encourage individuals to report crimes. Licensed health and counseling staff are required to submit statistics to the Dean of Students on a yearly basis of any sexual assaults they have learned about in the last year under Wisconsin 36.11(22)(c), but do not include identifying information unless the student wishes to share it.

Certain heinous crimes, such as sexual assault, may require the University to notify the community of the danger via Timely Warning or Emergency Notification, and take required steps to protect the community, but the individual reporting the crime, will have their identity protected as allowed by law.

A victim has the option to notify or not notify the appropriate law enforcement agency to report a sexual assault. If the crime occurred on UWW property, UWWPD has jurisdiction on the campus. If the crime occurred off campus, the victim can notify the appropriate local law enforcement agency with jurisdiction at the location of the crime. UWWPD will assist the victim in identifying the correct law enforcement agency and will assist the victim in reporting it to that agency.

We know that many student victims do not feel comfortable talking to law enforcement, campus administrators, professors, or advisors. The campus provides training and information to these staff, but if you find yourself unable to seek help from one of the offices listed below, we encourage you to tell a trusted friend or family member. Healing can look different for everyone.

It is important to preserve evidence and persons who have been victims of sexual assault should refrain from bathing or douching and should not wash clothing or bed linens. Don't delete texts, social media messages or posts, pictures or dispose of any items, electronic or physical, which may have a connection to the incident or those involved. Such evidence may be helpful in criminal prosecution or in obtaining a protection order. If a victim has obtained a restraining order, a copy of the order should be submitted to the University Police so they may assist in enforcing it.

Sexual Assault, Dating Violence, Domestic Violence, and Stalking Disciplinary Procedures for Student Perpetrators

Students have the right to report incidents and have them investigated by sworn police officers, to the University Police at 262-472-4660 or the police department where the crime occurred. University Police officers receive extensive training in the investigation of sensitive crimes. The UW-Whitewater Police Department currently has 1 Lieutenant and 2 Officers who receive specialized training in the investigation of sexual assault and work in conjunction with a county-wide task force. UW-Whitewater Police will aid in the application and obtaining of Orders of Protection, Restraining Orders and other legal protections. Police officers are allowed by State law to implement a 72 hour no contact order in domestic violence situations. UW-Whitewater Police are authorized to issue immediate, temporary bans against individuals from Residence Hall facilities, when necessary and appropriate.

A person may file a disciplinary complaint against a student by contacting the Title IX Coordinator at 262-472-1024 or visiting their office in Hyer Hall, Suite 330. The Title IX Coordinator will assist the student with the correct process, based on the complaint. All student disciplinary procedures follow the Chapter UWS 17 Disciplinary Procedures for Nonacademic Misconduct process. These investigations are conducted by University personnel and not police officers.

The disciplinary proceedings regarding dating violence, domestic violence, sexual assault, and stalking will include a prompt, fair, and impartial process from the initial investigation to the final result. Investigating officers (non-sworn personnel) receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking. They are also trained on how to conduct an investigation and hearing process that protects the safety of all parties and promotes accountability.

All alleged cases of dating violence, domestic violence, sexual assault and stalking investigated by the University of Wisconsin-Whitewater will follow *Chapter UWS 17.151: Subchapter III – Procedures for Student Nonacademic Discipline in Sexual Misconduct Cases*.

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.

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.

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.

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.

Sexual misconduct hearing.

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

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). 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. 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.

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.

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). 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.

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), if imposed by the hearing examiner or committee.

(g) Procedures and permissible bases for the complainant and respondent to appeal.

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.

Disciplinary hearings are subject to s. 19.85, 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.

Supportive measures offered to both the complainant and respondent following a report of dating violence, domestic violence, sexual assault, or stalking include:

- Alternate housing accommodations, if reasonably available
- No contact directives issued by the Title IX Coordinator or Dean of Students Office to the both parties
- Alternate class, work, and transportation accommodations, if reasonably available
- Assistance with notifying law enforcement
- Assistance in obtaining protective orders (help with filing a restraining order)
- Counseling and health services

These accommodations will be made whenever they are reasonably available whether the incident is reported to police or not.

Institutional Procedures for Employees in Cases of Alleged Sexual Assault, Dating Violence, Domestic Violence, and Stalking by Faculty, Academic Staff and University Staff

University employees have the right to report incidents and have them investigated by sworn police officers to the University Police at 262-472-4660 or the police department where the crime occurred. University Police receive extensive training in the investigation of sensitive crimes. The UW-Whitewater Police currently has 1 Lieutenant and 2 Officers who receive specialized training in the investigation of sexual assault and work in conjunction with a county wide task force. UW-Whitewater Police will aid in the application and obtaining of Orders of Protection, Restraining Orders and other legal protections. Police officers are allowed by State law to implement a 72 hour no contact order in domestic violence situations. UW-Whitewater Police are authorized to issue immediate, temporary bans against individuals from Residence Hall facilities, when necessary and appropriate.

University employees are subject to disciplinary procedures and sanctions for sexual misconduct including sexual assault, sexual harassment, dating violence, domestic violence and stalking committed on university property or during work time, up to and including termination of 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, UW System University Personnel System Operational Policies, and collective bargaining agreements. Referral for prosecution under criminal law is also possible and is a standard procedure in cases of sexual assault.

UW-Whitewater has three major categories of employees: faculty, academic staff, and university staff. If you wish to report an employee or third party for alleged sexual assault, domestic violence, dating violence or stalking, contact the Title IX Coordinator, 262-472-1024 or the UW-Whitewater Police Department, 262-472-4660.

The discipline and dismissal procedures for faculty and academic staff members will follow the applicable Chapter UWS procedures. Those Chapters are as follows:

Academic Staff: The discipline and dismissal procedures for academic staff are conducted in accordance with *Chapter UWS 11 – Procedures for Academic Staff Dismissal and for Discipline and Dismissal 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.

- (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.

Faculty: The discipline and dismissal procedures for faculty are conducted in accordance with *Chapter UWS 4 – Procedures for Faculty Dismissal and for Dismissal and Discipline in Title IX Cases*.

UWS 4.11 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 Title IX complaint” means, for the purposes of a Title IX misconduct only, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment, sexual assault, dating violence, domestic violence, or stalking against a faculty member and requesting that the university 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 Title IX complaint may be filed in person, by mail, or 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 one or more of the following:

(a) An employee of the institution conditions the provisions 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 toward 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.

(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 must be participating in or attempting to participate in the education program or activity of the university at the time of filing the complaint.

(5) The complainant or Title IX coordinator 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 conditions:

- (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 Title IX 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 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.
- (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.

Note: 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

University Staff: The discipline and dismissal procedures for university staff are conducted in accordance with the Regent Policy Document - *RPD 14-2 – Appendix C: Policy for Investigation and Resolution of Formal Title IX Complaints Against University Employees Other Than Faculty and Academic Staff*.

Regent Policy Document 14-2 (formerly 81-2)

Sexual Violence and Sexual Harassment

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 the complainant have the right to an advisor of their choice.
 - e. The employee and the 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 both 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. Any hearing held shall comply with the requirements set forth in the preceding section. All of the following requirements shall also be observed:
 - a. The burden of proof of the existence of just cause to support dismissal, or of grounds to support other discipline, is on the university administration.
 - b. The standard of proof shall be a preponderance of the evidence.
 - 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. 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 employee requests an open hearing, in which case it shall be open. Note: See subch. V of ch. 19, Stats., Open Meetings of Governmental Bodies.
 - f. The hearing committee may, on motion of the complainant or the employee, disqualify any one of its members for caused 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 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's 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. 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. 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.

Sexual Violence and Sexual Harassment

Scope

This policy applies to all University of Wisconsin System institutions and programs. This policy covers sexual harassment and sexual violence, including but not limited to sexual harassment, sexual assault, stalking, dating violence, domestic violence, and sexual exploitation.

Purpose

The mission 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, learning, and working environments that are safe and free from violence, harassment, disruption, and intimidation. The purpose of this policy is to reflect the Board of Regents' strong commitment to promoting an environment that is free from sexual violence and sexual harassment.

Policy Statement

It is the policy of the Board of Regents of the University of Wisconsin System to promote an environment free from incidents of sexual violence and sexual harassment. To address these incidents, the Board of Regents directs UW institutions to adopt policies, practices, and educational programs that serve to prevent, respond to, and redress incidents of sexual violence and sexual harassment. In addition, this policy directs institutions to identify factors that may contribute to a culture in which incidents of sexual violence and sexual harassment can exist, and to address these issues to advance a safe environment that supports healthy and respectful interactions and relationships.

This policy is in compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. This policy is also consistent with the regulations related to the Violence Against Women Act (VAWA), the Jeanne Clery Act, relevant state code provisions regarding the enforcement of sexual misconduct disciplinary procedures (See Chapters UWS 4, 7, 11, and 17) as well as other state and federal laws. In accordance with these requirements, the University of Wisconsin System is responsible for taking immediate and effective steps to respond to sexual violence and sexual harassment.

