This combined 2019 UW-Superior Annual Campus Security and Fire Safety Report addresses annual reporting requirements currently required by the United States Department of Education as referenced in the Code of Federal Regulations, Title 34 (Education) - Part 668 (Student Assistance General Provisions)

This report is also available at: www.uwsuper.edu/safety
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Resources at a Glance

Safety and Security

UW-Superior Public Safety Department
Emergency.................................................................................911
Non-Emergency.............................................................(715)394-8114
Belknap & Catlin, P.O. Box 2000; Superior, WI 54880
Email: campussafety@uwsuper.edu
Website: www.uwsuper.edu/safety

City of Superior Police Department
Emergency.................................................................................911
Non-Emergency.............................................................(715)395-7234
1316 N 14th St Suite 150; Superior, WI 54880
Email: policedept@ci.superior.wi.us
Website: www.ci.superior.wi.us/174/Police-Department

Campus Offices

Dean of Students Office..............................................(715)394-8244
Yellowjacket Union # 140
Email: dos@uwsuper.edu
Website: www.uwsuper.edu/dos

Office of Human Resources......................................(715)394-8220
Old Main # 201
Email: hr@uwsuper.edu
Website: www.uwsuper.edu/hr

Employee Assistance Office.................................(715)394-8220
Toll free...........................................................................(800)383-1908
5000 W 36th St, Suite 230; Minneapolis, MN 55416
Website: www.vitalworklife.com

Residence Life...............................................................(715)394-8438
Yellowjacket Union # 140
Email: reslife@uwsuper.edu
Website: www.uwsuper.edu/reslife

Disability Support Services.................................(715)394-8188
Swenson Hall # 1024-A
Email: disability@uwsuper.edu
Website: www.uwsuper.edu/dr

Title IX Contacts

Title IX Coordinator
Tammy Fanning.........................................................(715)394-8243
Yellowjacket Union # 146
Email: tfanning@uwsuper.edu

Health Resources

Student Health and Counseling Services
Emergency.................................................................................911
Non-Emergency.............................................................(715)394-8236
Hours: Mon-Fri 8:00 am to 4:30 pm
Address: Marcovich Wellness Center # 1729
Email: shcs@uwsuper.edu
Website: www.uwsuper.edu/shcs

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

SANE Nurses are available at Essentia Health Superior and Duluth Hospital Emergency Services

Essentia Health St. Mary’s Hospital-Superior
Phone.................................................................................(715)817-7000
3500 Tower Ave; Superior, WI 54880
Website: www.essentiahealth.org/find-facility/profile/essentia-health-st-marys-hospital-superior

Sexual Assault, Domestic Violence, Dating Violence and Stalking Resources

CASDA Campus Advocate...........................................(715)392-3136
CASDA provides supportive services to individuals hurt by domestic violence, sexual assault and child abuse.
Old Main # 311
Email: samantha@casda.org
Website: https://casda.org/

The Center Against Sexual and Domestic Abuse
CASDA
Phone (24-hour hotline).......................................................(800)649-2921
CASDA provides supportive services to individuals hurt by domestic violence, sexual assault and child abuse.
318 21st Ave E; Superior, WI 54880
Email: info@casda.org
Website: https://casda.org/
National Domestic Violence Hotline......(800)799-7233
TTY ........................................................................(800)787-3224

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

Mental Health Resources
Student Health and Counseling Services
Emergency...........................................................................911
Non-Emergency..............................................................(715)394-8236
Crisis Line.................................................................(715)392-8216
Appointments...............................................................(715)394-8236
Hours: Mon-Fri 8:00 am to 4:30 pm
Marcovich Wellness Center # 1729
Email: SHCS@uwsuper.edu
Website: www.uwsuper.edu/shcs

Essentia Health Miller Dwan ..................(218)786-8762
Emergency Crisis Line.................................(218)723-0099
Appointments.......................................................(218)786-1186
502 E 2nd St; Duluth, MN 55805

National Suicide Prevention Hotline.......(800)273-8255
Substance Abuse and Mental Health Services
Administration
www.samhsa.gov

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

Substance Abuse Resources
Student Health and Counseling Services.
Emergency...........................................................................911
Non-Emergency..............................................................(715)394-8236
Crisis Line.................................................................(715)392-8216
Appointments...............................................................(715)934-8236
Hours Mon-Fri 8:00 am to 4:00 pm
Marcovich Wellness Center # 1729
Email: SHCS@uwsuper.edu
Website: www.uwsuper.edu/shcs

Substance Abuse and Mental Health Services
National Helpline.................................(800)662-4357
www.samhsa.gov
Chief of Police’s Welcome Letter

Dear Campus Community,

Safety and security are top priorities at the University of Wisconsin-Superior (UW-Superior). Reports of crimes are taken seriously and responded to in a proactive and educational manner. The university is committed to thoroughly investigating crimes and have processes in place to support victims of these crimes.

UW-Superior’s Annual Security and Fire Safety Report provides information about the campus resources, procedures, and policies which are in place to help keep the campus safe. Published each year, this report keeps the community informed of the safety programs and services available, the crimes reported to the Department of Public Safety (DPS), and the proactive steps individuals can take to help maintain a safe and secure campus for everyone. The report is also in compliance with the Jeanne Clery Act of 1998 (the Crime Awareness and Campus Safety Act of 1990) and the Campus Fire Safety Right to Know Act. The daily crime log can be found on the DPS website. Each year an e-mail notification is made to all enrolled students, faculty, and staff that provides the web site link to access this report.

Please consider taking part in the prevention efforts and educational programs offered on campus. By acting responsibly, caring for community members, and remaining vigilant, our campus will be a safer place. Everyone is encouraged to report suspicious and unlawful behavior immediately to the DPS at (715-394-8114) or to local law enforcement agencies at 911.

Each of us have an important role in keeping our campus and community safe. Please do your part and watch out for your fellow Yellowjackets.

Sincerely,

Joseph T. Eickman

Interim Director of Public Safety and Parking Services
Interim Chief of Police
Dean of Students’ Welcome Letter

Dear Yellowjackets-

The University of Wisconsin-Superior is committed to creating a safe and inclusive environment that’s free from violence, harassment, fraud, theft, disruption, intimidation and any other form of crime.

To inform our students, families, employees and our surrounding community, federal law requires all institutions of higher education that receive federal funds or financial assistance to report information about crime on their campus and efforts to notify the public. Data and other information are made available through the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act).

UW-Superior’s Dean of Students office and Campus Safety make campus crime information available to its constituents through our Annual Security Report (ASR). The purpose of this report is to communicate Clery crime data and serve as a resource to our community. Each year the ASR is made available to the public at uwsuper.edu/clery. We encourage you to review the information in this report.

Additionally, we ask all members of our community to report any campus crimes or suspicious activity by contacting UW-Superior Campus Safety at (715) 394-8114 or 911 for emergencies. As a community, it is vitally important that we live our Culture of Care and take an active role in the health, safety and well-being of our UW-Superior community.

Sincerely,

Harry Anderson

Dean of Students & Senior Student Affairs Officer
Preparation of the Annual Security Report and Annual Fire Safety Report

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

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

This report is prepared by the Department of Public Safety (DPS), Environmental Health and Safety Department (EHS), and the Dean of Students Office (DOS). To gather policies for this report Department of Public Safety, Environmental Health and Safety Department, and the Dean of Students Office collaborated with all other campus departments.

Campus Crime statistics are gathered through our Public Safety Reporting System and contacting other local law enforcement departments.

UW-Superior distributes a notice of the availability of this report by October 1 of each year. Anyone may obtain a paper copy of this report by contacting the UW-Superior Department of Public Safety at (715)394-8114 or by visiting https://www.uwsuper.edu/safety/clery/index.cfm.

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1 20 U.S.C. § 1092(f); 34 C.F.R. 668.46.
### Clery Crime Statistics

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

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<th>OFFENSES</th>
<th>Year 2019</th>
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<td>Non-Campus</td>
<td>On-Campus Property</td>
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<tr>
<td>Rape</td>
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<tr>
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<tr>
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</tr>
<tr>
<td>Incest</td>
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</tr>
<tr>
<td>Robbery</td>
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<tr>
<td>Aggravated Assault</td>
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<tr>
<td>Burglary</td>
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<td>HATE CRIMES</td>
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<tr>
<td>Murder/Non-negligent Manslaughter</td>
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<tr>
<td>Rape</td>
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<td>Fondling</td>
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<td>Statutory Rape</td>
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<td>Incest</td>
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<td>Destruction/Damage/ Vandalism to Property</td>
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**Hate Crime Key:** (D) Disability, (E) Ethnicity, (Ra) Race, (Re) Religion, (S) Sexual Orientation, (G) Gender, (N) National Origin, (G) Gender Identity

*Unfounded: not included in Clery offense counts. ** (Note any updates from previous years—also put a double asterisk next to the revised portion on the chart).

- Underage drinking is a civil offense in the state of Wisconsin, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.
- In accordance with new guidance from the Department of Education, “Unfounded Crimes” are reported in aggregate.
- Crimes committed between roommates or former roommates, without a current or former intimate relationship, are not counted in “Domestic Violence” or “Dating Violence” statistics (VAWA, 34 CFR Part 668, 2014).
Unfounded Crimes
Zero (0) reported crimes were unfounded in 2019.

UW-Superior Campus Security Policies

UW-Superior Public Safety Department (DPS) Role, Authority, and Training
University of Wisconsin-Superior Department of Public Safety (DPS) officers protect and serve the University of Wisconsin-Superior community with sworn and commissioned law enforcement personnel and campus security officers, on-call 24 hours a day, and 7 days a week. Police Officers are armed, security officers are not. DPS Security Officers do not possess full arrest power. DPS Police Officers do possess full arrest powers. All DPS Officers have the authority to issue UW-Superior parking tickets and have been authorized to write Wisconsin State Citations for Chapter UWS 18 – Conduct on University Lands and certain other state and local statutes as per written agreement with the Douglas County District Attorney. Some criminal incidents are referred to the Superior Police Department who also have jurisdiction on the campus. The DPS maintains a close working relationship with the Superior Police Department (SPD). Additionally, DPS occasionally works with other law enforcement agencies in the area including the Douglas County Sheriff’s Department (DCSD), Wisconsin State Patrol (WSP), and the Wisconsin Department of Justice Division of Criminal Investigation (DCI). The officers of SPD and DPS communicate regularly regarding incidents that occur near the campus borders. The DPS continuously monitors the SPD radio frequency and responds to all calls SPD is dispatched to on campus and near campus if students are involved. All UW-Superior Public Safety officers complete on-going, rigorous training.

DPS and SPD have a written Memorandum of Understanding (MOU) which establishes standard procedures for handling incidents and reports, including reports of sexual assaults, and the issuance of timely warnings and emergency notifications. By standardizing the response between SPD and DPS, victims receive a streamlined more uniform response where information flows freely between the two agencies. Victims can take advantage of the resources and personnel from both agencies and are better supported through the criminal justice process.

The University of Wisconsin-Superior does not own or operate any student organization affiliated non-campus locations.

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

<table>
<thead>
<tr>
<th>Office</th>
<th>Official/Person</th>
<th>Contact Information</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety Dept.</td>
<td>Any Public Safety Officer</td>
<td>715-394-8114</td>
<td>606 Belknap St Public Safety Building</td>
</tr>
<tr>
<td>Dean of Students Office</td>
<td>Dean of Students, Associate Dean of Students, Director of Student Development</td>
<td>715-394-8244 <a href="mailto:DoS@uwsuper.edu">DoS@uwsuper.edu</a></td>
<td>1605 Catlin Ave Yellowjacket Union # 140</td>
</tr>
</tbody>
</table>
University of Wisconsin-Superior strongly encourages all crimes be reported to assure University of Wisconsin-Superior can assess any and all security concerns and inform the community if there is a significant threat to the University of Wisconsin-Superior community. University of Wisconsin-Superior encourages accurate and prompt reporting of all crimes to UW-Superior Public Safety Department when the victim of the crime elects to do so and encourages the community to report when the victim is unable to do so. University of Wisconsin-Superior encourages accurate and prompt reporting of all crimes to UW-Superior Public Safety Department and Superior Police Department, Douglas County Sheriff’s Office, the Wisconsin State Patrol, the WI Department of Criminal Investigations, and any other law enforcement agencies.

Other sources of reporting include: Blue Light Emergency Phones

**Non-Campus Locations of Officially Recognized Student Organizations**

University of Wisconsin-Superior does not have any officially recognized student organizations with non-campus locations.

**Voluntary, Confidential Reporting**

University of Wisconsin-Superior maintains an online reporting form at [www.uwsuper.edu/incidentreport](http://www.uwsuper.edu/incidentreport) to collect statistical information for the Annual Security Report and Annual Fire Safety Report for Title IX related incidents. If the crime did not occur on Clery geography, or it cannot be determined from the report whether the act occurred on Clery geography, it will not be included in the ASR.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending on the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. Filing a confidential report may allow the institution to pursue leads and investigations, while keeping your personally identifying information confidential. Reports filed in this manner are counted and disclosed in the Annual Security and Annual Fire Safety Report. In limited circumstances, the University may not be able to assure confidentiality and will inform you in those cases.

**Professional and Pastoral Counselors**

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

University of Wisconsin-Superior does not provide voluntary, confidential crime reporting for the purposes of including crime statistic disclosures in the ASR. Therefore, University of Wisconsin-Superior does not have a policy encouraging professional counselors, if and when they deem appropriate, to inform the persons they are counseling of the

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procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

University of Wisconsin-Superior does not employ pastoral counselors.

**Timely Warning Reports**

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

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

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

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

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

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

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

University of Wisconsin-Superior has on-campus student housing facilities. As a part of the housing assignment process, prospective residence hall students, age 18 and above, are given option to provide an emergency contact name and telephone number, for missing person purposes, which the Residence Life Staff will provide to UW-Superior Public Safety Department or the Superior Police Department. Student Residents under the age of 18 and are not emancipated are required to provide an emergency contact name and telephone number, for missing person purposes, which the Residence Life Office will provide to UW-Superior Public Safety Department or the Superior Police Department. Students’ contact person information is registered confidentially, the information is accessible only to authorized campus officials, and it may not be disclosed, except to law enforcement personnel in furtherance of a missing persons investigation.

If a student is reported to have been missing for more than 24 hours, a UW-Superior Public Safety Officer should be notified. If a Resident Assistant is notified initially, they will immediately notify their Hall Manager. Once a student is reported to be missing, Residence Life Staff will immediately notify UW-Superior Public Safety, who will begin an investigation. UW-Superior Public Safety will be informed if the missing person is under 18 and not emancipated. If the missing student is under 18 and not emancipated, UW-Superior Public Safety will notify Superior Police Department, custodial parent(s) or guardian, and any additional contact person designated by the student, within 24 hours of the determination that the student is missing. If a student is over 18 or emancipated, UW-Superior Public Safety will notify the emergency contact, if any, and Superior Police Department within 24 hours of the determination that the student is missing. If Superior Police Department was the entity that originally made the determination that the student was missing, there is no need for UW-Superior Public Safety to notify Superior Police Department.

While UW-Superior Public Safety proceeds, University Housing will take the following steps:

- Residence Life staff will ensure University police has the information they require
- The Residence Life staff member will file an incident report in the campus database
- Dining staff will determine the last time and location the student accessed dining services
- Residence Life Network (ResNet) will confirm the last time and location of building access

All the above is provided immediately to UW-Superior Public Safety.

Important phone numbers to know: [list numbers below. Examples include:]

- University Police: 715-394-8114 or 911
- Residence Life Office: 715-394-8454
- Dean of Students Office: 715-394-8244

Emergency Response and Evacuation

Emergency Response Team

The Emergency Response Team is responsible for developing and maintaining contingency plans and continuity of operations plans for the university community.

In addition to the Emergency Response Team, the following individuals are involved in confirming/responding to emergency situations:
Drills, Exercises, and Training
To ensure the Emergency Response Team remains current and actionable, the campus conducts the following drills, exercises and training:

- Annual fire drills for all academic buildings and bi-annual fire drills for all residence halls
- Annual severe weather drills each spring prior to the weather season
- Emergency response drills/tabletops in the event that an actual emergency incident does not occur.
- Emergency exercises are typically performed in conjunction with local emergency response agencies such as the county/city departments, SPFD and SPD.

Drills are typically announced a head of time with a designated date; however, no time is provided to ensure some real response. Weeks leading up to the drill employees and students are provided with information communicating proper response and supporting resources available to them in the event of an emergency. All drills are critiqued with measurable data such as but not limited to number of those that participate for each drill, response time, equipment checklist; to ensure alarms are audible and strobes are visible in their work areas, etc. Critique forms also provide the option to comment and space for suggestions.

Prior to performing an exercise, the Emergency Response Team meets to determine the systems, processes and equipment that each department would like to test or practice. Goals are identified and a scenario created to ensure these items will be tested sufficiently. Criteria for focus of the exercise is based on but not limited to the following:

- how long it has been since the last exercise to test specific systems,
- the size of impact (students, campus community, surrounding community, etc),
- the severity of the event (how easy is it to recover),
- the feasibility of a real event,
- identified/known vulnerabilities, and
- if the last exercise pertaining to the system resulted in numerous changes that need to be tested, etc.

After each exercise or tabletop, an after-action review is performed to discuss what went well, what went wrong, did the actions taken differ from our plan and if so, why. The review process includes identifying areas for improvement and resources that would improve the response in a real event. Action items from the review process are assigned to individuals and follow-up is completed to ensure implementation of actions.

A description of the test, the exercise, the date, time, and whether it was announced or unannounced is recorded with the Director of Environmental Health and Safety. These reports are kept for seven years. This information is also regularly distributed in the Annual Security Report.

Emergency Notification
University of Wisconsin-Superior is committed to immediately notifying the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or
employees occurring on campus. University of Wisconsin-Superior uses SAFE Alerts (Rave) for mass notifications. SAFE Alerts provides voice mail, text messages, and emails about critical UW-Superior campus information. All UW-Superior email addresses and on-campus phone numbers are automatically added to SAFE Alerts and cannot be opted out of. Employees can have their cell phone and non-UW-Superior email addresses added to their SAFE Alert profile. Students’ cell phones are automatically added into SAFE Alerts upon enrollment for text messages and voice mail; they may opt out to receiving notifications on their cell phone/non-UW-Superior email if they choose. Students may also add parent/guardian cell phone numbers and non-UW-Superior email addresses to their SAFE Alert profile. Additionally, emergency messages can appear on the uwsuper.edu homepage and emergency.uwsuper.edu, office or computer lab screens, all networked digital displays throughout campus, and via UW-Superior’s Facebook and Twitter accounts. UW-Superior also maintains a weather/emergency hotline that is updated with the latest information.

In the event of an emergency, students and employees will be directed to a safe location, and residence halls will be secured. The DPS Officer on Duty at the direction of the Emergency Response Team will direct individuals to evacuate the premises, or stay in place, as appropriate. The on-duty officer will ensure that local emergency responders (police, fire, emergency medical services, etc.) are responding to the scene. The on-duty officer will inform the Director of DPS of the situation. The Director will evaluate the available information to determine if the situation is potentially threatening to the campus community. The decision to issue a Timely Warning or Emergency Notification will be made by the Director of Public Safety, or his/her designee, when there is insufficient time due to the severity of the situation to confer with the Chancellor or Officer of the Day. On all other occasions the Director of Public Safety, or his/her designee, will provide information to the Chancellor or Officer of the Day who will authorize the notification if deemed necessary through the Director of Strategic Communications, who serves as the university’s Public Information Officer, or his/her designee.

UW-Superior may utilize any or all of the following internal and external communication methods to alert the campus community to a potential emergency or provide updated information about the status of an incident.

**Webpage**

Emergency communication will be posted on the homepage of the university’s website www.uwsuper.edu in the form of a red banner at the top of the page. The red banner will link to an emergency webpage where additional information and updates can be shared.

**Text Messaging**

Text messages can be sent to select groups or the entire campus community.

**Email Blasts**

Messages can be sent to all uwsuper email addresses, in addition to any non-uwsuper email addresses that have been provided by members of our campus community.

**Phone Calls**

Automated phone calls can be administered to all UW-Superior office phone numbers.

**Weather/Emergency Hotline**

Community members can access an automated message regarding class cancelations or campus closures via the weather/emergency hotline at (715) 394-8400.

**Computer Lab Screens**

Information can appear on any office or computer lab screen with emergency information. Information will also appear on the personal computers if the Alertus app has been installed on their device.
Digital Monitors

Information can appear on all networked digital displays throughout campus.

Social Media

Emergency messages and updates can be posted on the university’s Facebook (https://www.facebook.com/uwsuper/) and Twitter (https://twitter.com/uw_superior) accounts.

Fire Alarm Network

In the event of an emergency which poses and imminent threat, a verbal announcement will be made through the university's fire alarm network.

Messages for all these mediums (except for the weather/emergency hotline and the fire alarm network) are administered through our SAFE Alerts/Alertus system. More information about the SAFE Alerts and Alertus System can be found at uwsuper.edu/safe.

Public

UW-Superior will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system(s) unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Additional information on Timely Warnings and Emergency Notifications is contained in Annex B of the University’s Emergency Response Plan.

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

The DPS Officer on Duty is responsible for confirming there is a significant emergency or dangerous situation involving an immediate threat to the health and safety of students and employees occurring on campus. The DPS Officer on Duty confirms the significant emergency or dangerous situation by responding to the scene of the situation and observing the condition and relaying the information to the Douglas County Communications Center (911), the Director of DPS and the Administrative Officer of the Day (OOD).

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students and employees occurring on campus, the Director of Strategic Communications will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system(s) unless issuing a notification will, in the professional judgment of the Director of DPS compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

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

There are two main segments used in the SAFE Alert system:

1. The “Everyone” list that is comprised of students, any parent/guardians who have opted into receiving notices, and employees.
2. Employees who work on the UW-Superior campus who are employed by SSC, a third-party vendor providing custodial services

Generally, all emergency notices are sent to all three segments. UW-Superior can query students and employees out of the Everyone list to send messages to these specific groups, but these queries are typically not used.
After an initial notification is deployed, additional notifications are sent based on decisions made by DPS, the OOD and the Director of Strategic Communications.

**Determining the Contents of the Emergency Notification**

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information, SAFE Alerts contains pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The Director of Strategic Communications may select the most appropriate template or may tailor a specific message for the emergency.

The Director of Strategic Communications typically deploys messages via Safe Alerts, which will provide messaging for the website, emails, phone calls, campus monitors, computer lab screens and social media. The Director of Strategic Communications also records messages on UW-Superior's weather/emergency hotline as needed.

**Procedures to Notify the Campus Community**

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

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

If the campus activates its Emergency Notification in response to a situation that poses an immediate threat to members of the campus community, University Relations will notify the larger community about the situation and steps the campus has taken to address the emergency. The Director of Strategic Communications typically deploys messages via Safe Alerts, which will provide messaging for the website, emails, phone calls, campus monitors, computer lab screens and social media. The Director of Strategic Communications also records messages on UW-Superior's weather/emergency hotline as needed.

**Enrolling in the UW-Superior’s Mass Notification System**

Employee and student SAFE Alert records are automatically created upon employment or enrollment at UW-Superior.

An employee record contains their office phone number and uwsuper email address. We encourage employees to provide their cell phone number and personal email address to help ensure they receive the emergency notification. Employees can opt into receiving notifications on their cell phone or personal email by contacting safealerts@uwsuper.edu or completing the form provided at employee orientation. Employees cannot opt out of receiving emergency notifications on their office phone number or uwsuper email address.

Student records contain the cell phone number and personal email address that they used in their application for admission to UW-Superior. If students wish to opt out of receiving notifications on their cell phone or personal email, they can do so by contacting safealerts@uwsuper.edu. Additionally, student records include their uwsuper email address. Students cannot opt out of receiving emergency notifications on their uwsuper email address.

SSC employees can opt into receiving notifications on their cell phone or personal email address by contacting their supervisor, who relays this information to the Director of Strategic Communications to add into SAFE Alerts.

**On-Campus Safety Services**

UW-Superior uses Blue Light Emergency Phones that are placed around campus. The phones call the DPS directly on the duty cell phone with a message played of the location of the phone. The DPS also provides personal escorts via foot or vehicle.
General access to and use of the facilities at University of Wisconsin-Superior is governed by University of Wisconsin System Chapter 21, Wisconsin Administrative Code\(^4\).

**Academic and Administrative Buildings**
The University of Wisconsin-Superior campus is open to faculty, staff, students, and the general public. The academic and administrative buildings are open to the public during normal business hours. Most facilities have individual hours, and the hours may vary at different times of the year. Access to these buildings is controlled by either key or card access after normal business hours, and all of these buildings have varied levels of access. The Public Safety Department patrols the administrative buildings numerous times throughout the day. For information about the access protocol for a specific building, see the building manager, a department head, or contact the Public Safety Department Officer on Duty at (715) 394-8114.

**Special Considerations for Residence Hall Access**
Authorized access to residence hall residential areas is restricted to residents, their approved guests, and other approved members of the University of Wisconsin-Superior community. Residents gain entry by FOB Access. All residents are cautioned against permitting strangers to enter the buildings and are urged to contact the RA on duty or the Public Safety Department in case of an unauthorized Residence Hall entry.

**Special Considerations for Athletic Facility Access**
Athletic facilities are typically unlocked during regular business hours during the week, but may change with special events, holidays, or weekends. Hours are updated on the athletic websites at [https://www.uwsuper.edu/recreation/mwc/index.cfm](https://www.uwsuper.edu/recreation/mwc/index.cfm). After-hours use is controlled using Desk attendants and DPS personnel who check University ID and document the incident. While open, facilities have the appropriate staff on duty to oversee operations conducted at that facility.

**Special Considerations for Restricted Access Facilities**
University of Wisconsin-Superior has several areas such as research laboratories and hazardous material storage whose access require additional, specialized security measures that limit access to only authorized persons at all times.

**Security Considerations for the Maintenance of Campus Facilities**
Security is provided in the maintenance of UW-Superior’s facilities through a number of mechanisms, including limitations on hours of operation, policies on keys, restricting access to those bearing proper identification as university staff or students, and Blue Light Emergency Phones. Specific security mechanisms may vary with the type of university facility. Each building has a facility manager that report problems. Burnt-out lights are handled through Facilities Management. Landscaping impacts on security are addressed during the design phase. The Department of Public Safety (DPS) responds to building alarms and patrols the entire campus via vehicle, bicycle, and foot patrols. The DPS also locks the interior and exterior doors of the academic buildings after business hours each day.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to the Department of Public Safety at 715-394-8114.

**Informing Students and Employees of Campus Security Policies and Crime Prevention**
University of Wisconsin-Superior provides a number of ways for students and employees to engage in, and respond to, campus security procedures and practices. Every fall, all students and employees are provided with a copy of the institution’s Annual Security Report. Prospective students and employees are provided notice of the availability of the

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Annual Security Report. In addition to this distribution, students and employees are offered a number of training opportunities to learn more about, and engage in, safe campus practices.

Students, staff and faculty are provided information about the DPS, (how to contact them, and the services they provide) during their respective orientations.

At this time there are no programs available to students, staff, or faculty to inform them about Crime Prevention

Incoming students complete an alcohol awareness training in the week prior to the beginning of their first semester in their first year of enrollment at University of Wisconsin-Superior. These trainings address alcohol use and abuse, bystander intervention, sexual assault awareness, domestic/relationship violence, stalking, drugs, and theft prevention. Most are offered on an annual basis. If you or your program would like to request a specific training, please visit the Dean of Students Office.

In addition to formal training procedures, University of Wisconsin-Superior also includes safety tips in its Timely Warning announcements, inside the Residence Halls and on the DPS website: https://www.uwsuper.edu/safety/index.cfm The content of the information depends on the location, for example, Residence Hall posters include information about safety, alcohol awareness, and tips to stay healthy. These tips include:

- Call the police at 715-394-8114 IMMEDIATELY if you see or hear something suspicious. Don’t hesitate to dial 911 in an emergency. Be sure to tell them exactly where you are.
- Keep your possessions in sight at all times. Don’t leave computers, cell phones, or electronics unattended.
- If you leave your office or room, even for a few minutes, lock the door.
- Be alert to potential danger. Trust your instincts.
- Walk with friends whenever possible or call the DPS. If jogging, walking, or biking alone, stay in well-lit and well-traveled areas.
- Shred documents you discard that contain personal information.

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

University of Wisconsin-Superior Policies Governing Alcohol and Other Drugs

Alcohol and Drug Abuse Programs and Interventions
University of Wisconsin-Superior provides a variety of programs and interventions for drug and alcohol abuse. Confidential information, assessment, referral, and short-term counseling services are available for students at Student Health and Counseling 715-394-8236. The Wisconsin Department of Health and Family Services has extensive programs and resources available for people struggling with substance abuse. Please visit their website at http://www.dhs.wisconsin.gov/substabuse. Insurance may affect your ability to use off-campus alcohol and other drug service providers, and UW-University of Wisconsin-Superior urges all students and employees to have adequate insurance coverage.

Information about UW-Superior’s full compliance with the Drug Free Schools and Communities Act, including the descriptions of drug and alcohol abuse education and intervention programs, can be found at Alcohol and Other Drug Abuse (AODA) page of the Student Health and Counseling website: https://www.uwsuper.edu/shcs/aoda/index.cfm
University of Wisconsin-Superior Alcohol and Drug Policy

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

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

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

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

The UW-Superior policy on Drugs and Alcohol is as follows:

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

The use or possession of alcoholic beverages is prohibited on University premises, except in faculty and staff housing and as expressly permitted by the chief administrative officer or under institutional regulations, in accordance with 5. UWS 18.06(13)(a), Wis. Adm. Code. Without exception, alcohol consumption and procurement are governed by Wisconsin statutory age restrictions under 5. UWS 18.06(13)(b). Wis. Adm. Code.

The unlawful use, possession distribution, manufacture, or dispensing of illicit drugs ("controlled substances" as defined in ch.961, Wis. Stats.) is prohibited in accordance with 5. UWS 18.10(1), Wis. Adm. Code.