Regent Policy Documents 14-6 and 14-10 cover discrimination on the basis of other protected categories.

Oversight, Roles, and Responsibilities

Each Chancellor or designee shall be responsible for implementing institutional procedures consistent with this policy.

Each UW institution is required to adopt a Sexual Violence and Sexual Harassment policy that is widely available and disseminated to all students and employees. **Appendix A** provides a template policy for institutions to customize and adopt. The institutional policy must contain, at a minimum, the following provisions:

1. Amnesty. A provision to exempt sexual violence or sexual harassment complainants, respondents, and witnesses from receiving citations or being subjected to the student disciplinary process for underage consumption of alcohol under specified circumstances (<https://www.doj.state.wi.us/sites/default/files/ocvs/act279/Sexual%20Assault%20Victim%20Amnesty%20What%20You%20Should%20Know.pdf>).
2. Assessment. A description of the methodology for how the institution will assess the efficacy of its policy and educational efforts undertaken as part of this policy.

3. Collection of Data. In accordance with state and federal law, a statement that includes statistics on the number of reports received by employees alleging sexual assault of a student shall be reported in the UW System Sexual Assault Reports consistent with § 36.11(22), Wis. Stats., and the federal Jeanne Clery Act.
4. Confidentiality. Identification of employees or affiliates who may maintain in confidence any report of sexual violence or sexual harassment. Limitations or barriers to confidentiality of other employees should be addressed.
5. Definitions. Relevant words and phrases used in the policy should be defined consistent with applicable System rules and policies. (Definitions are included in Appendix B):
6. Education/Training. Identification of mandatory education and training concerning sexual violence and sexual harassment.
7. False Information. Information about response and consequences when an individual knowingly makes a material misstatement of fact in connection with a report of sexual violence or sexual harassment. The information should indicate the filing of a complaint that does not result in a finding of prohibited conduct, alone, is not evidence of intent to file a false report.
8. Informal Resolution. A description of the informal Title IX misconduct resolution process, if offered.
9. Office for Civil Rights Complaint. A description of how individuals can file a complaint with the U.S. Department of Education, Office for Civil Rights under Title IX.
10. Official with Authority. Identification of those individuals who are considered officials with authority to institute corrective measures on behalf of the university.
11. Policy Statement. A statement expressing the institution's commitment to promoting an environment free from incidents of sexual violence and sexual harassment.
12. Procedures. Reference to, or inclusion of, institutional policies governing procedures for reporting allegations of sexual violence and sexual harassment, including information for reporting to campus and local police as well as for filing a formal Title IX complaint.
13. Prohibition against Retaliation. A statement explicitly prohibiting retaliation as defined in Appendix B.
14. Prompt Resolution. Inclusion of language that reflects the institution's efforts to pursue the prompt resolution of reports of sexual violence and sexual harassment.
15. Purpose Statement. A statement that indicates sexual violence and sexual harassment are prohibited and expresses the institution's commitment to prevent and promptly and effectively respond to and redress incidents of sexual violence and sexual harassment, and states how such actions support the System and institutional missions.
16. Recordkeeping. A description of how records of reports of sexual violence and sexual harassment will be maintained.
17. Reporting Options and Obligations. Identification of employees to whom or offices to which an individual can report an allegation of sexual violence and sexual harassment, including the U.S. Department of Education, Office for Civil Rights; likewise, identification of employees who are obligated to notify an "Official with Authority" that they have received such a report.
18. Resources. A description of counseling, medical, legal, and other resources for complainants and respondents.
19. Responsible Employees. Identification of those individuals who are considered "responsible employees" as defined in Appendix B. A responsible employee is not necessarily an "Official with Authority" to institute corrective measures on behalf of the university.
20. Roles and Duties of University Employees. Identification of the role and responsibility of institutional employees regarding reporting, prevention, and response involving allegations of sexual violence and sexual harassment.
21. Sanctions. Identification of potential sanctions for students and employees who are found responsible under the policy.
22. Scope Statement. Provision of a scope statement covering all institutional students and employees in university sponsored and supported activities.
23. Supportive Measures. Information for students and employees concerning the availability of academic and employment supportive measures related to the individual as a complainant or respondent.

24. Title IX Committee. Provision for a campus Title IX Committee, tasked with the responsibility to, among other things, support the efforts of the Title IX Coordinator, implement the institutional Sexual Violence and Sexual Harassment policy, perform assessment, and address campus climate and culture issues.
25. Title IX Coordinator. Identification of the name and contact information for the institutional Title IX Coordinator and any Deputy Title IX Coordinators.

Related Regent Policies and Applicable Laws

- RPD 14-3, "Equal Opportunities in Education: Elimination of Discrimination Based on Gender"
- RPD 14-6, "Discrimination, Harassment, and Retaliation"
- RPD 14-7, "Implementation of Statute on Discrimination Against Students"
- RPD 14-8, "Consensual Relationships"
- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106)
- § 36.11(22), Wis. Stats., Orientation Program; Information on Sexual Assault and Harassment
- Violence Against Women Act (1994) 42 U.S.C. §§ 1371-14040

(See definitions in **Appendix B** for other statutory references.)

Possible Sanctions

Any employee found responsible for sex-based misconduct may receive any of the following sanctions:

- Letter of warning
- Official reprimand
- Referral to a required counseling program
- Suspension from employment with pay
- Suspension from employment without pay
- Termination from employment
- Training on Sex-Based Misconduct.

Any third party (visitor, guest, contractor, subcontractor, vendor, partner, or business affiliate) found responsible for sex-based misconduct will receive a sanction ranging from a written warning to being banned from any University property, activities, and/or programs, including the termination of any business contract with the University.

Sexual Assault Education and Prevention Activities for Employees

In accordance with the UW-Whitewater Sexual Violence and Sexual Harassment Policy (see above), the University is a community that stands for safe, healthy relationships. As such, it is the policy of the University to foster a campus environment that is free from intimidation and one in which students may be educated to their fullest potential. Therefore, the University will not tolerate rape, sexual assault, dating violence, domestic violence, stalking, and any form of sexual harassment from students, faculty, or staff. The University also encourages reporting of any incident related to these offenses.

The annual and ongoing prevention and awareness programs for faculty and staff to prevent and report dating violence, domestic violence, sexual assault, stalking and to promote campus awareness include a number of educational and program activities, such as Title IX online Sexual Assault Prevention training programs, Title IX Sexual Harassment in the Workplace training programs, campus presentations, updates on the UW-Whitewater Sexual Misconduct Information website, campus announcements from the Chancellor and Title IX Coordinator, and campus-wide webinars. These programs are comprehensive, intentional, and integrated programming, initiatives, and strategies that are thorough and user-friendly. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, and responsive to community needs. As noted in the course benefits, the Title IX Sexual Harassment in the Workplace online training program is designed to educate employees to recognize sex discrimination, and help employees protect against sexual violence. The program also sends strong messages that sex discrimination and violence are prohibited by the university, and explains the definition of consent and the importance of reporting sex discrimination promptly.

- A. The programs directed at new employee training and awareness programs include:
 - Title IX Sexual Harassment Workplace available through Everi.
 - Title IX Notice of Nondiscrimination posters are available throughout campus
 - Title IX Notice of Nondiscrimination flyers are included in the benefit packages for Benefit Orientation Programs for new employees
 - Presentation by the Title IX Coordinator in Welcome Week orientation including information on what to report and to whom
- B. Sexual Misconduct Information Website
- C. "It's On Us" video (Marketing & Media Relations)

D. Campus Announcements: Letter from the Chancellor and Title IX Coordinator on Title IX and sexual assault reporting, awareness and prevention at the beginning of the fall and spring semesters each year.

Sexual Assault Education and Prevention Activities for Students

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and 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

Educational programming consists of primary prevention and awareness programs for all incoming students and ongoing awareness and prevention campaigns for students that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines what behavior and actions constitute consent to sexual activity using the definition of consent found above;
4. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
5. Information on risk reduction. 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.
6. Provides an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.

The programs directed at new student orientation include:

- Training for Peer Mentors and Team Transfer Staff on Mandated Reporting
- Information provided throughout the summer at SOAR sessions to include policies and handbook information

- Emails to all students from the Title IX Coordinator regarding mandatory online Sexual Assault Prevention training
- “Creating a Culture of Consent” program during orientation presented by Keith Edwards
- Information in New Student Seminar including videos regarding campus resources
- New Student Seminar Syllabus includes a statement on reporting information and Sexual Assault Resources

Annual and On-Going Awareness and Prevention Activities

UW-Whitewater has developed an annual educational campaign consisting of presentations, workshops, and multi-media campaigns that include distribution of educational materials to new students, and participating in and presenting information and materials during new employee orientation.

The University offered the following primary prevention and awareness programs during the 2020-2021 academic year as follows:

Sexual Assault Prevention Training: During the 2020-2021 academic year all UW- students were asked to complete the online training program. The program was sent to 8352 students, of which 95.3% of the students completed it to learn about sexual assault, relationship violence, sexual harassment, and stalking. The program was designed to meet the requirements of the Campus SaVE Act. The training also addresses bystander intervention and responsible alcohol and other drug use.

Creating a Culture of Consent: First-year students are a special target audience and specific steps are taken to ensure that this group receives the required information. This program, facilitated by Keith Edwards, defines and explores the realities of sexual assault, critiques traditional approaches on campus and in society in general, and reframes how we can approach sexual violence prevention proactively. Participants are taught to clearly define informed consent to others as well as recognize our mis-education from cultural messages at the roots of sexual violence. This session empowers individuals of all genders to recognize and intervene not just when sexual violence is imminent but at the roots of sexual violence around us in our daily lives. Prior to the event, freshman were introduced to several area resources by meeting a UWW Police Officer, a counselor at UWW and a member of the Dean of Students Office.

Resident Assistants and Peer Mentors: Two groups of student workers, Resident Assistants and Peer Mentors, receive additional training because they work closely with a large number of students. Approximately 150 Resident Assistants (RAs) and other Residence Life staff participated in an “experiential learning” activity where they were given a scenario regarding sexual assault. University Health and Counseling Services staff were present to provide information and help RAs develop skills to assist students who came to the RA for assistance. All RA’s and Desk Attendants also went through a sexual misconduct training that focused on defining and identifying the various forms of sexual misconduct, and how to appropriately report those incidents. Similarly, 100 Peer Mentors received training on sexual assault, dating violence, bystander intervention and consent. Each freshman seminar class is assigned a Peer Mentor.

RA’s each receive a laminated copy of the Resident Assistant Sexual Violence & Harassment Review Tip sheet to keep at their desk to use as a quick reference when faced with responding to a student who needs assistance. At the beginning of the academic year, during the mandatory floor meeting for all first-year student’s, RA’s are each given a specific script to read that outlines very clearly how to report any and all incidents of sexual violence and sexual harassment. At the end of the first semester, all RA’s were given a policy quiz to assess their knowledge and response on sexual misconduct situations. Any missed answers were covered and discussed at their next one on one with their supervisor. The Residence Life professional staff assessed if there were any patterns in the questions that were answered wrong in order to modify future trainings accordingly.

Mass Email: In the Fall of 2020 all students attending the university received an email that contained links to the sexual misconduct webpage that describes the sexual assault, harassment and stalking definitions and penalties, UW-Whitewater disciplinary process and sanctions, national and campus statistics, victim services, victim rights, self-protection strategies, bystander intervention strategies, location of self-defense courses, phone numbers and web sites for assistance or more information. Also included in the email were contact people in the university to whom students could ask if they had any additional questions. Students received the required information through their campus email address because that is where they receive other essential university information. Students have access to the link throughout the academic year.

It's On Us Campaign: The It's On Us Campaign was again utilized at UW-Whitewater. Whitewater Student Government sold t-shirts, distributed stickers, and used social media to continue the campaign. This helped guide UW-Whitewater community members to the national website and pledge.

'Windows to Whitewater': All new students receive a publication titled 'Windows to Whitewater' that provides information about services on campus. This year, information on safety and survivor resources in relation to sexual assault was included in the 'Windows to Whitewater' publication.

Coalition Against Sexual and Interpersonal Violence (CASIV): CASIV is a student organization of over 12 members that strives to raise awareness through on-campus events and programs. CASIV completes many activities including: sponsoring the annual Take Back the Night program; facilitating presentations on domestic violence; tabling at the University Center; using sidewalk chalk, posters and t-shirts to raise awareness about interpersonal violence.

Sexual Assault Awareness Month: University Health and Counseling Services worked with many groups to promote events during April, which is Sexual Assault Awareness Month. A Trivia Night event was held virtually due to the pandemic. It was designed to increase awareness and education around interpersonal violence on campus. The event included trivia questions about sexual assault and scenarios in which students could discuss how they could intervene as a bystander.

Sexual Misconduct Website: Throughout the year, extensive information was available on the Sexual Misconduct Information website (www.uww.edu/sexual-misconduct-information). Topics on the site include: what to do if you have been assaulted, local and campus resources, statistics, health care options, counseling services available, the role of alcohol and other drugs, behaviors that are considered sexual assault, the law in Wisconsin, legal options – criminal and disciplinary, victim rights, sex offender registry, Wisconsin stalking and harassment laws, advice for friends/family, prevention, suggested readings, links to state and national resources. The search engine on the UW-Whitewater website directs all students looking for information on sexual assault or rape to the Sexual Misconduct Information web page.

Ways to Reduce the Risk of Being Sexually Assaulted

1. Be aware of what is happening around you. Stay alert. Avoid becoming intoxicated by alcohol or drugs. Know your limits.
2. Decide what you do and do not want to do before getting together with a potential sexual partner. Be ready to communicate this to your partner.
3. Communicate your limits firmly and directly. Don't assume that your partner will automatically know how you feel, or will eventually "get the message" without you having to tell them. Be clear and direct in your communications. If you are unsure of what your partner wants, you have an obligation to clarify before initiating or continuing sexual contact.
4. Respond assertively to any, even minor, acts of sexual harassment or disrespect.
5. Do not leave your drink unattended. Open any beverage container yourself to avoid tampering by another person.

6. Do not allow yourself to be taken into secluded or unfamiliar areas or settings. Always arrange alternate transportation home in case you need it. Let others know where you are going.
7. Trust your instincts and get out of any situation that feels wrong.
8. Do not assume that someone who has been non-violent in the past will never be violent.
9. Don't be afraid of not being liked by someone who won't respect your feelings.
10. Use a buddy system to watch out for each other. Go home with the friends you went out with.

Ways to Avoid Being Accused of Sexual Assault

1. Talk to your partner openly so you can both communicate your wishes and have no misunderstanding. If you aren't comfortable talking openly about your sexual desires and limits, you are not ready to be sexual.
2. Always ask for consent before you touch someone sexually.
3. Assume that "no" means NO. If you are right you have not offended your partner. If you are not, your partner can initiate more sexual contact.
4. Listen Carefully. Take the time to hear what your partner is saying. Be sensitive to that person's feelings. If you feel your partner is not being direct or is giving you a "mixed message", ask for a clarification.
5. Don't make assumptions about your partner's behavior. Don't automatically assume that someone wants to have sex just because they drink heavily, dress provocatively, or agree to go to your room. Don't assume that just because someone has had sex with you previously they are willing to have sex with you again. Also, don't assume that just because your partner consents to kissing or other sexual intimacies, they are willing to have sexual intercourse.
6. Don't feel as if you always have to initiate sexual activity. Don't initiate if you don't want to. You don't have to prove your sexuality.
7. Remember that sexual coercion is a crime whether it happens on a partner or at a party or in a dark alley. Getting them drunk is not the same as getting permission. Be aware that having sex with someone who is mentally or physically incapable of giving consent is sexual assault. If you have sex with someone who is drugged, intoxicated, passed out, incapable of saying "NO", or unaware of what is happening around them, that is sexual assault.
8. If you have to pressure your partner or get your partner intoxicated to do it, don't do it. Submission is not consent. Consent is active not passive. Any sexual contact without consent is against the law in Wisconsin.
9. Do not exploit or sexually harass others with humor, threats or embarrassing comments.
10. Be especially careful in group situations. Be prepared to resist pressure from friends to participate in violent or non-consensual sexual acts, or gang up on an individual.

Remember that just because someone doesn't want to have sex with you, that doesn't mean there is something wrong with you. There can be many reasons for not wanting to have sex. It is your choice.

Alcohol & Other Drug Intervention

Early identification and treatment of substance abuse is in the best interest of the university, students, and employees. Students who have concerns with alcohol or other drug use are encouraged to contact the AODA Counselor for an assessment and/or a referral to counseling or treatment programs. **Please note: UHCS does not provide court-related assessments or treatment.

The University provides a variety of services for students, including consultation, assessment, counseling and referrals. It provides and distributes guidelines and information about the university's alcohol and other drug use policy, state and federal laws and penalties for violation, and information about risks from misusing alcohol and other drugs. Voluntary contacts with the AODA Counselor remain strictly confidential. The UW-Whitewater AODA Counselor may be reached at the University Health & Counseling Services (UHCS) by calling 262-472-1305. University Health and Counseling Services also has available educational programs, pamphlets and posters on a wide variety of issues related to alcohol and other drug use. Many items are free of charge and may be obtained by contacting UHCS at 262-472-1305.

Employees who need assistance can access the state EAP program at <https://www.uww.edu/adminaffairs/hr/eap>, or call Human Resources at 262-472-1024.