Violation of these provisions by a student may lead to the imposition of a disciplinary sanction, up to and including suspension or expulsion, under s. UWS 17.03(1)(b), Wis. Adm. Code. University employees are also subject to disciplinary sanctions for violation of these provisions occurring on University property or the worksite or during work time, up to and including termination from employment. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in Wisconsin statutes, administrative rules faculty

\(^5\) Wis. Stat. § 125.07(1)(a)(1).
\(^6\) Wis. Stat. § 125.07(4)(a).
and academic staff policies, and collective bargaining agreements. Referral for prosecution under criminal law is also possible. Further, violations of ss. UWS 18.06(13) and 18.10(1), Wis. Adm. Code may result in additional penalties as allowed under ch. UWS 18, Wis. Adm. Code.

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

STATE OF WISCONSIN LEGAL SANCTIONS
The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes regulates controlled substances and outlines specific penalties for the violation of the regulations. A first-time conviction for possession of a controlled substance can result in a sentence of up to one year in prison and a fine of up to $5,000. Sec. 961.41(3g), Stats. A person convicted of manufacturing a controlled substance, delivering a controlled substance, or possessing a controlled substance with an intent to manufacture or deliver can be imprisoned for up to 30 years and fined up to $1,000,000. Secs. 961.41(1) and (1 in), Stats. Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. The distribution of a controlled substance to a minor can lead to the doubling of an authorized sentence term. Section 961.46, Stats.

Wisconsin has formidable legal sanctions that restrict the use of alcohol in various situations. It is illegal to procure for, sell, dispense, or give away alcohol to anyone who has not reached the legal drinking age of 21 years. Sec. 125.07(l)(a)(1), Stats. Every adult has a legal obligation to prevent the illegal consumption of alcohol on premises owned by the adult or under the adult's control. Sec. 125.07(l)(a)(3), Stats. A first-time violator of either of the above subsections can be fined up to $500. It is against the law for an underage person to procure or attempt to procure an alcoholic beverage, to falsely represent his or her age for the purpose of obtaining alcohol, to enter premises licensed to sell alcohol, or to consume or possess alcohol on licensed premises. Sec. 125.07(4)(a). Stats. A first-time underage violator of section 125.07(4)(b). Stats., can be fined up to $500, ordered to participate in a supervised work program, and have their driver's license suspended.

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

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances 21 U.S.C. 844(a) Â· 1st conviction: Up to 1 year imprisonment and fined at least 51,000, but not more than $100,000, or both. Â· After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least $2,500, but not more than $250,000, or both. Â· After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least $5,000, but not more than $250,000, or both. Â· Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to $250,000 or both, if: (a) 1st conviction and the amount of crack possessed exceeds 5 grams; (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; or (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7)
• Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack cocaine above.)
21 U.S.C. 881(a)(4)
- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a
- Civil fine of up to 510,000.

21 U.S.C. 862
- Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)
- Ineligible to purchase, receive, or transport a firearm.

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

Federal Penalties for Illegal Trafficking of Controlled Substances
- The Controlled Substances Act (CSA), Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, is a consolidation of numerous federal laws regulating the manufacture and distribution of controlled substances. The CSA places all controlled substances into one of five schedules depending upon the substance's medical use, potential for abuse, and safety or dependence liability. The CSA provides penalties for the unlawful manufacturing and distribution of controlled substances. The charts on pages 8-9 of the U.S. Department of Justice publication, Drugs of Abuse. 1996 Edition. provide an overview of the penalties for trafficking of controlled substances.

SUMMARY OF THE HEALTH EFFECTS OF THE USE AND ABUSE OF DRUGS AND ALCOHOL
The following is a partial list of drugs and the consequences of their use. The abuse of alcohol and the use of other drugs is detrimental to the health of the user. Further, the use of drugs and alcohol is not conducive to an academic atmosphere. Drugs impede the learning process and can cause disruption for other students and disturb their academic interests. The use of alcohol or drugs in the workplace may also impede the employee's ability to perform in a safe and effective manner, and may result in injuries to others. Early diagnosis and treatment of drug and alcohol abuse is in the best interests of the student, employee, and the University. (For additional information concerning the health risks associated with substances covered by the Controlled Substances Act, refer to the chart on pages 24-25 of the U.S. Department of Justice publication, Drugs of Abuse, 1996 edition.)

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

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

**Cannabis**

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

**Depressants**

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

**Hallucinogens**

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

**Narcotics**

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

**Stimulants**

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

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

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

RESOURCES FOR DRUG AND ALCOHOL ABUSE AWARENESS, PREVENTION, AND TREATMENT

- **Student Health and Counseling Services**
- **Employee Assistance Program (EAP), Miller-Dwan EA Services** 218-720-1309
- **Human Resources Office**
- **Wisconsin Clearinghouse- 800-248-9244**. The Wisconsin Department of Health and Social Services, through its Division of Community Services, publishes a comprehensive pamphlet listing facilities around the state that provide treatment for drug and alcohol addiction. To obtain a copy of this pamphlet, entitled "Wisconsin Alcohol and Drug Abuse Services Directory," contact the Wisconsin Clearinghouse at 800-248-9244, or write to the following address: Wisconsin Clearinghouse, University Health Services, 1552 University Avenue, Madison, WI 53705.

As part of the University Health Services at the University of Wisconsin-Madison, the mission of the Wisconsin Clearinghouse is to help schools, families, and communities to lead healthy and productive lives. The Wisconsin Clearinghouse has been disseminating information and providing alcohol and drug abuse prevention products and services nationally and state-wide for more than 20 years.

The Wisconsin Clearinghouse publishes a sales catalog that lists more than 300 alcohol and drug abuse awareness and prevention materials (i.e., videotapes, software, curricula, activity books, pamphlets, and posters). If you would like to receive a free catalog by mail, call the Wisconsin Clearinghouse at 800-322-1468.

The Prevention Resource Center is a statewide program of the Wisconsin Clearinghouse that provides an array of services to non-profit private and public sector organizations and educators throughout Wisconsin. Services include disseminating alcohol and drug abuse awareness and prevention-related materials, lending curricula, videos and books, and providing technical assistance in such areas as grant writing and program evaluation. Staff also present ideas and information at conferences and workshops. The Wisconsin Clearinghouse also mails the "Prevention Package" to more than 500 sites, providing information on new publications, successful programs, and a calendar of upcoming conferences and training events. The "Prevention Outlook" newsletter is also published, with up-to-date articles on important issues in the prevention field.

The Department of Labor provides resource information.

The University of Wisconsin System provides information regarding UW System policy.

The policy can also be viewed at [https://www.uwsuper.edu/hr/policies/drug.cfm](https://www.uwsuper.edu/hr/policies/drug.cfm)

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

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

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

UWS 18.09 Alcohol and Drug Prohibitions

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

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

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

UWS 18.15 Additional Statutory Penalty Provisions Regulating Conduct on University Lands

(1) Controlled substances. The use or possession of controlled substances as defined in s. 961.01 (4), Stats., is prohibited on all university property with the specific exemptions set forth in ch. 961, Stats., and as permitted under s. 961.34, Stats. The penalty provisions of ch. 961, Stats., and chs. UWS 17 and 18 may apply to violations occurring on university lands.
Wis. Stats. 125.07

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

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

(1) Alcohol beverages; restrictions relating to underage persons.
   (a) Restrictions.
      1. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
      2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
      3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult’s control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
      4. No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).
   (b) Penalties.
      1. In this paragraph, “violation” means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.
      2. A person who commits a violation may be:
         a. Required to forfeit not more than $500 if the person has not committed a previous violation within 30 months of the violation.
         b. Fined not more than $500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
         c. Fined not more than $1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
         d. Fined not more than $10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
      3. A court shall suspend any license or permit issued under this chapter to a person for:
         a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
         b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
         c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.
      4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.
      5. A person who holds a Class “A” license, a Class “B” license or permit, a “Class A” license or a “Class B” license or permit who commits a violation is subject to subd. 3. but is not subject to subd. 2. or s. 125.11.
      6. Notwithstanding subd. 1., in this subdivision, “violation” means a violation of par. (a) or of a local ordinance that strictly conforms to par. (a).
b. Subject to subd. 6. c., only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.

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

(4) UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.

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

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

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

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

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

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

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

1. For a first violation, a forfeiture of not less than $250 nor more than $500, suspension of the person’s operating privilege as provided under s. 343.30 (6)(b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.
2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than $300 nor more than $500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person’s operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (a) involved a motor vehicle the person’s operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.
3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than $500 nor more than $750, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person’s operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person’s operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.
4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than $750 nor more than $1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person’s operating privilege may
be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor
vehicle the person’s operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.
(c) Any person violating par. (b) is subject to the following penalties:
1. For a first violation, a forfeiture of not less than $100 nor more than $200, suspension of the person’s
operating privilege as provided under s. 343.30 (6) (b) 1., participation in a supervised work program or
other community service work under par. (cg) or any combination of these penalties.
2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than
$200 nor more than $300, participation in a supervised work program or other community service work
under par. (cg) or any combination of these penalties. In addition, the person’s operating privilege may be
suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (b) involved a motor
vehicle the person’s operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.
3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than $300
nor more than $500, participation in a supervised work program or other community service work under
par. (cg) or any combination of these penalties. In addition, the person’s operating privilege may be
suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved a motor
vehicle the person’s operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.
4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less
than $500 nor more than $1,000, participation in a supervised work program or other community service
work under par. (cg) or any combination of these penalties. In addition, the person’s operating privilege may be
suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved a motor
vehicle the person’s operating privilege shall be suspended as provided under s. 343.30(6)(b)3. (cd) For
purposes of par. (bs) or (c), all violations arising out of the same incident or occurrence shall be counted as a
single violation.

State of Wisconsin Uniform Controlled Substances Act

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

Amnesty for Underage Alcohol Penalties for Certain Persons - 2015 Wisconsin Act 279 An underage person may not be
issued a citation for, or convicted of, a violation of Wis. Stat. s.125.07(4) (a) or (b) if all of the following apply:

- The underage person is a crime victim or bystander and either the crime victim or the bystander requested
  emergency assistance, by dialing the telephone number “911” or by other means, in connection with the alleged
crime or the underage person encountered a law enforcement officer at a medical facility at which the crime victim
received treatment in connection with the alleged crime.
- The underage person remains at the scene until emergency assistance arrives and thereafter cooperates with
  providers of emergency assistance, including furnishing any requested information, unless the underage person
lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law
enforcement officer at a medical facility, the underage person cooperates with the officer and furnishes any
requested information, unless the underage person lacks capacity to cooperate with the officer.
- If the underage person is a student at a UW-System school, the board or an institution or college campus may not
impose any of the following disciplinary sanctions against a student for the student’s violation of s. 125.07 (4) (a) or
(b), if the student is exempt from issuance of a citation for, or conviction of, the violation under the amnesty law:
removal of a course in progress, enrollment restrictions on a course or program, suspension or expulsion, exclusion from student housing.

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

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

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

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

**Definitions**

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

**Consent**

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

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

(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.7

**Dating Violence**

According to the Clery Act, Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include act covered under the definition of domestic violence.8

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

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7 Wis. Stat. § 940.225(4).
adult individuals involved in the relationship.9

Domestic Violence
According to the Clery Act, Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.10

Domestic Abuse; Domestic Abuse Restraining Orders and Injunctions (Wis. Stats. s.813.12(1))
In the state of Wisconsin, domestic abuse means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver’s care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A violation of s. 940.32.
5. A violation of s. 943.01, involving property that belongs to the individual.
6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.11

Domestic Abuse Incidents; Arrest and Prosecution (Wis. Stat. s.968.075)
“Domestic abuse” means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

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

Sex Offenses
According to the Clery Act, sex offenses are any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.12

Fondling
According to the Clery Act, fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent

9 Wis. Stat. § 813.12(1)(ag).
11 Wis. Stat. § 813.12(1)(am).
because of his/her age or because of his/her temporary or permanent mental incapacity.\textsuperscript{13}

**Incest**

According to the Clery Act, incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.\textsuperscript{14}

In the state of Wisconsin, people who are nearer of kin than 2\textsuperscript{nd} cousins may not marry, except that marriage may be contracted between first cousins where the female has attained the age of 55 years or where either party, at the time of the application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently sterile. (Wis.Stat. s. 765.03)

**Rape**

According to the Clery Act, rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.\textsuperscript{15}

**Sexual Assault**

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.\textsuperscript{16}

In the state of Wisconsin, sexual assault is differentiated by degree, with the following definitions:

(1) First degree sexual assault. Whoever does any of the following is guilty of a Class B felony:
   (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
   (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
   (c) Of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
   (d) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(2) Second degree sexual assault. Whoever does any of the following is guilty of a Class C felony:
   (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
   (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
   (c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person’s conduct, and the defendant knows of such condition.
   (cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.
   (d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.


\textsuperscript{16} Violence Against Women Act of 1994, 34 C.F.R. 668.46(a).
(f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

(g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.

(h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent’s supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

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

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

(3m) Fourth degree sexual assault. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.\footnote{Wis. Stat. § 940.225(1-3m).}

Sexual Assault of a Child

Any person who has sexual contact or sexual intercourse with a child who has not attained the age of 13 years and causes great bodily harm is guilty of a Class A felony. Any person who has sexual intercourse with a child who has not attained the age of 12 years is guilty of a Class B felony. Any person who has sexual intercourse with a child who has not attained the age of 16 years by use of threat of force or violence is guilty of a Class B felony. Any person who has sexual contact with a child who has not attained the age of 16 years by use or threat of force or violence is guilty of a Class B felony if the person is at least 18 years of age when the sexual contact occurred. Any person who has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of a Class B felony.\footnote{Wis. Stat. s.948.02(1)} Any person who has sexual contact or sexual intercourse with a child who has not attained the age of 16 years is guilty of a Class C felony.\footnote{Wis. Stat. s.948.02(2)}

Underage Sexual Activity

In the state of Wisconsin, any person who has sexual contact with a child who has attained the age of 15 years but has not attained the age of 16 years, or any person who has sexual intercourse with a child who has attained the age of 15 years, is guilty of a Class A misdemeanor if the person has not attained the age of 19 years when the violation occurs.\footnote{Wis. Stat. s. 948.093} The statute does not apply to the child’s spouse.

Statutory Rape

Statutory rape is sexual intercourse with a person who is under the statutory age of consent.\footnote{Wis. Stat. § 940.225(1-3m).} In the state of Wisconsin, the statutory age of consent for sexual intercourse is 18 years of age.\footnote{U.S. Department of Education (2016), Clery Handbook at 3-7, available at https://www2.ed.gov/admins/lead/safety/handbook.pdf.} Any person who has sexual intercourse with a child who is not that person’s spouse and who has attained the age of 16 years is guilty of a Class A misdemeanor.\footnote{Wis. Stats. S. 948.09}
Stalking

According to the Clery Act, stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.19

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

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
4. Appearing at the victim's home or contacting the victim's neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
10. Causing a person to engage in any of the acts described in subds. 1. to 9.20

Educational Programs and Campaigns

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

UW-Superior is committed to providing educational primary prevention and awareness programs for its students and employees. Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcomes that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and

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20 Wis. Stat. § 940.32(1)(a).
social norms in healthy and safe directions.\textsuperscript{21} Awareness programs are defined as community wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety, and reduce perpetration.\textsuperscript{22}

The campus community can request professional development, trainings and other information about sexual assault and sexual harassment prevention and response by contacting the Title IX Coordinator at TitleIXCoordinator@uwsuper.edu. The Coordinator will provide resources and specialized trainings catered to specific needs for the population the serves are for.