The Wisconsin Department of Health Services provides contact information for County Human Service Departments that provide substance abuse treatment resources. To view the list of departments visit <http://www.dhs.wisconsin.gov/substabuse/>

UWW partners with Wisconsin Voices of Recovery to prevent opioid use overdoses. In addition to a visual media campaign, boxes containing Narcan are in the process of being installed in 21 locations on campus as well as 1 at the Rock County campus. Staff are being provided an opportunity for training.

Effects of Alcohol and Other Drug Abuse

The abuse of alcohol and use of other illegal drugs can be detrimental to the health of the user. Further, the use of drugs and alcohol is not conducive to an academic atmosphere. Drug use can impede the learning process and can cause disruption for other students and disturb their academic interests. The use of alcohol or drugs in the workplace may also impede the employee's ability to perform in a safe and effective manner, and may result in injuries to others. Early identification and treatment of drug and alcohol abuse is in the best interests of the student, employee and the university.

The effects of any drug depend on the amount taken at one time, the past experience of the drug user, the circumstances in which the drug is taken (place, feelings, activities of the user, presence of other people, simultaneous use of other drugs), and the manner in which the drug is taken. The list below identifies some effects experienced by those who use the substance described. Not all legal or illegal drugs are covered in this brief section.

Alcohol: Effects may include loss of inhibition and judgment, increased hostility and aggression, depression of the central nervous system, loss of motor coordination, speech and vision, slowed or stopped respiration and heart rate, tolerance and addiction, malnutrition, cirrhosis of the liver and death.

Marijuana and Hashish: Effects may include euphoria, slowed thinking and reaction time, confusion, impaired balance and coordination, cough, frequent respiratory infections, impaired memory and learning, increased heart rate, anxiety, panic attacks, tolerance and addiction. Recent studies indicate that marijuana and hashish do carry the potential for addiction, contrary to popular belief.

Hallucinogens: Effects may include altered states of perception and feeling, nausea, chronic mental health disorders and persisting perception disorder (flashbacks).

Opioids: Effects may include pain relief, euphoria, drowsiness, respiratory depression and arrest, nausea, confusion, constipation, sedation, unconsciousness, coma, tolerance and addiction.

Stimulants: Effects may include increased heart rate, increased blood pressure, increased metabolism, feelings of exhilaration, energy, increased mental alertness, rapid or irregular heartbeat, reduced appetite, weight loss and heart failure, and dependency. Additionally, for **nicotine**, effects may include tolerance, addiction, adverse pregnancy outcomes, chronic lung disease, cardiovascular disease, stroke and cancer.

Anabolic Steroids: Effects may include hypertension, blood clotting and cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne; in adolescents: premature stoppage of growth; in males: prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females: menstrual irregularities, development of beard and other masculine characteristics. There are no intoxication effects.

Vaping: This method of drug delivery can occur with various substances including nicotine and cannabis. Vaping is of special consideration as it can be done discreetly and conveniently as well as offer a quicker delivery system of the drug to one's body. This can lead to vaping often being a preferred system of use. Vaping can be viewed as a better choice than a traditional cigarette. Although vaping is considered less harmful, vaping increases the risk to chronic lung disease, asthma, cardiovascular disease, and is just as addictive. Vaping can also contain toxic flavorings and metals. Vaping has caused significant lung injury and death to individuals who use vaping products from an informal source.

UW-Whitewater Smoking Policy

Smoking is prohibited in ALL buildings on the UW-Whitewater campus. Smoking in faculty offices and University vehicles is also prohibited under this policy. To mitigate the established health risks associated with exposure to second-hand smoke, UW-Whitewater also prohibits smoking within 25 feet of all building entrances, air intakes, operable windows or other designated areas.

Warhawk Stadium Smoke Free Policy

The University of Wisconsin-Whitewater's Warhawk stadium does not allow smoking in the general stadium or press box area.

University Standards of Conduct and Sanctions

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

The use or possession of alcoholic beverages is prohibited on university premises, except in faculty and staff housing and as expressly permitted by the Chancellor or under institutional regulations, in accordance with UWS 18.09(1), Wis. Adm. Code.

The unlawful use possession, distribution, manufacture or dispensing of marijuana is prohibited in accordance with 8. UWS 18.10, Wis. Adm. Code.

Violation of these provisions by a student or employee may lead to imposition of a disciplinary sanction. In addition, violators could face possible legal sanctions resulting from civil or criminal actions. Costs related to Alcohol and Other Drugs (AOD) offenses may include fines, loss of driver's license, jail terms and public embarrassment. AOD offenses may also affect a person's employability, or the ability to enter a licensed profession or bonding for employment.

Students

Violation of AOD policy by a student may lead to the imposition of a disciplinary sanction, up to and including suspension or expulsion under s. UWS 17.10, Wis. Admin. Code. Violations of the Alcohol and Student Conduct policies will be adjudicated as consistent with Student Non-academic Disciplinary Procedures (Chapter UWS 17). Sanctions may include:

- mandatory alcohol/drug assessment and counseling
- probation
- suspension or expulsion from the university
- community service, classes and other educational sanctions

Employees

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

Employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their dean, director or departmental chair within 5 days of the conviction if the employees are employed by the university at the time of the conviction.

Legal Penalties & Sanctions

Wisconsin and federal laws governing alcohol and illicit drugs to which students, faculty and staff are subject, include, but are not limited to those listed below:

1. Alcohol
 - a. Wisconsin's *Not A Drop Law*, Wis. Stat. 346.63 (2m), which states that a person who has not attained the age of 21 may not drive with a blood alcohol concentration of more than 0.0%
 - b. Wisconsin's Drinking Age laws
 - c. Wisconsin's Operating While Under the Influence (OWI) laws
 - d. Wisconsin Administrative Code Chapter 18
2. Illicit Drugs
 - a. Wisconsin Illicit Drug Laws, the Uniform Controlled Substances Act, Wis. Stat. 961.
 - b. Federal Illicit Drug Laws dealing with possession and distribution and penalties for violation.

State of Wisconsin

The Uniform Controlled Substance Act, Chapter 961 of the Wisconsin Statutes, regulates controlled substances and outlines specific penalties for the violation of the regulations. A person convicted of manufacturing a controlled substance, delivering a controlled substance, or possessing a controlled substance with the intent to manufacture or deliver, faces a number of penalties. 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. See Section 961.41 Stats.

Regarding alcohol use, Wisconsin has formidable legal sanctions:

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.

See Section 125.07(1)(a)(1), Stats.

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. Section 125.07(1)(a)(3), Stats.

Depending on the factors involved in violating this policy, the penalties may vary from a fine of no more than \$500 to fines of \$10,000 and/or imprisonment.

It is against the law for an underage person to procure or attempt to procure an alcoholic beverage, to falsely represent his or her age for the purpose of obtaining alcohol, or, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possess or consume alcohol beverages on licensed premises. A variety of situations involving consumption of an alcoholic beverage by an underage person is also addressed in this statute. See Section 125.07(4), Stats.

A first-time violator of Section 125.07(4) can be fined up to \$500, ordered to participate in a supervised work program and have his or her driver's license suspended.

To access the Wisconsin statutes online, go to <http://www.legis.state.wi.us/rsb/stats.html> and enter statute 961.41 in the form for statutes related to controlled substances, 125.07 for alcohol related statutes and 346.63 for statutes related to operating a motor vehicle under the influence.

Federal Illicit Drug Laws

These laws prohibit the use, possession, distribution, manufacture or dispensing of controlled substances. Distribution of even a small amount of marijuana can mean years in prison and large fines on first offense. Other penalties under federal law include forfeiture of property, denial of federal benefits (student loans, grants and public housing) and revocation of certain federal licenses.

Several examples of the federal law that may apply to UW-Whitewater students and/or staff are listed below. Please keep in mind that statutes are regularly amended. This listing may serve as a general indication of the seriousness of drug and alcohol law violations, but should not be used in lieu of seeking legal advice.

Controlled Substances Act:

Section 844. Penalty for simple possession

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this title or title III. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$ 1,000, or both, except that if he commits such offense after a prior conviction under this title or title III, or a prior conviction for any drug or narcotic offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$ 2,500, except, further, that if he commits such offense after two or more prior convictions under this title or title III, or two or more prior convictions for any drug or narcotic offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$ 5,000. Notwithstanding the preceding sentence, a person convicted under this subsection for the possession of a mixture or substance which contains cocaine base shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of \$ 1,000, if the conviction is a first conviction under this subsection and the amount of the mixture or substance exceeds 5 grams, if the conviction is after a prior conviction for the possession of such a mixture or substance under this subsection becomes final and the amount of the mixture or substance exceeds 3 grams, or if the conviction is after 2 or more prior convictions for the possession of such a mixture or substance under this subsection become final and the amount of the mixture or substance exceeds 1 gram. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, United States Code, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay.