**Primary Prevention Programs**

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

University of Wisconsin-Superior implements annual educational programs and campaigns to promote the awareness of dating violence, sexual assault, and stalking for students through the culturally relevant, diversity-inclusive, sustainable, online training programs through EverFi. All incoming freshman and transfer students are trained with CampusClarity: the scope of the training includes statutorily required information, as well as warning signs of relationship violence and stalking, and online safety.

Employees also undergo extensive training for sexual assault reduction and prevention. In 2015, UW System adopted EverFi’s “LawRoom” sexual assault prevention training for all new employees, as well as a “trainup” program every three years.\textsuperscript{23} Employees who are both students and system employees must complete both the employee and student trainings assigned.

Additional prevention/education programs and services offered:

**Undergraduate Orientation:** At orientation, known as SOAR (Student Orientation, Advising, and Registering), both new undergraduate students and parents are provided with information about sexual assault, consent, and resources available to victims in accordance with the Wisconsin Statutes 36.11(22)(a). Parents and guests of new students are provided with a presentation about student health and safety led by the Title IX Coordinator and the Dean of Students. SOAR is offered each summer and winter and is coordinated by the Admissions Office.

**Sex Discrimination/Sexual Misconduct Brochure:** This brochure about any sexual misconduct and violence provides an overview of the campus policy, resources for victims, and options for reporting violations. To view the brochure, see: [https://www.uwsuper.edu/studentconduct/policies/upload/Sexual-Misconduct-brochure-NEW1_2016.pdf](https://www.uwsuper.edu/studentconduct/policies/upload/Sexual-Misconduct-brochure-NEW1_2016.pdf)

**Online Training Course Prevention Program:** Incoming undergraduate first-year and transfer students who intend to earn degrees from UW-Superior are required to complete an online training course. Students who do not complete the program are not able to register for second-semester classes. This training (designed by EverFi) provides a statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking; definitions of sexual assault, domestic violence, dating violence, stalking and consent, in reference to sexual activity, in UW-Superior’s policy; a description of safe and positive options for bystander intervention; and information on risk reduction.


Weekend of Welcome (WoW) Prevention Programming: WoW is coordinated by the Director of Student Development and is designed to welcome new students to campus each fall and is a required program for all new students. A larger scale educational program is offered each fall to new undergraduate first-year students focused on sexual assault, consent, gender norms, and dating, “Sex Signals” from Catharsis Productions. Training for the WoW team leaders is provided by the Title IX coordinator each fall as well. First Year Experience also offers an online training course that covers this topic for those students who did not attend WoW.

On-Campus Sexual Assault Victim Advocate: The Center against Sexual and Domestic Abuse (CASDA) and UW-Superior collaboratively work together to provide victim services on campus. The CASDA sexual assault advocate has an office in a campus building and collaborates with faculty and student affairs to provide presentations and prevention programs across campus. The programs include but are not limited to: prevention programs, active bystander training, and training for student advocates.

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

- Center against Sexual and Domestic Abuse (CASDA) – 24-Hour Crisis Line – 715-392-3136
- Program for Aid to Victims of Sexual Assault (PAVSA) – 24-Hour Helpline 218-726-1931

The UW-Superior Title IX Offices works together with the Campus Sexual Assault Advocate to develop an online training that meets the NCAA’s new athlete and staff training requirements. The course is required annually for all student athletes, coaches, and other athletics staff.

Primary Prevention and Awareness Campaigns
At University of Wisconsin-Superior, we continuously work to change the culture that permits sexual violence and harassment through a number of institutional and student-led campaigns.

Sexual Assault and Domestic Violence Month Programming: These programs are created and planned by the university’s prevention committee which is a collaborative group including staff from CASDA, the Gender Resource Center, Student Development, Student Activities, Student Health and Counseling Services, Legal Studies, etc.

Bystander Intervention Programs and Risk Reduction
University of Wisconsin-Superior is committed to providing bystander intervention strategies. This is facilitated primarily through Empowered Bystander Training. This training is offered to campus groups by the Title IX Coordinator and the Coordinator for Gender and Sexuality programs. The goal of these trainings is to provide general steps to follow to address behaviors which are inappropriate and gives participants the opportunity to learn and practice assertiveness skills and techniques. Audiences include, but are not limited to, Residence Life Staff (required), Student Athletic organization (required), students in legal studies classes (required for the class), student organization leaders (voluntary), faculty and staff (voluntary), etc.

In addition, all employees and students can engage as a proactive bystander, identify signs of an abuse dating partner, or engaging in protective behaviors and risk reduction techniques, by adopting the tips below.

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

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

Protective Behaviors and Risk Reduction: What Everyone Can Do

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

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

Signs of an abusive dating partner
An abusive dating partner may include someone who:

• calls you names, insults you or continually criticizes you.
• does not trust you and acts possessive or jealous.
• tries to isolate you from family or friends.
• takes your possessions to punish you and refuses to return them.
• monitors where you go, who you call, and who you spent time with.
• controls finances or refuses to share money.
• punishes you by withholding affection.
• expects you to ask permission from them to do what you want to do.
• threatens to hurt you, your family, your pets, or your belongings.
• threatens and/or uses a weapon against you.
• has ever forced, coerced, or manipulated you into having sex or performing sexual acts.
• accuses you of cheating or is often jealous of your relationships with others.
• traps you in your apartment or residence hall room and keeps you from leaving.
• social media messages, Facebook messages, tweets, text messages, and/or calls you obsessively to find out where you are and what you are doing.

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

<table>
<thead>
<tr>
<th>Offense</th>
<th>Contact</th>
<th>Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Reporting</td>
<td>Police</td>
<td>Public Safety Building 606 Belknap St</td>
<td>911</td>
</tr>
<tr>
<td>University Administrative Reporting</td>
<td>For Students: Dean of Students</td>
<td>Yellowjacket Union #140</td>
<td>715-394-8244</td>
</tr>
<tr>
<td></td>
<td>For Employees: Human Relations</td>
<td>Old Main #201</td>
<td>715-394-8220</td>
</tr>
<tr>
<td></td>
<td>For everyone: Title IX Coordinator</td>
<td>Yellowjacket Union #140</td>
<td>715-394-8243</td>
</tr>
</tbody>
</table>

University of Wisconsin-Superior encourages victims of sexual assault, domestic violence, dating violence, and/or stalking to report the incident immediately to UW-Superior Public Safety at 715-394-8114 or by calling 911. In addition to law enforcement, individuals may also report sexual assault, domestic violence, dating violence, and stalking to University of Wisconsin-Superior through the Title IX Coordinator or Dean of Students. Students may also request confidential services by contacting any confidential resource below:

<table>
<thead>
<tr>
<th>Confidential Resource</th>
<th>Name</th>
<th>Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Health and Counseling</td>
<td>Any Counselor</td>
<td>Marcovich Wellness Center Room 1727</td>
<td>715-394-8236</td>
</tr>
<tr>
<td>Athletic Training</td>
<td>Any Trainer</td>
<td>Marcovich Wellness Center Room 1242</td>
<td>715-395-4641</td>
</tr>
<tr>
<td>St. Luke’s Mariner Medical Clinic</td>
<td>Any Provider</td>
<td>109 N 28th Street East</td>
<td>715-395-3900</td>
</tr>
<tr>
<td>Equity, Diversity, and Inclusion (International Students)</td>
<td>Salisa Hochstetler</td>
<td>Old Main Room 130</td>
<td>715-394-8536</td>
</tr>
<tr>
<td>Gender and Sexuality Programs</td>
<td>T Leeper</td>
<td>Swenson Hall Room 1031</td>
<td>715-394-8324</td>
</tr>
</tbody>
</table>
Employees are encouraged to contact the Title IX Coordinator or the Director of Human Resources. Employees also can contact a confidential resource such as UW-Superior’s Employee Assistance Program, VITAL WorkLife, at 800-383-1908.

Following a report of sexual assault, domestic violence, dating violence, and/or stalking to University of Wisconsin-Superior, whether the offense occurred on or off-campus, University of Wisconsin-Superior will provide the student or employee a written explanation of the student’s or employee’s rights and options. All victims have the right to be accompanied by a person of their choosing, including a victim advocate, when they file a report, and to any meetings related to institutional disciplinary proceedings.

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

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

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

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

- The preservation of evidence may strengthen investigations, which may result in a better chance of holding the accused responsible or obtaining a restraining order. (Evidence may include the clothing worn at the time, a record of threatening text messages and emails, and bodily fluids.)
  - A sexual assault nurse examiner (SANE) are trained in forensic evidence collection. They first assess the patient’s need for urgent or emergency medical care. After the patient’s medical condition is stabilized, the SANE nurse contacts a sexual assault advocate and begins an evidentiary exam:
    - Collect medical history and perform the SANE physical exam
    - Interview the victim about the assault
    - Collect and preserve medical forensic evidence and document findings
    - Provide emotional, mental, and physical support
    - Screen for toxin/drugs as necessary
    - Provide preventive medications and counseling for sexually transmitted diseases and pregnancy as necessary
    - Work with the victim to create a safe plan
- Connect with patient advocate social worker and further psychological care
  - There is no charge for victims/survivors to receive a forensic medical examination.

- A Forensic Nurse Exam can be obtained free of charge and without notifying UW-Superior or law enforcement. Information on how to obtain a Forensic Nurse Exam can be found at Essential Health Hospital Emergency Rooms in the Twin Ports (open 24 hours):
  - Essentia Health St. Mary’s, 3500 Tower Ave, Superior, WI, 715-817-7000
  - Essentia Health St. Mary’s Medical Center, 407 E 3rd St, Duluth, MN, 218-786-4000
  - St. Luke’s Hospital, 915 E 1st St, Duluth, MN, 218-249-5555

- Although it is best not to shower, even if a victim has showered and changed clothes, a police report can be filed and/or medical exam can be obtained.

- Campus officials are required to provide information about options and assist in contacting law enforcement personnel if requested.

- Filing a report will generally involve an interview with a law enforcement officer [or an investigating officer from the Title IX office, or both, if you choose to report to both agencies]. You may request an officer of the gender you feel most comfortable with to take your statement.

Victim’s Rights

Criminal Victim’s Rights

In the state of Wisconsin, individuals who are the victims of crime, and who report that crime to the police, are entitled to certain protections. These rights include the general right to be “treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies,” as well as to attend court proceedings; “to receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;” “to be informed of financial assistance and other social services available as a result of being a witness of a crime;” be accompanied by a victim advocate to law enforcement interviews; and at interviews and proceedings related to the crime. A full description of the rights of victims and witnesses of crimes is available at https://docs.legis.wisconsin.gov/statutes/statutes/950.pdf.

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

- The right to a victim advocate of their choosing. (For additional information and resources about victim advocacy, services on campus, and in the community, see casda.org.)
- The right to access sexually transmitted infection (STI) testing and treatment, emergency contraception, and pregnancy testing.
- The right to be informed of and have access to their own medical, mental health, Forensic Nurse Examiner, campus disciplinary, and/or victim advocacy services.
- The right to not be punished for underage drinking if reporting a sexual assault or other crime per UW–University of Wisconsin-Superior Responsible Action Guidelines. “In those cases where a student has been a victim of sexual assault and/or a violent crime while under the influence of alcohol, neither the Dean of Students, University Housing nor UW–University of Wisconsin-Superior Police will pursue disciplinary actions

24 Wis. Stat. § 950.04(1v)(ag).
25 Wis. Stat. § 950.04(1v)(b).
26 Wis. Stat. § 950.04(2w)(c).
27 Wis. Stat. § 950.04(2w)(d).
28 Wis. Stat. § 950.045(1).
29 Wis. Stat. § 950.045(2).
against the student victim (or against a witness) for his or her improper use of alcohol (e.g., underage drinking). A student victim who is under the influence of alcohol at the time of a sexual assault is entitled to university and community assistance and encouraged to seek help.”

- The right to have options for offering their testimony in a campus disciplinary hearing, including via phone or video conference.
- UW-Superior will disclose to the victim of a crime of violence or non-forcible sex-offense, the results of any disciplinary hearing conducted by University of Wisconsin-Superior against a student who is an alleged perpetrator of such crime or offense. If the victim is deceased as a result of the crime or offense, UW-University of Wisconsin-Superior will provide the results of the disciplinary hearing to the next of kin of the victim, if requested in writing.

Restraining Orders and No Contact Orders
The following information is provided by the Wisconsin Department of Justice, available at https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders, and the Wisconsin Coalition Against Sexual Assault, available at http://www.wcasa.org/file_open.php?id=184. Superior District Attorney’s office can be contacted at Victim Witness Services | Douglas County, WI - Official Website.

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

To get a restraining order, you must first request papers for a temporary restraining order (TRO). These papers are called the petition. You start the process by requesting papers for a temporary restraining order (TRO). These papers are called the petition. The person completing the petition is called the petitioner. The person you file against is called the respondent. Once you file a TRO petition, the court decides whether to issue a TRO based on the information you write in the petition. If the court grants the TRO, the court will schedule a hearing for you to come back to court within 14 days. This hearing is called an injunction hearing. At that hearing you will ask the court to order a final order of protection, which is called an injunction. An injunction can be granted for up to 2 years for child abuse, and up to 4 years for domestic abuse, harassment, and individuals at risk.

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

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Harassment Restraining Orders (HROs)

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

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

Against whom can a HRO be granted?
Any person, child or adult, who engages in harassment as described above.

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

Domestic Abuse Restraining Order (DARO)

Sexual assault is a common form of domestic abuse by intimate partners. Grounds for a DARO include but are not limited to: intentional infliction of physical pain; physical injury or illness; intentional impairment of physical condition; sexual assault (1st – 3rd degree); intentional damage of property; or threats to engage in any of the above.

Who can file?
An adult family member, adult household member, adult former spouse, adult with whom the petitioner has a child in common, adult with whom the petitioner has or had a dating relationship, an adult under a caregiver’s supervision, or a guardian of an individual adjudicated incompetent. The petitioner must be the victim except for the guardian of an incompetent individual.

Against whom can a DARO be granted?
An adult family member, adult household member, adult former spouse, adult with whom the petitioner has a child in common, adult with whom the petitioner has or had a dating relationship, or an adult caregiver.

Remedies:
The respondent can be ordered to refrain from committing acts of domestic abuse against the victim, to avoid the victim’s residence or any other location temporarily occupied by the victim and/or the (this can be ordered temporarily even when the respondent owns the property), avoid contacting or having others contact the victim, any combination of these remedies, or any other appropriate remedy not inconsistent with the remedies requested in the petition. If a DARO is granted, it must be for the duration requested by the victim but may not exceed four years. If a DARO is granted, firearms surrender is mandatory.