Section 859. Distribution to persons under age twenty-one

(a) First offense. Except as provided in section 419 [19 USCS Section 860], any person at least eighteen years of age who violates section 401(a)(1) [21 USCS Section 841(a)(1)] by distributing a controlled substance to a person under twenty-one years of age is (except as provided in subsection (b)) subject to (1) twice the maximum punishment authorized by section 401(b) [21 USCS Section 841(b)], and (2) at least twice any term of supervised release authorized by section 401(b) [21 USCS Section 841(b)], for a first offense involving the same controlled substance and schedule. Except to the extent a greater minimum sentence is otherwise provided by section 401(b) [21 USCS Section 841(b)], a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this subsection shall not apply to offenses involving 5 grams or less of marijuana.

(b) Second offense. Except as provided in section 419 [19 USCS Section 860], any person at least eighteen years of age who violates section 401(a)(1) [21 USCS Section 841(a)(1)] by distributing a controlled substance to a person under twenty-one years of age after a prior conviction under subsection (a) of this section (or under section 303(b)(2) of the Federal Food, Drug, and Cosmetic Act as in effect prior to the effective date of section 701(b) of this Act) has become final, is subject to (1) three times the maximum punishment authorized by section 401(b) [21 USCS Section 841(b)], and (2) at least three times any special parole term authorized by section 401(b) [21 USCS Section 841(b)], for a second or subsequent offense involving the same controlled substance and schedule. Except to the extent a greater minimum sentence is otherwise provided by section 401(b) [21 USCS Section 841(b)], a term of imprisonment under this subsection shall be not less than one year. Penalties for third and subsequent convictions shall be governed by section 401(b)(1)(A) [21 USCS Section 841(b)(1)(A)].

Section 863. Drug paraphernalia

1. It is unlawful for any person-
 - A. To sell or offer for sale paraphernalia;
 - B. To use the mails or any other facility of interstate commerce to transport drug paraphernalia; or
 - C. To import or export drug paraphernalia
2. Anyone convicted of an offense under subsection (a) of this section shall be imprisoned for not more than three years and fined under title 18, United States code.
3. Any drug paraphernalia involved in any violation of subsection (a) of this section shall be subject to seizure and forfeiture upon the conviction of a person for such violation. Any such paraphernalia shall be delivered to the Administrator of General Services, General Services Administration, who may order such paraphernalia destroyed or may authorize its use for law enforcement or educational purposes by Federal, State, or local authorities.

For additional details about Federal illicit drug laws, visit:

U.S. Drug Enforcement Agency

<http://www.dea.gov>

U.S. Department of Justice (for table of penalties and information on drugs)

<http://www.usdoj.gov/dea/pubs/csa.html>

Federal Financial Aid Penalties for Drug Violations

Federal guidelines focus most strongly on illicit drug use and distribution. The 1998 Campus Security Act says that students convicted for an illicit drug violation can be denied financial aid support for a specific period, in addition to other legal penalties.

Everyone must answer Question 23 on the FAFSA, "Have you been convicted for the possession or sale of illegal drugs for an offense that occurred while you were receiving federal student aid (such as grants, loans, and work-study).

- Generally, if you have been convicted for the possession or sale of illegal drugs for an offense that occurred while you were receiving federal student aid, you will be ineligible for a period of time based on the type and number of convictions. If you answer "Yes" to this question, it is very important that you complete and submit the FAFSA to determine your eligibility. If you are submitting a paper FAFSA, you will be mailed a worksheet to assist you in determining whether your conviction affects your eligibility for federal student aid. If you are applying using FAFSA on the Web at www.fafsa.ed.gov, you will be provided the electronic version of the same worksheet during your online session. If you need assistance or have any questions on how to answer Question 23, call 1-800-4-FED-AID (1-800-433-3243) for help from the Federal Student Aid Information Center.
- You have limited eligibility for federal student aid while you're incarcerated.

Even if you're ineligible for federal student aid because of a drug conviction, you should still complete the FAFSA because most schools and states use FAFSA information to award nonfederal aid.

Campus Sanctions

The following four-step Alcohol & Marijuana Policy Sanctioning Guide is used by three Student Affairs departments that hear cases for conduct violations related to illegal alcohol use: the Dean of Students Office, University Housing and Intercollegiate Athletics.

This standardized sanction model for alcohol and drug violations was endorsed by the Higher Education Center for Alcohol and Drug Abuse at the time of its inception several years ago. The four steps provide intentional interventions for students involved in multiple alcohol policy violations. The steps also ensure students are aware of the policy and its consequences should they have any subsequent violations, by requiring them to sign a statement of understanding with each violation.

Parents with students under the age of 21 are notified with each alcohol policy violation, typically by letter, but may also be informed by phone or in-person depending on the severity of the incident. Parents are informed by

phone for all cases of medical transport to the hospital due to alcohol or drug intoxication. With UWS Chapter 17 violations, parents are notified after the student meets with a hearing officer for their disciplinary conference. At this time, the student can express extenuating circumstances as to why parental notification should not take place; in rare cases, parental notification may be stayed.

First Alcohol / Marijuana Related Policy Violation

- Online alcohol education course (cost of \$35.00)
Under The Influence – Dean of Students Office & Athletics
Alcohol Response-Ability –University Housing
Marijuana 101 – Dean of Students Office, Athletics & University Housing
- Disciplinary probation for a minimum of one year
- Signed statement of understanding of conduct policy & consequences of future violations

Second Alcohol / Marijuana Related Policy Violation

- Mandated participation in alcohol brief screening & education course (cost of \$100)
Alcohol Awareness Workshop – Dean of Students Office & Athletics
Marijuana Awareness Workshop – Dean of Students Office
Choices @ Winther Counseling Lab –University Housing
- Extended disciplinary probation
- Signed statement of understanding of conduct policy & consequences of future violations
- Residence hall relocation and/or ban likely if incident occurred in residence hall

Third Alcohol / Marijuana Related Policy Violation

- Alcohol & Other Drug Use Assessment (cost of \$150)
- Extended disciplinary probation
- Signed statement of understanding of conduct policy & consequences of future violations
- Residence hall contract cancellation and/or ban, if incident occurred in a residence hall
- 8-10-page paper on responsibility, life choices, possibility of suspension

Fourth Alcohol / Marijuana Related Policy Violation

- Suspension from the University for a period of one semester to two years

Supplemental Policies That Address Alcohol Use

There are several supplemental policies on our campus which address alcohol use as they relate to specific offices or events. These policies fall under the jurisdiction of the larger campus alcohol policy and target specific campus environments (e.g. residence halls or the University Center) or populations (e.g. student athletes).

The *University Housing Alcohol and Drug Policies* list guidelines for the appropriate use of alcohol within the University residence halls. These policies ban the use of alcohol by of-age residents in common area spaces and at residence hall events. The policies also address inappropriate behavior while intoxicated, kegs and alcohol paraphernalia. These policies are available on the University Housing website at the following web address: <http://www.uww.edu/housing/policies>. Resident Assistants review the policies with students at the beginning of the fall and spring semesters in community meetings.

The *Office of Intercollegiate Athletics Student Athlete Handbook* addresses the impact of substance use on student athletes' personal lives and athletic performance with its Alcohol, Tobacco and Drug Use Policies. The policies also address drug testing and the NCAA's banned substance list. These policies are available to students in the online version of the *Student Athlete Handbook* at the following web address:–
https://uwwsports.com/documents/2018/8/21//Updated_Student_Athlete_Handbook_Draft.pdf?id=6141. These

policies are also explained to student athletes in person at the All Sports Meeting, which is held at the beginning of each year.

Policies specific to substance use and Student Organizations and the *Student Organization Conduct Policy* are included in the online version of the Student Handbook at the following web address: http://www.uww.edu/handbook/student/policies_organization.html These policies directly prohibit all forms of hazing, illegal drug use and “dangerous or excessive” use of alcohol or drinking games.

The University Special Event Policy addresses alcohol issues as they relate to campus events hosted by student organizations. This policy bans backpacks, large bags and open containers, which helps prevent illegal alcohol from entering the premises. The policy also required trained Campus Service Officer supervision at all larger events. Finally, this policy also states that the University reserves the right to refuse admission, eject an intoxicated person, shut down an event, refer information to Student Conduct Administration or restrict future use of University facilities by department or organization.

Finally, the *Alcohol Beverage Policy*, which is included in the University Handbook dictates how alcohol may be used on campus and the regulations which must be followed if it is served. The web address for this policy is <http://www.uww.edu/policies/alcohol-beverage-policy>. All events which seek to serve alcohol must be approved by the Chancellor or his/her representative and must be provided by the University Food Service Contractor. This policy also addresses appropriate tailgating on campus and where this activity is permitted.