Child Abuse Restraining Order (CARO)

This restraining order is used when children are abused. Grounds include but are not limited to: sexual assault (1st – 4th degree); sexual assault of a child (1st and 2nd degree); repeated acts of sexual assault; sexual exploitation of a child; permitting, allowing or encouraging a child to engage in child prostitution; causing a child to view or listen to sexual activity; causing child to expose or exposing genitals or pubic area to a child; emotional damage; physical injury; or threats to engage in this conduct.
**Who can file?**

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

**Against whom can the CARO be granted?**

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

**Remedies:**

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

**Enforcing a Restraining Order**

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

**UW-Superior and Restraining Orders**

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

If your restraining order is being violated, regardless of whether you have informed UW-Superior Public Safety, please call 911 immediately.

**No Contact Directives Issued by UW-University of Wisconsin-Superior**

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

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

A no contact directive may include the following language: “Be advised that you are not to have contact with First Name, Last Initial of any kind, direct or indirect, until further notice. This includes but is not limited to: face-to-face/in-person, telephone, e-mail, text message, social networking sites, written communication, video and other electronic
communication, and contact through third parties. Any attempt to contact this person might be considered harassment and could result in disciplinary action.”

**Students**

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

Notice of the no contact directive is sent to the [name the individuals this is sent to…Title IX Coordinator, an Assistant Dean of Students, a University police lieutenant, and when there is a connection to University Housing, an Associate Director of Residence Life…] When issued, a no contact directive does not have an end date. The no-contact directive can also be modified or terminated with the agreement of the parties. Any changes to a no-contact directive will be communicated to the parties in writing.

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

This information does not appear on transcripts, however does become a part of a student’s disciplinary record. Only outcomes of suspension or expulsion appear on a student transcript.

**University Staff and Faculty**

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

**Requesting a No Contact Directive**

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

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

Information About Sex Offenders

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

In Wisconsin, convicted sex offenders must register with the Department of Corrections; a registry can be found at offender.doc.state.wi.us/public. The Wisconsin Department of Corrections supplies information to the DPS regarding registered sex offenders who are enrolled or employed at UW-University of Wisconsin-Superior. This information can also be found at https://www.uwsuper.edu/safety/clery/offender.cfm.

University of Wisconsin-Superior Protective Measures and Resource Notification

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

When determining what measures to grant, factors considered might include, but are not limited to: the specific need requested by the complainant, the age of the people involved, the severity or pervasiveness of the allegations, any continuing effects on the complainant, whether the complainant and alleged perpetrator share the same residence hall, dining hall, job location, classes, extra-curricular activities or whether judicial measures have already been taken to protect the complainant. Typically, the individual affected determines whether or not to provide an accommodation, though the Title IX Coordinator. The Dean of Students may also provide direction and assistance.

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

<table>
<thead>
<tr>
<th>Students or Employees?</th>
<th>Contact</th>
<th>Location</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Students</td>
<td>Residence Life</td>
<td>Yellowjacket Union 140</td>
<td><a href="mailto:reslife@uwsuper.edu">reslife@uwsuper.edu</a></td>
<td>715-394-8244</td>
</tr>
<tr>
<td></td>
<td>Dean of Students</td>
<td>Yellowjacket Union 140</td>
<td><a href="mailto:dos@uwsuper.edu">dos@uwsuper.edu</a></td>
<td>715-394-8244</td>
</tr>
<tr>
<td></td>
<td>Title IX Coordinator</td>
<td>Yellowjacket Union 140</td>
<td><a href="mailto:titleIXcoordinator@uwsuper.edu">titleIXcoordinator@uwsuper.edu</a></td>
<td>715-394-8244</td>
</tr>
<tr>
<td>For Employees</td>
<td>Human Resources</td>
<td>Old Main</td>
<td><a href="mailto:hr@uwsuper.edu">hr@uwsuper.edu</a></td>
<td>715-394-8220</td>
</tr>
<tr>
<td></td>
<td>Title IX Coordinator</td>
<td>Yellowjacket Union 140</td>
<td><a href="mailto:titleIXcoordinator@uwsuper.edu">titleIXcoordinator@uwsuper.edu</a></td>
<td>715-394-8244</td>
</tr>
<tr>
<td>Community Resources</td>
<td>Center against Sexual and Domestic Abuse</td>
<td></td>
<td></td>
<td>715-392-3136</td>
</tr>
<tr>
<td></td>
<td>Police – UWS Public Safety</td>
<td></td>
<td></td>
<td>715-394-8114</td>
</tr>
</tbody>
</table>
Students and employees who report sexual assault, domestic violence, dating violence and/or stalking to University of Wisconsin-Superior will be provided written information about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the community, and at the institution. This information is also provided to all students and employees in this ASR.

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

Confidentiality

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

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

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

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

For victims aged 18 and older who report to non-confidential sources, reports of sexual assault, domestic violence, dating violence and/or stalking are directed to the Title IX Coordinator, who will share relevant information only with those who need to know, such as Deputy Title IX Coordinators, complaint investigators, and other individuals who are responsible for handling the school’s response to incidents, or as necessary to comply with the Wisconsin Public Records law, a valid subpoena, a lawful discovery request, or a governmental inquiry or investigation. Institution follows applicable Title IX guidance and the requirements of the federal Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, when evaluating whether to disclose student information. In the case of minors, University of Wisconsin-Superior employees must report child abuse to Child Protective Services or local law enforcement. For Clery Act reporting and disclosures, a victim’s name or identifying information will never appear in a Timely Warning, on the Daily Crime Log or in the ASR. University of Wisconsin-Superior will redact a victim’s identifying information when responding to requests for information pursuant to the Wisconsin Public Records law. The University of Wisconsin-Superior also will not disclose identifiable information about research subjects if prohibited by an NIH-issued Certificate of Confidentiality, HIPAA regulations and state laws pertaining to the privacy of health information or
promises of confidentiality made to research subjects pursuant to the federally required consent form and authorization form. University of Wisconsin-Superior must respond to valid subpoenas that are not prohibited by other applicable law and may not be able to redact information when responding to a subpoena.

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

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

On-Campus Confidential Resources for Students

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

<table>
<thead>
<tr>
<th>Confidential Resource</th>
<th>Name</th>
<th>Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Health and Counseling</td>
<td>Any Counselor</td>
<td>Marcovich Wellness Center Room 1727</td>
<td>715-394-8236</td>
</tr>
<tr>
<td>Athletic Training</td>
<td>Any Trainer</td>
<td>Marcovich Wellness Center Room 1242</td>
<td>715-395-4641</td>
</tr>
<tr>
<td>St. Luke’s Mariner Medical Clinic</td>
<td>Any Provider</td>
<td>109 N 28th Street East</td>
<td>715-395-3900</td>
</tr>
<tr>
<td>Equity, Diversity, and Inclusion (International Students)</td>
<td>Salisa Hochstetler</td>
<td>Old Main Room 130</td>
<td>715-394-8536</td>
</tr>
<tr>
<td>Gender and Sexuality Programs</td>
<td>T Leeper</td>
<td>Swenson Hall Room 1031</td>
<td>715-394-8324</td>
</tr>
<tr>
<td>Campus Sexual Assault Advocacy</td>
<td>Samantha Church</td>
<td>Old Main Room 311</td>
<td>715-392-3136</td>
</tr>
</tbody>
</table>

On-Campus Confidential Resources for Employees

Employees can contact the following resources on-campus:

<table>
<thead>
<tr>
<th>Confidential Resource</th>
<th>Name</th>
<th>Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Assistance Program</td>
<td>VITALworkLife</td>
<td><a href="http://www.vitalworklife.com">www.vitalworklife.com</a></td>
<td>800-383-1908</td>
</tr>
<tr>
<td>Center against Sexual and Domestic Abuse</td>
<td></td>
<td>CASDA.org</td>
<td>715-392-3136</td>
</tr>
</tbody>
</table>

Off-Campus Confidential Resources

Anyone can contact the following community resources:

<table>
<thead>
<tr>
<th>Confidential Resource</th>
<th>Name</th>
<th>Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program for Aid to Victims of Sexual Assault (PAVSA)</td>
<td></td>
<td>PAVSA.org</td>
<td>218-726-1931</td>
</tr>
<tr>
<td>Center against Sexual and Domestic Abuse</td>
<td></td>
<td>CASDA.org</td>
<td>715-392-3136</td>
</tr>
</tbody>
</table>

UW-Superior Disciplinary Action for Sexual Assault, Domestic Violence, Dating Violence, & Stalking

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

The disciplinary proceeding will be based on the status of the accused person to the university. Complaints against Employees should be reported to the Title IX Coordinator. Complaints against students should be reported to the Title IX Coordinator. Anyone can report to the Title IX Coordinator.
Complaints against students will be processed through the University of Wisconsin System Chapter 17. Complainants against employees will be processed under UWS Chapter 4 for faculty, Ch. 11 for academic staff, and Classified Personnel Policies and Procedures (CPPP) for University Staff.

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

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

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

The Chapter 17 process guarantees the following rights:

- Proceedings will be prompt, fair and impartial.
- Proceedings will be conducted by officials who receive, at minimum, annual training on issues related to sexual assault, domestic violence, dating violence and/or stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- A hearing examiner’s or committee’s finding of misconduct will be based on a preponderance of the evidence standard.
- The complainant will have the same opportunity as the respondent to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the support person of their choice.
- UW-University of Wisconsin-Superior will not limit the choice of support person or presence of support person for either the respondent or the complainant in any meeting or institutional disciplinary proceeding; however, UW-Superior may establish restrictions regarding the extent to which the support person may participate in the proceedings that apply equally to both parties.
- The complainant and respondent will receive simultaneous notification of:
  1. The result of any institutional disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence and/or stalking.
  2. UW-University of Wisconsin-Superior procedures for the complainant and respondent to appeal the result, if available.
  3. Any change to the result.
  4. When the result becomes final.
- Proceedings will be completed with reasonably prompt timeframes and will include a process that allows for extension of the frames for good cause with written notice to the complainant and respondent of the delay and reason for delay.
- The complainant and respondent will be provided timely notice of any meeting at which the respondent or complainant or both may be present.

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32 UWS Ch 17, Wisconsin Admin. Code.
33 UWS Ch 4, Wisconsin Admin. Code.
34 UWS Ch. 11, Wisconsin Admin. Code.
• The complainant, respondent and appropriate officials will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.
• Proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.

**UWS 17.09 Conduct subject to disciplinary action.**

In accordance with s. UWS 17.08, the university may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct:

1. **Dangerous conduct.** Conduct that endangers or threatens the health or safety of oneself or another person.
2. **Sexual assault.** Conduct defined in s. 940.225, Stats.
3. **Stalking.** Conduct defined in s. 940.32, Stats.
4. **Harassment.** Conduct defined in s. 947.013, Stats.
5. **Hazing.** Conduct defined in s. 948.51, Stats.
6. **Illegal use, possession, manufacture, or distribution of alcohol or controlled substances.** Use, possession, manufacture, or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law or university policy.
7. **Unauthorized use of or damage to property.** Unauthorized possession of, use of, moving of, tampering with, damage to, or destruction of university property or the property of others.
8. **Disruption of university-authorized activities.** Conduct that obstructs or impedes university-run or university-authorized activities, or that interferes with or impedes the ability of a person to participate in university-run or university-authorized activities.
9. **Forgery or falsification.** Unauthorized possession of or fraudulent creation, alteration, or misuse of any university or other governmental document, record, key, electronic device, or identification.
10. **Misuse of computing resources.** Conduct that involves any of the following:
    a. Failure to comply with laws, license agreements, and contracts governing university computer network, software, and hardware use.
    b. Use of university computing resources for unauthorized commercial purposes or personal gain.
    c. Failure to protect a personal password or university-authorized account.
    d. Breach of computer security, invasion of privacy, or unauthorized access to university computing resources.
11. **False statement or refusal to comply regarding a university matter.** Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter.
12. **Violation of criminal law.** Conduct that constitutes a criminal offense as defined by state or federal law.
13. **Serious and repeated violations of municipal law.** Serious and repeated off-campus violations of municipal law.
14. **Violation of ch. UWS 18.** Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.
15. **Violation of university rules.** Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.
16. **Noncompliance with disciplinary sanctions.** Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.
17. ** Dating violence.** Violence committed by a student against another person with whom they are in a “dating relationship” as defined in s. 813.12 (1) (ag), Stats.
18. **Domestic violence.** Conduct defined as “domestic abuse” in ss. 813.12 (1) (am) and 968.075, Stats.
19. **Sexual Harassment.** Conduct defined in s. 111.32 (13), Stats., or as defined in Board of Regent Policy that addresses sexual harassment.
**UWS 17.10 Disciplinary sanctions.**

(1) The disciplinary sanctions that may be imposed for nonacademic misconduct, in accordance with the procedures of ss. UWS 17.11 to 17.13, are any of the following:

(a) A written reprimand.
(b) Denial of specified university privileges.
(c) Payment of restitution.
(d) Educational or service sanctions, including community service.
(e) Disciplinary probation.
(f) Imposition of reasonable terms and conditions on continued student status.
(g) Removal from a course in progress.
(h) Enrollment restrictions on a course or program.
(i) Suspension.
(j) Expulsion.

(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of nonacademic misconduct.

(3) Disciplinary sanctions shall not include the termination or revocation of student financial aid; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of a student for financial aid.

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

**UWS 17.11 Disciplinary procedure.**

(1) Process. The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. UWS 17.10 (1).

(2) Conference with Respondent. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the respondent in person, by telephone, or by electronic mail to offer to discuss the matter, review the investigating officer's basis for believing that the respondent engaged in nonacademic misconduct, and to afford the respondent an opportunity to respond. If the respondent fails to respond to the investigating officer, the investigating officer may proceed to make a determination on the basis of the available information. A complainant shall have all the rights provided to the respondent in this subsection.

(3) Determination by the investigating officer that no disciplinary sanction is warranted. If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action. The investigating officer shall simultaneously notify the respondent and the complainant of this outcome and offer to discuss it separately with either one. If the investigating officer determines that nonacademic misconduct did not occur or that no disciplinary sanction is warranted, the complainant may appeal this decision in accordance with s. UWS 17.13.

(4) Process following determination by the investigating officer that nonacademic misconduct occurred.

(a) If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did occur and that one or more of the disciplinary sanctions
listed under s. UWS 17.10 (1) should be recommended, the investigating officer shall prepare a written report which shall contain all of the following:

1. A description of the alleged misconduct.
2. A description of all information available to the university regarding the alleged misconduct. Such information shall be available to the complainant and the respondent, except as may be precluded by applicable state or federal law.
4. Notice of the respondent's right to a hearing.
5. A copy of this chapter and of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered simultaneously to the respondent and complainant, excluding any information that may be precluded by applicable state or federal law.

(c) A respondent who receives a written report under this section has the right to a hearing under s. UWS 17.12 to contest the determination that nonacademic misconduct occurred, the choice of disciplinary sanctions, or both.

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

UWS 17.12 Hearing

(1) A respondent who requests a hearing, or for whom a hearing is scheduled under s. UWS 17.11 (4) (c) 2., shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee. In cases of sexual assault, dating violence, domestic violence, stalking, or sexual harassment the university shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.

(2) If a respondent requests a hearing under s. UWS 17.11 (4) (c) 1., or a hearing is required to be scheduled under s. UWS 17.11 (4) (c) 2., the student affairs officer shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request or written report. The hearing shall be conducted within 45 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the respondent and investigating officer or is ordered or permitted by the hearing examiner or committee.

(3) No less than 5 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the respondent and the complainant with access to or copies of the investigating officer's explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information of the type described in s. UWS 17.11 (4) (a) 2.

(4) The hearing shall be conducted in accordance with the following guidance and requirements:

(a) The hearing process shall further the educational purposes and reflect the university context of nonacademic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in ch. UWS 17.
(b) The respondent shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be accompanied by an advisor of the respondent's choice. The advisor may be a lawyer. In cases where the recommended
disciplinary sanction is identified in s. UWS 17.10 (1) (a) to (h), the advisor may counsel the respondent but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the respondent except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in s. UWS 17.10 (1) (i) or (j), or where the respondent has been charged with a crime in connection with the same conduct for which the disciplinary sanction is sought, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the respondent. In accordance with the educational purposes of the hearing, the respondent is expected to respond on his or her own behalf to questions asked of him or her during the hearing. The complainant shall have all the rights provided to the respondent in this subsection.

(c) The hearing examiner or committee:
   1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony.
   2. Shall observe recognized legal privileges.
   3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness’s testimony, provided, however, whatever procedure is adopted, the complainant and respondent are allowed to effectively question the witness.

(d) The hearing examiner or committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. The respondent and the complainant may access the record, except as may be precluded by applicable state or federal law.

(e) The hearing examiner or committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.

(f) A hearing examiner’s or committee’s finding of nonacademic misconduct shall be based on one of the following:
   1. Clear and convincing evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10 (1) (h) to (j).
   2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10 (1) (a) to (g).
   3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

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

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

(i) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered simultaneously to the respondent and the complainant, excluding information that may be precluded by state or federal law. The decision shall become final within 14 days of the date on the written decision, unless an appeal is taken under s. UWS 17.13.

(j) If a party fails to appear at a schedule hearing and to proceed, the hearing examiner or committee may issue a decision based upon the information provided.

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

**UWS 17.13 Appeal to the chancellor.**

1. Where the sanction prescribed by the hearing examiner or committee is one of those listed in s. UWS 17.10 (h) to (j), the respondent may appeal in writing to the chief administrative officer within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record. In cases involving sexual assault, dating violence, domestic violence, stalking, or sexual harassment, the complainant shall be notified of the appeal.

2. In cases involving sexual assault, dating violence, domestic violence, stalking or sexual harassment, the following appeal rights shall be provided:
   - The complainant may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the investigating officer pursuant to s. UWS 17.11 (3) or the hearing committee or examiner pursuant to s. UWS 17.12 (4) (i). The appeal shall be based upon the record. The respondent shall be notified of the appeal.
   - The respondent may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the hearing committee, or examiner pursuant to s. UWS 17.12 (4) (i). The appeal shall be based upon the record. The complainant shall be notified of the appeal.

3. The chief administrative officer has 30 days from receipt of an appeal to respond and shall sustain the decision unless the chief administrative officer finds any of the following:
   - The information in the record does not support the findings or decision.
   - Appropriate procedures were not followed which resulted in material prejudice to the respondent or complainant.
   - The decision was based on factors proscribed by state or federal law.

4. If the chief administrative officers makes a finding under sub. (3), the chancellor may return the matter for consideration, or may invoke an appropriate remedy of his or her own. The chief administrative officer's decision shall be communicated simultaneously to the respondent and the complainant.

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

Institutional decisions under ss. UWS 17.11 to 17.13 shall be final, except that the board of regents may, at its discretion, grant a review upon the record, upon written request submitted by any party within 14 days of the final institutional decision. In cases involving sexual assault, dating violence, domestic violence, stalking, or sexual harassment, the non-appealing party shall receive notice of the appeal.

**UWS 17.15 Settlement.**

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

**The Student Disciplinary Process**

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

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Once on notice, the Title IX Coordinator will send an email to the complainant/victim in the case and provide the university’s policy(ies). Following that email, the campus sexual assault advocate may reach out to the complainant/victim in the case to provide support, offer resources, provide information regarding interim measures, and inform them of their rights. A Title IX Investigator will then be assigned to the case and will initiate communication regarding an interview. Following that meeting, the case may close or move into full investigation. If a case is moved into full investigation, a Notice of Investigation will be sent to the responding party. Interim measures can be enforced at any time, but most initial interim measures will be communicated through the Notice of Investigation. The Investigator will meet with the responding party and any and all witness provided by both parties. Following the conclusions of all interviews, a report is compiled. The incomplete investigative report is sent to both parties simultaneously, along with a Notice of Allegations, with an opportunity to respond to any allegation(s) and information presented thus far. Next, a final report is completed and provided to a Conduct Officer for review. The Conduct Officer will review the report and based on the information provided, make a determination regarding the allegations and provide sanctions, if applicable. The process then follows procedures outlined in UWS ch. 17.

Employee Disciplinary Procedures

University of Wisconsin-Superior has three major categories of employees: faculty, academic staff, and university staff. Each of these categories of employees has distinct procedures for discipline and dismissal, which are provided below. In addition, University of Wisconsin-Superior has various types of at-will employees, including: limited appointees, teaching assistants (TA), project assistants (PA), postdoctoral trainees, other employees-in-training, and student hourly employees. All employees may subject to one or more of the following disciplinary responses: written reprimand, unpaid suspension, dismissal, demotion, revocation of responsibilities, reassignment, and retraining.

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

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

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

• The complainant and respondent will receive simultaneous notification of
  1. The result of any institutional disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence and/or stalking.
  2. UW-University of Wisconsin-Superior procedures for the complainant and respondent to appeal the result, if available.
  3. Any change to the result.
  4. When the result becomes final.

• Proceedings will be completed with reasonably prompt timeframes and will include a process that allows for extension of the frames for good cause with written notice to the complainant and respondent of the delay and reason for delay.

• The complainant and respondent will be provided timely notice of any meeting at which the respondent or complainant or both may be present.

• The complainant, respondent and appropriate officials will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.

• Proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.

More information regarding employee discipline can be found at the Office of Human Resources, www.uwsuper.edu/hr.

UWS Chapter 4, Wis. Admin. Code: Procedures for Dismissal of Faculty

UWS 4.01 Dismissal for Cause

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his/her term of appointment only by the board and only for just cause and only after due notice and hearing. A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal.

(2) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic community. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

UWS 4.02 Responsibility for Charges

(1) Whenever the chancellor of an institution within the University of Wisconsin system receives a complaint against a faculty member which he or she deems substantial and which, if true, might lead to dismissal under s. UWS 4.01, the chancellor, or designee, shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member. For complaints of sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the chancellor, or designee, shall appoint the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The chancellor, or designee, shall also offer to discuss the matter informally with the complainant, and provide information regarding rights under this chapter. Both the faculty member and the complainant shall have the right to be accompanied by an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process. A faculty member may be dismissed only after receipt of a written statement of specific charges from the chancellor as the chief administrative officer of the institution.
and, if a hearing is requested by the faculty member, in accordance with the provisions of this chapter. If the faculty member does not request a hearing, action shall proceed along normal administrative lines but the provisions of ss. UWS 4.02, 4.09, and 4.10 shall still apply.

(2) Any formal statement of specific charges for dismissal sent to a faculty member shall be accompanied by a statement of the appeal procedures available to the faculty member.

(3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the statement of charges includes sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

**UWS 4.03 Standing Faculty Committee**

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

**UWS 4.04 Hearing.**

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

**UWS 4.05 Adequate Due Process.**

(1) A fair hearing for a faculty member whose dismissal is sought under s. UWS 4.01 shall include the following:

(a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;
(b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
(c) A right to be heard in his/her defense;
(d) A right to an advisor, counsel, or other representatives, and to offer witnesses;
(e) A right to confront and cross-examine adverse witnesses. If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the hearing committee may reasonably restrict the faculty member or the complainant from questioning each other;
(f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
(g) Written findings of fact and decision based on the hearing record;
(h) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.

(2) If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the faculty member in sub. (1) (a) to (h), except as may be precluded by applicable state or federal law.

**UWS 4.06 Procedural Guarantees**

(1) Any hearing held shall comply with the requirements set forth in s. UWS 4.05. The following requirements shall also be observed:

(a) The burden of proof of the existence of just cause is on the administration or its representatives;
(am) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the standard of proof shall be a preponderance of the evidence;

(b) No faculty member who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;

(c) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);

(d) The faculty hearing committee may, on motion of either party, and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, on the motion of the complainant, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. UWS 4.03;

(e) The faculty hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;

(f) If the faculty hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under s. UWS 4.03;

(g) If a proceeding on charges against a faculty member not holding tenure is not concluded before the faculty member’s appointment would expire, he/she may elect that such proceeding be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be discontinued at the expiration of the appointment;

(h) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;

(i) Nothing in this section shall prevent the settlement of cases by mutual agreement between the administration and the faculty member, with board approval, at any time prior to a final decision by the board;

(j) Adjournment shall be granted to enable the parties, including the complainant, to investigate evidence as to which a valid claim of surprise is made.

UWS 4.07 Recommendations: To the Chancellor: To the Regents

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

(2) Disciplinary action other than dismissal may be taken by the chancellor, after affording the faculty member an opportunity to be heard on the record, except that, upon written request by the faculty member, such action shall be submitted as a recommendation through the president to the board together with a copy of the faculty hearing committee’s report and recommendation. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the faculty member in this paragraph.

UWS 4.08 Board Review

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

(2) If, after the hearing, the board decides to take action different from the recommendation of the faculty hearing committee and/or the chancellor, then before taking final action the board shall consult with the faculty hearing committee and/or the chancellor, as appropriate.

(3) If a faculty member whose dismissal is sought does not request a hearing pursuant to s. UWS 4.04 the board shall take appropriate action upon receipt of the statement of charges and the recommendation of the chancellor.

(4) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the faculty member and complainant shall be simultaneously notified of the board’s final decision.

UWS 4.09 Suspension from Duties

Pending the final decision as to his/her dismissal, the faculty member shall not normally be relieved of duties; but if, after consultation with appropriate faculty committees the chancellor finds that substantial harm to the institution may result if the faculty member is continued in his/her position, the faculty member may be relieved immediately of his/her duties, but his/her pay shall continue until the board makes its decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 7.06 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 7.06 shall apply.

UWS Chapter 7, Wis. Admin. Code: Dismissal of Faculty in Special Cases

UWS 7.01 Declaration of Policy

University faculty members are responsible for advancing the university’s missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university’s effectiveness, credibility, and ability to maintain public trust are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the university’s ability to fulfill its missions, or that seriously impairs the faculty member’s fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The Board of Regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.
UWS 7.02 Serious Criminal Misconduct

(1) In this chapter, “serious criminal misconduct” means:
   (a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of
       the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:
       1. Causing serious physical injury to another person.
       2. Creating a serious danger to the personal safety of another person.
       4. Theft, fraud or embezzlement.
       5. Criminal damage to property.
       6. Stalking or harassment.
   (b) A substantial risk to the safety of members of the university community or others is posed.
   (c) The university’s ability, or the ability of the faculty member’s colleagues, to fulfill teaching, research or public
       service missions is seriously impaired.
   (d) The faculty member’s fitness or ability to fulfill the duties of his or her position is seriously impaired.
   (e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic
    freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be
    subject to the procedures set forth in ss. UWS 7.03 to 7.06.

(4) Any act required or permitted by ss. UWS 7.03 to 7.06 to be done by the chancellor may be delegated to the provost
    or another designee pursuant to institutional policies approved by the Board of Regents under s. UWS 2.02.

UWS 7.03 Dismissal for Cause

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due
    notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of
    his or her term of appointment only by the board and only for just cause and only after due notice and hearing.

(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

UWS 7.04 Reporting Responsibility

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

UWS 7.05 Expedited Process

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

(2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator’s appointment.

(3) Within 3 working days of receipt of the investigator’s report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the faculty member in the manner specified in s. UWS 4.02 (3).

(a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within 2 working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. UWS 4, the chancellor receives a report under s. UWS 7.04 or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 6, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under sub. (3) (a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 4.05 to 4.06, except that the hearing shall be concluded, and written findings and a recommendation to the chancellor shall be prepared, within 15 working days of the filing of charges.

(5)

(a) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written recommendation on the matter.

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

(c) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member. The faculty member shall receive a copy of the chancellor’s final decision. In cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall receive a copy of the chancellor’s final decision at the same time as the faculty member and shall have the same right to a review on the record as the faculty member.

(6) Upon receipt of the chancellor’s recommendation, the full board shall review the record before the institutional hearing committee and shall offer an opportunity for filing exceptions to the recommendation, and for oral argument. In cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the faculty member in this paragraph. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor’s recommendation.

(7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.

(8) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration must demonstrate by clear and convincing evidence that the faculty member engaged in serious criminal misconduct, as defined in s. UWS 7.02, except in cases involving sexual assault, dating violence, domestic violence, or stalking, in which the evidentiary standard shall be by a preponderance of the evidence.
(9) The chair of the faculty hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

**UWS 7.06 Temporary Suspension Without Pay**

(1) The chancellor, after consulting with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to his or her dismissal where:

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

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

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

(2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.

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

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

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

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

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

**UW-Superior Faculty Discipline and Dismissal for Cause**

**Chapter UWS 7 Dismissal of Faculty in Special Cases**

**UWS 7.01 Declaration of policy.** University faculty members are responsible for advancing the university's missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness, credibility, and ability to maintain public trust are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the university's ability to fulfill its missions, or that seriously impairs the faculty member's fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The board of regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.
UWS 7.02 Serious criminal misconduct.

(1) In this chapter, "serious criminal misconduct" means:

(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:

1. Causing serious physical injury to another person.
2. Creating a serious danger to the personal safety of another person.
4. Theft, fraud or embezzlement.
5. Criminal damage to property.
6. Stalking or harassment.

(b) A substantial risk to the safety of members of the university community or others is posed.

(c) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.

(d) The faculty member's fitness or ability to fulfill the duties of his or her position is seriously impaired.

(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 7.03 to 7.06.

(4) Any act required or permitted by ss. UWS 7.03 to 7.06 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the board of regents under s. UWS 2.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.025 Definition. In this chapter, "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.03 Dismissal for cause.

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his or her term of appointment only by the board and only for just cause and only after due notice and hearing.

(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.
UWS 7.04 Reporting responsibility. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.05 Expedited process.

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 7.04 or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, the chancellor shall:

(a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the chancellor as to whether to proceed under this section or ch. UWS 4.

(b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause.

(2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.

(3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the faculty member in the manner specified in s. UWS 4.02 (3).

(a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within 2 working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. UWS 4, the chancellor receives a report under s. UWS 7.04 or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 6, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under sub. (3) (a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 4.05 to 4.06, except that the hearing...
shall be concluded, and written findings and a recommendation to the chancellor shall be prepared, within 15 working
days of the filing of charges.

(5)

(a) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the
chancellor shall prepare a written recommendation on the matter.

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

(c) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the
board at its option grants a review on the record at the request of the faculty member.

(6) Upon receipt of the chancellor's recommendation, the full board shall review the record before the institutional
hearing committee, and shall offer an opportunity for filing exceptions to the recommendation, and for oral argument.
The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor's
recommendation.