Alcohol and Drug Education & Prevention Activities

Interventions that Target Individuals

Student Conduct Process

As described above in relation to the University Alcohol Policy Sanctioning Guide, UW-Whitewater’s student conduct process is designed with several intentional educational steps in place to provide opportunities for student learning and growth related to alcohol use. The individual components of the sanctioning guide are discussed in detail later in this section, including online education programs, brief motivational interventions and alcohol and drug counseling resources.

After each alcohol incident occurs, students are invited, though not required, to attend face-to-face meetings with conduct administrator(s) who facilitate a conversation about the students’ involvement. Through these conversations student conduct administrators address the student’s motivations for their actions, their decision-making process and their behaviors impact on the larger campus or local community. These meetings are used to educate students about the University Alcohol Policy, reinforce community expectations and encourage students to make use of available campus resources that may assist them, such as the University Health and Counseling Services (UHCS).

Mandatory Online Education Programs (Alcohol-Responsibility & Under the Influence)

All students found in violation of a first alcohol offense participate in a mandatory online alcohol education program. Our campus uses two Internet based alcohol programs depending on the office where the violation originates. The Dean of Students Office and Athletics use *Under the Influence*, a 3rd Millennium Classrooms program, and the University Housing uses *Alcohol-Responsibility*, a BACCHUS program. Both online education programs use step-by-step modules to educate users about the effects of alcohol on the body and brain, social problems associated with alcohol use on campus, alcohol safety information, and personal and legal consequences related to alcohol use. These programs also provide personalized feedback about each user’s typical drinking behavior and how it compares with national averages, illustrating that high-risk use is not the norm among college students (norms clarification) though students most often believe it is. Finally, the two programs also offer suggestions for “safer

drinking behavior” and strategies the participant can employ for reducing alcohol use. Conduct administrators receive notification when the students have completed the program so there is accountability for completion of the education programs.

Brief Intervention & Education Programs

All students found in violation of a second alcohol offense participate in mandatory in-person alcohol education classes that last approximately 4-6 hours in length. The Office of Residence Life uses the *Choices* program, an individual brief-intervention and alcohol skills training program administered by counseling students at the Winther Counseling Lab. The Dean of Students Office and Intercollegiate Athletics uses a program called the *Alcohol Awareness Workshop*, a hybrid individual and group brief-intervention and alcohol skills training program facilitated by the Dean of Students Office. Both programs engage students in conversation about their alcohol use via motivational enhancement techniques, provide individualized feedback about their use compared with campus normative data, and encourage students to make safer choices about their alcohol use. Additionally, the Alcohol Awareness program uses group process activities to engage small groups of students in conversation about the campus alcohol climate, teaches techniques to avoid peer pressure and provides support for developing alcohol-free social or personal interests.

AODA Evaluation at University Health & Counseling Services

All students found in violation of a third alcohol offense or who are transported to the hospital for acute intoxication are required to participate in a mandatory 2-3 session evaluation with the AODA Counselor in the University Health and Counseling Services. The AODA Counselor asks students many direct questions about their use of alcohol and the conduct incident that has brought them to UHCS for an evaluation. At the end of the evaluation process, the AODA Counselor makes recommendations for continued care if appropriate. Conduct students are mandated to complete the evaluation but are not required to attend additional counseling or treatment even if recommended. The AODA Counselor is willing to maintain a therapeutic relationship with students after the initial evaluation should the students desire to do so. The cost of this evaluation is \$150, which is charged directly to the student’s account.

Counseling for AODA Concerns

The AODA counselor also offers voluntary counseling for students who have alcohol and drug concerns. Students may contact UHCS to schedule an appointment for AODA concerns and have access to meet with the counselor at no cost. The AODA Counselor is qualified to make referrals to outside organizations that provide AODA treatment services ranging from extended outpatient care in the community to inpatient substance abuse options.

Alcoholics Anonymous & Narcotics Anonymous Group

A community-based Alcoholics Anonymous group meets weekly during the academic year, as well as over the summer to offer additional support for students. Alcoholic Anonymous meeting times and locations can be found at www.area75.org. Narcotics Anonymous meeting times can be found at www.badgerlandna.org

Programs that Target the Student Body

New Student/Parent Orientation

The University Police Department presents to guest and family members at Warhawk SOAR (student orientation, advising, and registration days). The topics covered include the following:

- University Police resources and services,

- general information about how University Police manages underage alcohol violations including a general “warning” about alcohol use
- an introduction to the Alcohol Diversion Program, and the medical amnesty policy
- presentation by speaker Keith Edwards on *Creating a Culture of Consent* which covers responsible alcohol consumption

New Student Seminar University Police Department Presentation

All students enrolled in New Student Seminar are required to attend a one-hour presentation facilitated by the University Police department. The topics covered include the following:

- University Police resources and services
- Alcohol and drug
- Sexual assault prevention and resources
- an introduction to the Alcohol Diversion Program
- medical amnesty policy
- emergency procedures (i.e., tornado, active shooter, etc.)
- InformaCast (emergency notification system)

Campus Clarity: “Think About It” Online Training

Per UW System, UW-W students are required to complete this sexual assault prevention training. This training also covers responsible alcohol and drug use, bystander intervention, UW-Whitewater AODA policies and support resources. New students take a three-hour training and continuing students take thirty-minute refresher training.

AODA Education Programs & Outreach Events

Various departments on campus were involved in several proactive campus-wide AODA education programs. The following descriptions summarize the prevention activities coordinated by UHCS, University Housing, and Greek organizations. These programs were educational in nature and were offered to the entire student body, in most cases.

University Housing AOD Education Programs

Each semester, the University Housing requires the live-in staff of each residence hall building to host an alcohol education program. Each building is required to plan an in-hall event that addresses the issue of alcohol use, the policy/legal consequences of underage drinking and/or alcohol safety information. Each hall has the freedom to address the topic in the manner they believe best suits their living environment. Each building is provided with a budget to host the programs. Many hall staff choose to invite the University Police and/or the UHCS Wellness Staff to help address the topic. In addition, the University Housing AODA Peer Educator program is led by a group of students who present programs in the residence halls on the topics of substance abuse. The programs are designed to raise awareness and to promote understanding about substance use in the community, create an environment for discussion, provide current information, and to break down myths and misconceptions about substance use.

2020 Programming included:

- Ma’iingan Hall: The Cannabis Project: 02/18
 - Residence Hall Liaison Officer, Dan Keuhl, presented.
- Lee Hall: Building a Healthy Community: 9/29
 - guest speakers spoke about health nutrition, drugs, alcohol, and diversity and how to be a healthy person overall.
- Lee Hall: Wellness Wednesday: 9/30

- how to eat healthy, workout, how to be safe when drinking and shared University Housing Alcohol policies.
- Bigelow Hall: Comfort Circle: 11/20
 - open discussion where residents could talk about policies and the RA answered any questions that residents had. The three main policies were brought up alcohol, drugs, and quiet hours.
- Tutt Hall: Fall Semester
 - RAs attached safe drinking tips and alcohol safety to candy bags that were passed out to residents
- Fischer Hall: Fall Semester
 - RAs attached safe drinking tips and alcohol safety to candy bags that were passed out to residents

Wellness Summit

Every fall UHCS hosts a campus-wide Wellness Summit in collaboration with various on and off campus departments and organizations. This event addresses personal wellness from a holistic perspective including mind, body and spirit. AOD education and prevention has been a component of this fair each time it is hosted. Passive education materials were distributed that addressed alcohol, drug use and substance abuse in college, in addition to hands-on activities.

Safe Spring Break Campaign

UHCS hosts a safe spring break program prior to Spring Break each year. The program includes tabling in the University Center as well as workshops and fun games about making safe choices on Spring break. Activity topics included consent, safe sex, alcohol drink size, drunk driving, and harm reduction strategies.

Spring Splash Alternative Programming

Spring Splash is a student-driven, non-university sponsored drinking event held off-campus every April. To encourage students to make healthier choices, campus increased marketing efforts to promote non-drinking activities and events happening on campus and in the community. Campus social media campaigns also highlight harm reduction strategies, legal consequences, and social norms.

Greek Life Alcohol Education Programs

Each semester the campus Panhellenic Council and Inter-fraternity Council are required to co-sponsor a mandatory alcohol education program for their members. These programs range from national speakers on substance abuse to other lower cost options like alcohol trivia. The Education Chairs and Presidents from each of these organizations collaborate to sponsor and plan these events, often with the assistance of UHCS Staff.

University Police AODA Related Programs

Throughout the course of each academic year, the University Police host a variety of alcohol and drug prevention events. The majority of these events focus on the legal repercussions of underage alcohol use, risks to personal safety related to alcohol misuse and basic educational information about different types of drugs for those who may not be familiar.

Kick Butts Day & Great American Smokeout

Every semester, UHCS partners with a health communications class to sponsor activities for these national events. Activities such as tabling trivia and quit kits giveaways were used to encourage students to quit smoking or prevent the onset of smoking.