(7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the
institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of
receipt of the statement of charges and the recommendation of the chancellor.

(8) The burden of proving just cause in this chapter shall be clear and convincing evidence.

(9) The chair of the faculty hearing body, subject to the approval of the chancellor, may extend the time limits set forth
in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence
or records, or where due process otherwise requires.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.06 Temporary suspension without pay.

(1) The chancellor, after consulting with appropriate faculty governance representatives, may suspend a faculty member
from duties without pay pending the final decision as to his or her dismissal where:

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

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

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

(2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty
member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the
faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by
counsel or another at this meeting.
(3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:

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

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

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

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

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS Chapter 11: Wis. Admin. Code: Dismissal of Academic Staff for Cause

UWS 11.01 Dismissal for Cause—Indefinite Academic Staff Appointments

(1) A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. UWS 11.02 through 11.106 or for reasons of budget or program under ch. UWS 12.

(2) The board’s policy is that members of the academic staff are entitled to enjoy and exercise all rights of United States citizens and to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

(3) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 11.102

UWS 11.02 RESPONSIBILITY FOR CHARGES

(1) Whenever the chancellor of an institution receives an allegation which concerns an academic staff member holding an indefinite appointment which appears to be substantial and which, if true, might lead to dismissal under s. UWS 11.01, the chancellor shall request within a reasonable time that the appropriate dean, director, or designee investigate the allegation. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the chancellor shall direct the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The dean, director, or designee shall offer to discuss it informally with the academic staff member, and, if the allegation involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, with the complainant and provide information of rights under this chapter. Both the academic staff member and the complainant shall have the right to be accompanied by an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process. If such an investigation and discussion does not result in a resolution of the allegation and if the allegation is deemed sufficiently serious to warrant dismissal, the dean, director, or designee shall prepare a written statement of specific charges. A member of the academic staff may be dismissed only after receipt of such a statement of specific charges and, if a hearing is requested by the academic staff member, after a hearing held in accordance with the provisions of this chapter and the subsequently adopted procedures of the institution. If the staff member does not request a hearing, dismissal action shall proceed along normal administrative lines but the provisions of ss. UWS 11.02, 11.08, and 11.09 shall
apply. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

(2) Any formal statement of specific charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the formal statement of specific charges involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the formal statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

**UWS 11.03 Hearing Body**

(1) The chancellor of each institution shall provide for a hearing body charged with hearing dismissal cases and making a report and recommendations under this chapter. Throughout this chapter, the term “hearing body” is used to indicate either a hearing committee or a hearing examiner as designated in the institutional procedures. This hearing body shall operate as the hearing agent for the chancellor pursuant to s. 227.46 (4), Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of fact and decision to the chancellor according to s. UWS 11.07.

(2) With the concurrence of the faculty and the academic staff advisory committee of each institution, the chancellor may provide that dismissal for cause of a member of the academic staff having teaching responsibilities may be heard by the hearing body specified in s. UWS 4.03. If so provided, the hearing shall be held pursuant to the provisions of ch. UWS 11.

**UWS 11.04 Hearing**

If the staff member requests a hearing within 20 days from the service of the statement of charges (25 days if notice is by first class mail and publication), such hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The request for a hearing shall be addressed in writing to the hearing body established pursuant to s. UWS 11.03. Service of written notice of hearing on the specific charges shall be provided at least 10 days prior to the hearing.

**UWS 11.05 Adequate Due Process**

(1) Each institution shall develop policies and procedures to provide for a fair hearing upon request in the event of dismissal. A fair hearing for an academic staff member whose dismissal is sought under s. UWS 11.01 shall include the following:

(a) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;

(b) A right to be heard in his or her defense;

(c) A right to an advisor, counsel, or other representative, and to offer witnesses;

(d) A right to confront and cross-examine adverse witnesses. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the hearing committee may reasonably restrict the academic staff member and the complainant from questioning each other;

(e) A verbatim record of all hearings, which might be a sound recording, provided at no cost;

(f) Written findings of fact and decision based on the hearing record;

(g) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.

(2) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the academic staff member in s. UWS 11.05 (1) (a) to (g), except as may be precluded by applicable state or federal law.
UWS 11.06 Procedural Guarantees

(1) The following requirements shall also be observed:

(a) Any person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall not be qualified to participate as a member of the hearing body;
(b) The hearing shall be closed unless the staff member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);
(c) The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
(d) The burden of proof of the existence of just cause is on the administration or its representatives;
(dm) For complaints of sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the standard of proof shall be a preponderance of the evidence;
(e) If a staff member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;
(f) Nothing in this section shall prevent the settlement of cases by mutual agreement between the administration and the staff member, with the chancellor’s approval, at any time prior to a final decision by the chancellor; or when appropriate, with the board’s approval prior to a final decision by the board;
(g) Adjournments shall be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

(2) If the institutional policies and procedures provide that dismissal cases be heard by a hearing committee, the following requirements shall be observed:

(a) The committee may, on motion of either party, and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, on the motion of the complainant, disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of replacements equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the policies and procedures adopted by the institution;
(b) If the hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the policies and procedures adopted by the institution.

UWS 11.07 Recommendations: To the Chancellor

The hearing body shall send to the chancellor and to the academic staff member concerned, as soon as practicable after conclusion of a hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. After reviewing the matter on record and considering arguments if submitted by the parties, the chancellor shall issue a decision. In that decision, the chancellor may order dismissal of the academic staff member, may impose a lesser disciplinary action, or may find in favor of the academic staff member. The academic staff member shall be notified of the chancellor’s decision in writing. In cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall be notified of the chancellor’s decision at the same time as the academic staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants review based on the record. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all rights provided to the academic staff member in this paragraph.

UWS 11.08 Suspension from Duties

Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except where, after consulting with the appropriate administrative officer, the chancellor finds that
substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the chancellor makes a decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 11.105 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.105 shall apply.

**UWS 11.09 Date of Dismissal**
A decision by the chancellor ordering dismissal shall specify the effective date of the dismissal.

**UWS 11.10 Board Review**
A member of the academic staff on indefinite appointment who has been dismissed for cause by the chancellor following a hearing may appeal this action to the board. Any appeal must be made within 30 days of the date of the decision of the chancellor to dismiss. Upon receiving an appeal, the board shall review the case on the record. Following such review, the board may confirm the chancellor’s decision, or direct a different decision, or approve a further hearing before the board with an opportunity for filing exceptions to the hearing body’s recommendations or the chancellor’s decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing. (See subch. V of ch. 19, Stats., Open Meeting Law.) All decisions of the board, whether after review on the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the same opportunity to appeal, file exceptions to the recommendations of the hearing committee or chancellor, and oral arguments, as provided to the academic staff member.

**UWS 11.101 Dismissal for Cause in Special Cases—Indefinite Academic Staff Appointments**
A member of the academic staff holding an indefinite appointment may be dismissed for serious criminal misconduct, as defined in s. UWS 11.102. History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

**UWS 11.102 Serious Criminal Conduct**
(1) In this chapter, “serious criminal misconduct” means:
(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d), or (e) are present, and the felony involves any of the following:
   1. Causing serious physical injury to another person.
   2. Creating a serious danger to the personal safety of another person.
   4. Theft, fraud or embezzlement.
   5. Criminal damage to property.
   6. Stalking or harassment.
(b) A substantial risk to the safety of members of the university community or others is posed.
(c) The university’s ability, or the ability of the academic staff member’s colleagues, to fulfill teaching, research or public service missions is seriously impaired.
(d) The academic staff member’s fitness or ability to fulfill the duties of his or her position is seriously impaired.
(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.
(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct. (3) Except as otherwise expressly provided, an academic staff member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 11.103 to 11.106. (4) Any act required or permitted by ss. UWS 11.103 to 11.106 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the Board of Regents under s. UWS 9.02.
UWS 11.103 Reporting Responsibility

Any academic staff member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 11.102 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

UWS 11.104 Expedited Process

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 11.103 or other credible information that an academic staff member holding an indefinite appointment has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), in state or federal court, the chancellor shall: (a) Within 3 working days of receipt of the report or information, inform the academic staff member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and advise the chancellor as to whether to proceed under this section or ss. UWS 11.02 to 11.10. For cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall be notified by the chancellor of the receipt of the report or information at the same time as the academic staff member. (b) Upon appointing an investigator and notifying the academic staff member, afford the academic staff member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The academic staff member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause. For cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the disqualification rights that are afforded to the academic staff member in this subsection.

(2) The investigator shall be complete and file a report with the chancellor not later than 10 working days following the investigator’s appointment.

(3) Within 3 working days of receipt of the investigator’s report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the academic staff member in the manner specified in s. UWS 11.02 (2). (a) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, the chancellor shall file charges within 2 working days of reaching the decision. (b) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, the chancellor shall file charges and proceed in accordance with the provisions of those sections of this chapter and implementing institutional policies. If, during the course of proceedings under ss. UWS 11.02 to 11.10, the chancellor receives a report under s. UWS 11.103 or other credible information that the academic staff member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), and one or more of the factors listed in s. UWS 11.102 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this section. (c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 3, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under sub. (3) (a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05 to 11.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.

(5) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written decision on the matter. In the decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. The staff member shall be notified of the chancellor’s decision in writing. In cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall be notified of the chancellor’s decision at the same time as the staff
member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants a review based on the record. In cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the same right to a review on the record as the academic staff member.

(6) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration must demonstrate by clear and convincing evidence that the academic staff member engaged in serious criminal misconduct, as defined in s. UWS 11.102, except in cases of sexual assault, dating violence, domestic violence, or stalking, in which the evidentiary standard shall be by a preponderance of the evidence.

(7) The chair of the academic staff hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

**UWS 11.105 Temporary Suspension of Duties Without Pay**

(1) The chancellor, after consulting with appropriate academic staff governance representatives, may suspend an academic staff member holding an indefinite appointment from duties without pay pending the final decision as to his or her dismissal where:

(a) The academic staff member has been charged with a felony of a type listed in s. UWS 11.102 (1) (a) and the chancellor, after following the provisions of s. UWS 11.104 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 11.102 (1) (b) through (e) are present, and 2) that the academic staff member has engaged in the conduct as alleged; or

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

(c) The academic staff member has pleaded guilty or no contest to or been convicted of a felony of the type listed in s. UWS 11.102 (1) (a) and one or more of the conditions in s. UWS 11.102 (1) (b) through (e) are present.

(2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the academic staff member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the academic staff member with an opportunity to be heard with regard to the matter. The academic staff member may be represented by counsel or another at this meeting.

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

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

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

(4) If, after affording the academic staff member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.

**UWS 11.106 Board Review**

A member of the academic staff on an indefinite appointment who has been dismissed for serious criminal misconduct may appeal this action to the board as provided in s. UWS 11.10.
UWS 11.11 Dismissal for Cause—Fixed Term or Probationary Academic Staff Appointments
A member of the academic staff holding a probationary appointment, or a member of the academic staff holding a fixed term appointment and having completed an initial specified period of time, may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program under ch. UWS 12. A nonrenewal of such an appointment is not a dismissal under this section. A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a hearing before the appropriate dean or director or his/her designee. If such hearing is requested, a determination of just cause and notification of dismissal shall be made by the dean or director or designee. If no hearing is requested the dismissal is affected by the specifications in the original notification of charges. The hearing before the dean, director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be effective immediately on receipt of written notification of the decision of the dean or director or designee unless a different dismissal date is specified by the dean or director. Dismissals for cause shall be appealable by filing an appeal with the hearing body established under s. UWS 11.03. The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. The provisions of s. UWS 11.04, procedural guarantees, contained in ss. UWS 11.05 and 11.06 and the review provisions of s. UWS 11.07, shall be applicable to the appeal proceeding. In no event, however, shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the chancellor’s decision or the end of the contract period, whichever is earlier, shall be restored. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all procedural rights provided to the academic staff member in this section and the standard of proof shall be by a preponderance of the evidence.

UWS 11.12 Dismissal for Cause—Teaching Members of the Academic Staff
The policies and procedures of each institution may provide that dismissal for cause of a member of the academic staff having teaching responsibilities and holding a probationary appointment or a fixed term appointment may proceed under ss. UWS 11.02 to 11.10. If the institutional policies and procedures do not specifically make such provisions, dismissal for cause shall be made pursuant to s. UWS 11.11.

University of Wisconsin-Superior Academic Staff Discipline and Dismissal for Cause
CHAPTER 6

DISCIPLINE AND DISMISSAL

This chapter describes policies and procedures for discipline and dismissal to be used in cases of unsatisfactory performance or misconduct. Just-cause standards apply to all disciplinary actions involving loss of pay and dismissal actions taken under the provisions of this chapter.

Lapses in performance or misconduct do not necessarily lead to discipline or dismissal. If performance reviews, counseling, or other communication between the employer and the employee alleviate the problem to the employer's satisfaction, there is no necessity to proceed to formal sanctions. However, if lapses in performance or misconduct continue, discipline or dismissal shall be considered. In egregious situations, the employer may proceed directly to discipline or dismissal.
Lapses in performance or misconduct may also result from a disability or personal problem. If the employer knows that either of these is or could be a factor affecting the employee's work situation, the employer should consult with the Office of Human Resources before proceeding or referring the employee to the appropriate resources.

6.01 Grounds for Discipline and Dismissal

1. Unsatisfactory Performance. An academic staff employee shall be subject to discipline or dismissal for unsatisfactory performance. Insufficiently productive or timely output, insufficient creative effort, or failure to communicate effectively with individuals or groups important to the work processes are examples of unsatisfactory performance. An employer (immediate supervisor, principal investigator, department chair, or unit head) is responsible for clearly communicating to each employee under his or her supervision what the employee's duties are and how the performance of those duties will be evaluated (see ASPP 2.02). Before ending an appointment for unsatisfactory performance, the employer must inform the employee in writing about areas of performance deficiency and must make efforts to work with the employee to improve performance to a satisfactory level (see ASPP 10, Performance Reviews).

2. Misconduct. An academic staff employee who has violated a University rule or policy or has engaged in conduct that adversely affects the staff member's performance of his or her obligations to the University shall be subject to discipline or dismissal for misconduct.

6.02 Discipline

1. Definition. Discipline refers to any sanction short of dismissal imposed by the University against an academic staff member for unsatisfactory performance or misconduct, including but not limited to a reprimand, reduction in salary, change of appointment status, or suspension without pay. Performance reviews, letters of counseling, administrative leave with pay, merit-pay determinations, and the like are not considered discipline and should normally precede any disciplinary actions by an employer, unless the unsatisfactory performance or misconduct is egregious or intolerable in the workplace.