AODA Focused Classroom Presentations

Many courses on campus include drug and alcohol information in their curriculum. There are several courses that specifically address the topic from a prevention and education standpoint with the goal of encouraging students (especially first-year students) to consider how alcohol and drugs may adversely affect their college experience.

Warhawks Step Up: Bystander Intervention Workshops

UHCS facilitates these workshops to encourage students to intervene in unsafe situations like alcohol poisoning or related violence. UHCS facilitated workshops for various classes, residence halls, and student organizations. Participants received shirts with motivational messaging.

New Student Seminar

New Student Seminar is a Fall one-credit course that 93% of new students complete. All students in NSS attend a campus police session where AODA is addressed. The majority of instructors also request presentations from UHCS where additional education is provided on AOD harm reduction.

Personal Health & Fitness

The Personal Health and Fitness course is a one-credit Physical Education course taken by many first-year students to satisfy a general education requirement. This course focuses on the importance of maintaining a healthy lifestyle and a positive sense of wellbeing. Instructors traditionally present a unit on alcohol and drug prevention, largely focused on the physical effects on the body.

University Police Drug Presentations

By request, University Police officers will provide classroom presentations about drugs using their drug kit. Officers bring a kit to the classroom with examples of different types of drugs and cover these with the students, focusing on basic educational information, negative effects of using these drugs and potential legal repercussions of use.

Passive AODA Education Materials & Publications

UHCS has a variety of passive alcohol, drug and tobacco education materials in the form of pamphlets, posters, blood alcohol calculators and giveaways (e.g. signs of alcohol poisoning magnets). Staff distributes these materials in various settings such as programs, events, classroom presentations, and resource fairs. These materials are also available to faculty or staff members upon request.

AODA Training for Student Leaders

Resident Assistants (RAs)

As student leaders who have the most day-to-day contact with their peers on campus, Resident Assistants receive training that prepares them for responding to alcohol and drug policy violations as well as acute intoxication. During the fall Resident Assistant Training, all staff members experience a developmental session called "Confessions of an RA" which is modeled off an educational video called "Confessions of an RA" that was created by the BACCHUS GAMMA national non-profit organization. This program addresses alcohol misuse, acute intoxication and talking with their residents about problematic alcohol use. Residence Life professional staff members present current AODA statistics about UW-Whitewater to the RA staff to give them an idea of what actual use is like on campus and the type of problems or policy violations they may encounter.

Additionally, RAs participate in a mock confrontation role play exercise called *Behind Closed Doors* which requires staff members to address simulated alcohol or drug violations. RAs receive feedback and instruction from UHCS professional staff and counselors about how to approach simple alcohol violations,

parties and acute intoxication. Also, UHCS Staff participates in the Residence Life Campus Resource Fair to answer questions and provide AODA pamphlets and literature.

Peer Mentors

As student leaders who have a direct impact on first-year and transfer students, the Peer Mentors also receive training about how to address alcohol and drug issues among their student mentees. The police department and UHCS facilitate training on how staff should respond when new students turn to staff with AODA concerns. Over 100 peer mentors are trained every August.

Event Crew Members

University Police and James R. Connor University Center staff members collaborate to provide training for student event crew members each fall and spring semester. Event crew members are informed of the University Special Event Policy and the campus Alcohol Policy. They are trained to spot students who are highly intoxicated and when to call for help related to acute intoxication or unruly behavior.

Student Athletes

All NCAA student athletes are introduced to the Athletics Alcohol and Drug policy at the All-Sports Meeting hosted by the Director of Intercollegiate Athletics, Assistant Director of Intercollegiate Athletics and all team coaches. Student athletes are informed of the stringent expectations about alcohol and drug use as well as the potential physical effects of substance use on an athlete's body. All athletes also participate in the Warhawk Leadership Academy which includes sessions on mental health, wellness, and campus resources during students' first and third year on campus.

Alcohol-Free Alternative Events

UW-Whitewater hosts a variety of opportunities for involvement on campus from student organizations and residence hall events to community service and intramural athletics. The campus specifically hosts and promotes many low or no-cost alcohol-free events during the week and on weekends. The University Center (UC) hosts a movie every Thursday (10pm), Friday (7 & 10pm) and Saturday night (7pm). Movies cost \$1 and are available to all students and staff who wish to attend. The UC also hosts an alcohol-free alternative social event at 8pm every Thursday, the traditional "party night" on the UW-Whitewater campus. These free and low-cost events vary but often include comedians, concerts, bingo, trivia, etc.

The Warhawk Alley is another alcohol-free alternative social setting housed on the first floor of the James R. Connor University Center. Bowling, pool, darts, air hockey and video games are all available for student use at a low cost. The Warhawk Alley maintains late hours (Sunday-Wednesday until 12am, Thursday-Saturday until 1am) so that students have a viable campus late-night alternative to drinking or attending off-campus parties. Special rates are offered on specific days of the week and all activities cost less than \$5.00.

Finally, the Esker Dining Center, Drumlin Dining Center and James R. Connor University Center *Down Under* all maintain late-night retail food operations until 2am, giving students an alternative location for late night gatherings.

Prevention Strategies that Target the Institution & Surrounding Community

Substance Free Housing Options

University Housing has designated four substance-free floors where residents have committed to maintaining an alcohol and drug free living environment. Students indicate their desire to live on a substance-free floor when they apply for housing and sign a contract agreeing that they will comply with the substance-free commitment. There are additional wellness, health or alcohol/drug free-centered events in these communities

beyond what is offered for all residence hall students. Fischer Hall is designated as the Wellness Hall therefore programming is provided in this building to promote wellness, sobriety, and clean living.

UW-System AODA Coordinators Group and Symposium

The Wellness Coordinator and AODA Counselor are members of a statewide UW System group of campus coordinators for AODA prevention. Members meet for a teleconference every month during the academic year. This group maintains active communication via email listserv to share resources and information about their respective prevention programs.

University Police Impaired Driving Grants & DOT Mobilizations

During each academic year the University Police participate in three Wisconsin Department of Transportation (DOT) "Drive Sober or Get Pulled Over" drunk driving traffic mobilization campaigns. University Police distribute educational materials related to drunk driving that are made available by the Wisconsin DOT.

Spark Grant

UW-Whitewater also received an American Lung Association- Spark grant to address tobacco education, cessation, and creating a tobacco-free campus policy. The grant supports capacity-building, student incentives, and stipends for student peer educators.

AODA Assessment

National College Health Assessment 2021

Every three years UW-Whitewater participates in the National College Health Assessment (NCHA), a national survey instrument that asks student participants many questions about their overall physical and mental health. The survey includes information about alcohol and drug use. These survey results serve as another valuable source of information about UW-Whitewater student alcohol and drug use. The survey includes comparison to the national NCHA averages from other campuses that participate in the survey.

Notification Procedure for Missing On-Campus Housing Students

Reports regarding any student living in on-campus housing who appears to be missing must be referred immediately to the UW-Whitewater University Police Department by calling 911 or 262-472-4660. Students living in on-campus housing are encouraged to identify a contact person or persons whom the University will attempt to notify within 24 hours if the student is determined by the University Police to be missing for the prior 24-hour period. Only authorized campus officials and law enforcement responsible for the missing person investigation may have access to this information. Students will be asked to list these individuals as an emergency contact during the check-in process and will be allowed to do so online. Student's contact information will be registered confidentially and will only be accessible to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. The student will be able to make any desired changes to their contact information online throughout the year. It is the policy of University Housing to involve and turn over all related information and reports to University Police in all missing persons cases. In addition to any student-designated contact person, if the student is under 18 years of age and not emancipated, the University will notify a custodial parent or guardian within 24 hours of when the student is determined to be missing.

When it is reported that a student is missing for 24 hours University Housing will follow the following procedures:

- Immediately notify University Police
- After notifying the University Police, notify the Associate Director of University Housing.
- Contact roommate and ask other peers on the floor about information they may have.
- Utilize technology such as social networking sites and electronic access reports from student ID to attempt to identify student's recent whereabouts.

UW-Whitewater Annual Fire Safety Report

Fire-Safety Report Notification Procedure for On-Campus Housing Students

1. **Fire Drills:** University Housing and University Police conducted thirteen fire drills, one in each residence hall, during the 2021 calendar year.
2. **Policies:**
 - **Equipment and electrical appliances.** The use of electrical appliances such as toasters, air fryers, hot plates, instant pot's, rice cookers, crock pots, and other cooking devices are prohibited in areas other than residence hall or suite kitchens because of fire safety regulations. Small coffee pots are permitted in rooms. Use of halogen lights, large Christmas string lights, heated blankets, and heated mattress pads are also prohibited. All power strips, extension cords and adapters must be UL approved, and due to fire risk, only one power strip, extension cord or adapter may be used per outlet. University Housing reserves the right to remove any unauthorized or dangerous electrical appliances. Refrigerators are permitted in student rooms, but may not exceed 4.7 cubic feet. Microwave conventional ovens are permitted, but may not exceed 900 watts. Air conditioners and space heaters must be provided by University Housing.
 - **Fire Safety.** The safety of every individual in the residence hall is critical to residence hall staff, and fire is of particular concern. It is important that all students become familiar with the stairwells and exits in the buildings, and practice caution when decorating their room. Due to the potential fire hazard, students are not allowed to hang anything such as fishnets, parachutes, sheets, etc. Students are prohibited from decorating with paneling or plywood, or blocking the doorway with furniture. Students are prohibited from modifying the operation of their residence hall room door in any way. Wheelchairs may not be stored in hallways except in approved areas. Candles (including candles without wicks), candle warmers, incense, and fragrant plug-in devices, are not allowed at any time. Smoke and/or fog machines and halogen lights are also prohibited. Due to the possible fire concerns, heated blankets and heated mattress pads are prohibited in the residence halls. If a student intentionally starts a fire, or if a fire results from negligence, students may be held financially responsible for property damage or personal loss, and may be removed from the residence halls.

Smoke detectors are located in each room and should not be tampered with or unplugged. If a smoke detector is not working, an RA should be notified. Tampering with these or other fire safety equipment, such as fire alarms, fire alarm covers, fire hoses, or fire extinguishers, may be just cause for removal from the residence halls.

University Housing assumes no liability for damages related to the sprinkler systems. Individuals responsible for interfering or tampering with the sprinkler system may be held financially responsible for damages and may be subject to removal from the residence halls.

Persons causing false fire alarms, interfering with the proper functioning of the fire alarm system, including pull box covers, or interfering with the lawful efforts of emergency personnel are subject to prosecution under Wisconsin Statutes. In addition, individuals may be removed from the residence halls and/or the University. Every student is responsible for immediate evacuation of the building in the event of a fire alarm. Failure to evacuate will result in referral to the Student Conduct System and possible police involvement.

- **Flammable materials/explosives.** Explosives, fireworks, gasoline or any other flammable materials that might create a hazard are not permitted in residence halls. Possession or use of such materials is a violation of state law and may result in referral to University Police and/or disciplinary action by the University. Use of such explosives may also result in immediate cancellation of the residence hall contract.
- **Smoking.** All of UW-Whitewater's residence halls are smoke free. This includes, but is not limited to, cigarettes, cigars, e-cigarettes, vaping, vapors, oils, hookahs, or any other smoking devices. Any and all products containing THC are prohibited from being used or stored within the residence halls. Smoking is not permitted in any areas of the residence halls, including student rooms and foyers. Smoking is not permitted within 25 feet of any residence hall.

3. Procedures in case of a fire:

- In the event of a fire, students should immediately pull the nearest fire alarm. When the alarm sounds, all residents should immediately evacuate the building, and move away from the building to allow adequate access from emergency personnel.
- It is the student's responsibility to evacuate the building; staff members will not come to get them. **Failure to do so may result in referral to the Student Conduct System and/or a citation by University Police.**
- **IF A FIRE ALARM SOUNDS AND YOU ARE IN THE BUILDING, PLEASE DO THE FOLLOWING:**
 - Remain calm.
 - Feel door and knob. If cool, open door slowly.
- **IF YOU CAN EXIT SAFELY:**
 - Always wear shoes.
 - Close and lock your door and window.
 - Leave through the nearest exit. If smoke is present, use another exit.
 - Stand clear of the building after exiting.
 - Do not attempt to re-enter the building.
 - Do not return to your room until "all clear" is given by appropriate staff.
- **If door knob is hot or hallway is filled with smoke:**
 - Seal cracks around door with wet towels, clothing, etc.
 - If a phone is available, call the Fire Department (dial 911) to report the fire.
 - Open the window and hang an object out the window, such as a sheet or clothing to attract attention.
 - Keep your face covered to aid in breathing.
 - Students with disabilities or those requiring special assistance should discuss their evacuation plans with their RA or Complex Director. Fire alarm tests are conducted on a periodic basis in each residence hall and students will be notified of the times in advance.

4. Policies Regarding Fire Safety Education:

- The safety of every individual in the residence hall is critical to the residence hall staff, and fire is of particular concern. It is important that all students become familiar with the stairwells and exits in the buildings, and practice caution when decorating their room.
- **Fire Hazards:**
 - Due to the potential fire hazard, students are prohibited from:
 - Hanging anything such as fishnets, parachutes, sheets, etc. in rooms
 - Decorating with paneling or plywood
 - Blocking the doorway with furniture
 - Storing wheelchairs in hallways (except in approved areas).
 - Students are also prohibited from having the following items in their rooms due to potential fire hazard:
 - Candles and incense
 - Smoke and/or fog machines
 - Halogen lights are also prohibited.
- **Intentionally starting a fire/fires resulting in negligence:**
 - If a student intentionally starts a fire, or if a fire results from negligence, students may be held financially responsible for property damage or personal loss, and may be removed from the residence halls.
- **Smoke detectors:**
 - Smoke detectors are located in each room and should not be tampered with or unplugged. If a smoke detector is not working, an RA should be notified. Tampering with these or other fire safety equipment, such as fire alarms, fire alarm covers, fire hoses, or fire extinguishers, will be just cause for removal from the residence halls.
- **Additional policies:**
 - Persons causing false fire alarms, interfering with the proper functioning of the fire alarm system, including pull box covers, or interfering with the lawful efforts of emergency personnel are subject to prosecution under Wisconsin Statutes. In addition, individuals may be removed from the residence halls and/or the University.
- **Evacuation:**
 - Every student is responsible for immediate evacuation of the building in the event of a fire alarm. Failure to evacuate will result in referral to the Student Conduct System and possible police involvement.

5. **List of titles to which students and staff should report a fire:**

- Complex Director
- Director of Residence Life
- Executive Director of University Housing

UW-W Residence Halls	Smoke detectors monitored by third party vendor in common areas	Smoke detectors monitored by third party vendor in student rooms	Individual smoke detectors in rooms not monitored	Sprinkler System	Fire Extinguisher Devices	Evacu- ation Plan/ Placard	Number of evacuation (fire) drills each calendar year
Arey 1024 W Starin Road	X		X	X	X	X	1
Benson 1008 W Starin Road	X		X		X	X	1
Bigelow 441 Koshkonong Drive	X		X		X	X	1
Clem 444 Warhawk Drive	X		X		X	X	1
Fischer 771 W Lauderdale Drive	X		X	X	X	X	1
Fricker 423 Koshkonong Drive	X		X	X	X	X	1
Goodhue 790 W Starin Road	X		X		X	X	1
Knilians 411 N Prairie Street	X		X		X	X	1
Lee 429 Koshkonong Drive	X		X		X	X	1
Ma'iingan 451 Warhawk Drive	X	*	X	X	X	X	1
Pulliam 901 W Starin Road	X	*	X	X	X	X	1
Tutt 431 N Prairie Street	X		X		X	X	1
Wellers 705 Lauderdale Drive	X		X	X	X	X	1
Wells East 611 Lauderdale Drive	X		X	X	X	X	1
Wells West 611 Lauderdale Drive	X		X	X	X	X	1

***IN BOTH MA'IINGAN AND PULLIAM HALL THE DETECTORS IN THE STUDENT ROOMS ONLY
ALERT THE THIRD-PARTY VENDOR IF MORE THAN ONE ROOM IS ACTIVATED.**

UW-W Residence Halls	Total Fires in Each Building	Fire Number For the Year	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Arey	0					0	0	0
Benson	0					0	0	0
Bigelow	0					0	0	0
Clem	0					0	0	0
Fischer	0					0	0	0
Fricker	0					0	0	0
Goodhue	0					0	0	0
Knilians	0					0	0	0
Lee	0					0	0	0
Ma'iingan	0					0	0	0
Pulliam	0					0	0	0
Tutt	0					0	0	0
Wellers	0					0	0	0
Wells East	0					0	0	0
Wells West	0					0	0	0

DEFINITIONS:

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-related death: Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. Also includes death within one year of injuries sustained as a result of the fire.

Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including: sprinkler or other fire extinguishing systems, fire detection devices, stand-alone

smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke-control and reduction mechanisms, fire doors and walls that reduce the spread of a fire.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including: contents damaged by fire, related damages caused by smoke, water, and overhaul. Does not include indirect loss, such as business interruption.

University Housing maintains a fire log and the log for the most recent 60-day period is open for public inspection during normal business hours in the University Housing office in Goodhue Hall.

A paper copy of the 2021 Annual Fire Safety Report will be made available upon request. Please send requests to:

Terry Tumbarello
Director of Residence Life
Suite 200 Goodhue
800 W. Main Street
Whitewater, WI 53190
tumbaret@uww.edu