2. Disciplinary Procedures

a. Investigation. Prior to taking disciplinary action, the employer shall notify Human Resources that he/she is conducting an investigation to determine whether the allegations of inappropriate performance or conduct have substance. The length and scope of the investigation shall be at the discretion of the employer. The employer may place the employee on administrative leave with pay during the investigation. Just-cause standards apply for disciplinary actions involving loss of pay. The employer may meet with the employee to ask questions about the allegations as part of the investigation. If the employer concludes that there is no basis for disciplinary action, the employer shall inform the employee immediately.

b. Pre-disciplinary Meeting. If, after the investigation, the employer believes that grounds for discipline may exist, the employer shall meet with the employee. Prior to the meeting the employer shall provide the employee with notice in writing of the grounds for possible discipline, the range of discipline being considered, the time and place of the pre-disciplinary meeting, and the employee's right to respond to the allegations and possible disciplinary sanction at the meeting. After taking into account the employee's response at the pre-disciplinary meeting, the employer will determine whether to proceed with UW-S Unclassified Staff Handbook E-23 Appendix E - ASPP 23 disciplinary action. The employer may conclude (1) that discipline is warranted, (2) that discipline is not warranted, or (3) that further investigation is required, in which case another pre-disciplinary meeting must be held after completing the additional investigation if the employer believes discipline is appropriate.

c. Notification of Disciplinary Action. When the employer determines that discipline is appropriate, the employer, upon approval by the dean, director, or designee, shall inform the employee in writing. This notification shall clearly state that it is a letter of discipline, shall include a description of the employee's unsatisfactory performance or misconduct, shall
state what discipline is imposed, shall inform the employee of his or her appeal rights, and shall include a copy of ASPP 6, 7, and 9.

3. Appeal Process for Disciplinary Actions. Disciplinary actions may be grieved using the procedure described in ASPP 7.

6.03 Dismissal

1. Dismissal for Cause of Academic Staff with Fixed-Term and Probationary Appointments (see also UWS 11.11 and 11.12)

a. Grounds for Dismissal. No academic staff member shall be subject to dismissal prior to the end of the contract period except for just cause. Layoffs (ASPP 5) and non-renewals (ASPP 3) are not dismissals for cause.

b. Investigation. The employer shall notify the Office of Human Resources that he/she is conducting an investigation to determine whether allegations of unsatisfactory performance or misconduct have substance. The length and scope of the investigation shall be at the discretion of the employer. The employer may place the employee on administrative leave with pay during the investigation. The employer may meet with the employee to ask questions about the allegations as part of the investigation. If the employer concludes that there is no basis for dismissal, the employer shall inform the employee immediately.

c. Pre-dismissal Meeting. If, after the investigation, the employer believes that grounds for dismissal may exist, the employer shall meet with the employee. Prior to the meeting the employer shall provide the employee with notice in writing of the grounds for possible dismissal, the time and place of the pre-dismissal meeting, and the employee's right to respond to the allegations and level of disciplinary sanction at the meeting. After taking into account the employee's response at the pre-dismissal meeting, the employer will determine whether to proceed with dismissal. The employer may conclude (1) that dismissal is warranted; (2) that dismissal is not warranted, but a disciplinary action is; (3) that neither dismissal nor discipline is warranted; or (4) that further investigation is required, in which case another pre-dismissal or pre-disciplinary meeting must be held after completing the additional investigation if the employer believes grounds exist for either dismissal or discipline.

d. Notification. When the employer decides dismissal is necessary, he or she must obtain approval of division officer to proceed with the dismissal. If the division officer approves the dismissal, the academic staff member shall be notified in writing of the effective date of the dismissal, with a copy to the department chair or unit head and the Human Resources Office. This notification shall include a statement of the grounds for dismissal, inform the employee that he or she has the right to request a review by the division officer, and include a copy of ASPP 6 and 9. Notification shall be served personally or by certified mail, return receipt requested. If service cannot be made within 15 working days, service shall be accomplished by first-class mail and by publication as if the statement of charges were a summons and the provisions of section 801.11(1)(c), Wis. Stats., were applicable. Dismissal may occur only after the academic staff member has received written notification.

e. Review by the Division Officer. Upon receipt of dismissal notification the employee shall have 20 working days to submit a written request to the division officer for a review, including a summary of the facts and circumstances concerning the allegations. The academic staff member shall have the opportunity to make a personal presentation to the division officer. The division officer shall make a determination of just cause for dismissal and notify the employee of the decision in writing within 15 working days. If the dismissal is upheld by the division officer, the notification shall inform the employee of his or her right to appeal to the Academic Staff Appeals Committee under 6.03.3. If there is no response by the division officer to the written request for a review within the designated time period, the employee may appeal to the Academic Staff Appeals Committee within 15 working days of the expiration of the designated period. UW-S Unclassified Staff Handbook E-24 Appendix E - ASPP 24
f. **Effective Date of Dismissal.** If the academic staff member does not submit a request for a review by the division officer within 20 working days, the dismissal shall be effective on the date specified in the original notification letter with no further appeal rights. If the academic staff member submits a request for review within 20 working days and the dismissal is upheld, the division officer shall determine the effective date of dismissal and inform the employee in writing of the date.

g. **Time Limits.** Steps in the appeal process must be initiated and completed within the designated time periods except when modified by mutual consent. If the employee fails to initiate the next step in the appeal process within the designated time period, the appeal will be considered resolved by the decision at the last completed step.

h. **Suspension of Duties.** The division officer may suspend an academic staff member with a fixed-term or probationary appointment with or without pay even if the review is in process.

2. **Dismissal for Cause of Academic Staff with Indefinite Appointments (see also UWS 11.01-11.10)**

a. **Grounds for Dismissal.** No academic staff member holding an indefinite appointment shall be subject to dismissal except for just cause. Layoff (ASPP 5) is not dismissal for cause. In contrast to the procedure for fixed-term academic staff in 6.03.1, only the chancellor, in consultation with the appropriate division officer, has the authority to begin the dismissal process.

b. **Investigation.** When the chancellor receives an allegation concerning an academic staff member holding an indefinite appointment which appears to be substantial and which, if true, might lead to dismissal, an investigation shall be conducted within a reasonable time by the appropriate division officer or other chancellor's designee. The employer may place the employee on administrative leave with pay during the investigation. Prior to initiating a dismissal, the division officer, in consultation with the chancellor, shall investigate the allegation, offer to discuss it informally with the individual, and provide information of rights to which members of the academic staff are entitled under this chapter and UWS 11. In those cases where the immediate supervisor of the academic staff member concerned is a division officer, the chancellor shall, to avoid potential prejudice, designate another division officer to act for the division officer involved.

c. **Pre-dismissal Meeting.** If, after the investigation, the division officer believes that grounds for dismissal exist, the division officer shall provide the employee with a written statement of the specific charges, the possibility of dismissal, the time and place of the pre-dismissal meeting, and the employee's opportunity to respond to the allegations and possible disciplinary sanction at the meeting. After taking into account the employee's response at the pre-dismissal meeting, the division officer will determine whether to proceed with dismissal. The division officer may conclude (1) that dismissal is warranted; (2) that dismissal is not warranted, but a disciplinary action is; (3) that neither dismissal nor discipline is warranted; or (4) that further investigation is required, in which case another pre-dismissal or pre-disciplinary meeting must be held after completing the additional investigation if the division officer believes grounds exist for either dismissal or discipline.

d. **Notification.** When the division officer decides dismissal is warranted, he or she shall notify the academic staff member in writing of the effective date of the dismissal with a copy to the department chair or unit head, the Human Resources Office, and the chancellor. The notification shall include a statement of the grounds for dismissal, inform the employee that he or she has 15 working days in which to request a hearing before the Academic Staff Appeals Committee, and include copies of ASPP 6 and 9. Notification shall be served personally or by certified mail, return receipt requested. If service cannot be made within 15 working days, service shall be accomplished by first-class mail and by publication as if the statement of charges were a summons and the provisions of section 801.11(1)(c), Wis. Stats., were applicable. Dismissal may occur only after the academic staff member has received written notification.

e. **Effective Date of Dismissal.** If the academic staff member does not submit a timely appeal under 6.03.1, the dismissal shall be effective on the date specified in the original notification letter with no further right of appeal. If the academic
staff member submits a timely appeal and the dismissal is upheld, the effective date of the dismissal will be determined by the chancellor and shall be stated in his or her decision.

f. Suspension of Duties. Pending the final decision as to dismissal, an academic staff member with an indefinite appointment shall not be relieved of duties unless the chancellor determines that substantial harm may result if the staff member is continued in his or her position. If such determination is made, the staff member may be relieved of his or her duties immediately or be assigned to another administrative unit, but his or her salary shall continue until the Chancellor makes a decision as to dismissal. UW-S Unclassified Staff Handbook E-25 Appendix E - ASPP 25

3. Appeal Process for Dismissals of Fixed-Term, Probationary, and Indefinite Appointees

a. Hearing Before the Academic Staff Appeals Committee. The academic staff member shall have 15 working days from receipt of the notification (20 working days if notice is by first-class mail and publication) to file an appeal with the Human Resources Office, which will forward the files to the Academic Staff Appeals Committee within five working days. The Academic Staff Appeals Committee shall conduct a hearing in accordance with ASPP 9.

(1) Access to the Evidence. An academic staff member who files an appeal shall have the right to review all evidence the employer used to make the dismissal decision. All additional information the employer uses or plans to use to support the decision shall also be provided to the appellant in a reasonable time prior to a hearing. Likewise, the employer shall have the right to review all materials to be presented by the appellant. The exchange shall take place within a reasonable time prior to a hearing.

(2) Representation. The presence of a representative is permitted. However, the parameters for participation of the representative must be mutually agreed upon prior to any meeting.

(3) Burden. The employer has the burden of proof of the existence of just cause for the dismissal

b. Notification and Disposition. The Academic Staff Appeals Committee shall forward its findings of fact with a recommendation to the chancellor or designee and shall send a copy to the Human Resources Office, dean or director, department chair or unit head, and employee. Within 30 working days of receipt of the Committee's recommendation, the chancellor or designee shall implement the recommendation or give the appellant and the Committee written reasons for any decision to modify the recommendation. The employee, department chair or unit head, dean or director, Human Resources Office, and the Committee shall be notified of the decision of the Chancellor or designee, which is final. If the decision of the chancellor or designee has not been issued within 30 working days, the recommendation of the Academic Staff Appeals Committee becomes final. As an exception, an indefinite appointee may request a review by the Board of Regents under UWS 11.10.

c. Time Limits. Steps in the appeal process must be initiated and completed within the designated time periods except when modified by mutual consent. If the employee fails to initiate the next step in the appeal process within the designated time period, the appeal will be considered resolved by the decision at the last completed step.

UW System UPS Operational Policy-GEN 14: Grievance Procedures

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

2. POLICY BACKGROUND:
This policy establishes grievance procedures for university staff who were formerly members of the classified staff (subject to Wis. Stat. Chapter 230) as of June 30, 2015, and for university staff hired on or after July 1, 2015, who, by the terms of their appointment, have an expectation of continued employment.
A. Dismissal
Under Wis. Stat. § 36.115(4) the University of Wisconsin System personnel systems must include grievance procedures applicable to dismissals that include the following elements:

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

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

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

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

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

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

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

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

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

“Dismissal” means separation from employment for disciplinary or performance reasons.

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

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

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

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

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

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

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

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

4. POLICY

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

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

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

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

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

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

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

C. **Step Two B - Direct Appeal to WERC for Certain University Staff:** An employee who held permanent
status in employment prior to July 1, 2015 and according to the provisions of Wis. Stat. § 36.115(6) retains Chapter 230 appeal rights and may appeal a disciplinary action (suspension, demotion, or reduction in base pay), layoff or discharge using a procedure different than the Step Two A procedures set forth above. Such a grievance may be appealed directly from Step One to the chancellor or chancellor’s designee within 10 calendar days from receipt of the answer in Step One.

Thereafter, if the employee is still dissatisfied with the decision as issued by the chancellor or chancellor’s designee, the employee may appeal the decision to the WERC under Wis. Stat. §230.44(1)(c) within 30 calendar days from the date of the decision being appealed. If an appeal to WERC is filed, no further steps in the grievance process will apply. The decision of the WERC may be subject to judicial review, but an appeal to the Board of Regents is not available using this procedure.

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

**UW-Superior University Staff Discipline and Dismissal for Cause**

The University Staff Disciple and Dismissal for Cause Policy is the same as the University Staff Grievance policy stated above.
Fire Safety Report

Fire Statistics for On-Campus Student Housing Facilities

2019 Fire Statistics

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<tr>
<td>Curran-McNeill Hall</td>
<td>1714 Catlin Ave</td>
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</tr>
</tbody>
</table>

Number and Cause of Each Fire in Any On-Campus Housing Facility

2019
No Fires

2018
No Fires

2017
No Fires
No Fires

Description of On-Campus Student Housing Fire Safety Systems—Residence Halls/Apartments

<table>
<thead>
<tr>
<th>Residence Hall and Address</th>
<th>24-Hour Fire Alarm Monitoring Off-Site</th>
<th># of Standpipes Per Floor</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Horns or Strobes in Sleeping Rooms</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans and Placards</th>
<th># of Evacuation Drills/Year</th>
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</thead>
<tbody>
<tr>
<td>Crownhart Hall 1524 Catlin Ave</td>
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<td></td>
<td>●</td>
<td>●</td>
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<tr>
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</tbody>
</table>

**UW-Superior Fire Safety Policy**

If a fire occurs in a University of Wisconsin-Superior residence hall or apartment, community members should pull the fire alarm, use the nearest safe exit to evacuate and notify UW-Superior Public Safety and Superior Fire Department by immediately calling 911. If a community member finds evidence of a fire that has been extinguished, and the person is not sure whether UW-Superior Public Safety has already responded, the community member should immediately notify UW-Superior Public Safety at 715-394-8114 to investigate and document the incident. For the purposes of including a fire in the statistics in the Annual Fire Safety Report, contact UW-Superior Public Safety by phone at 715-394-8114, by email at safety@uwsuper.edu, or text at 218-427-0176.

**UW-Superior Residence Halls**

**Residence Hall Fire Drills**

Fire drills are conducted in all on-campus Residence Halls during the school year to allow residence to become familiar with building alarm systems and practice an evacuation. The drills are coordinated by Residence Life and Environmental Health and Safety; drills are conducted by the Residence Life with participation from Environmental Health and Safety and Campus Safety.

2 drills were held in the previous calendar year: one each semester.
Prohibitions on Portable Electrical Appliances, Smoking, and Open Flames

Food preparation in an extensive and/or ongoing manner is not permitted in resident rooms as a matter of safety and sanitation. Kitchens and kitchenettes are available in each residence hall for this purpose. Students are not permitted to use any cooking appliance with an exposed heating element. Non-cooking appliances with open coils or exposed heating elements are also prohibited. These include, but are not limited to: hot plates, convection ovens, toaster ovens, toasters, electric frying pans, space heaters with open coils, portable type electric grills, cup-type immersion heating coils, and other appliances with open coils or exposed heating elements, gas/propane powered appliances and charcoal cooking appliances are prohibited inside the Residence Halls. Appliances should not be operated in closets or other closed areas or close to flammable items. Residents may be held responsible for any damages caused by negligent use of appliances.

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

Candles/Incense

The use of unlit candles as room decorations is strongly discouraged due to fire safety.

- Burning candles and incense in resident rooms and public spaces is prohibited.
- Burning candles for religious purposes may be permitted with restrictions and with prior permission from the Director of Residence Life.
- Burning incense for religious purposes or smudging may be permitted with restrictions and with prior permission from the Director of Residence Life

Firecrackers/Fireworks

Possession and/or use of firecrackers and/or fireworks is prohibited. Violations of this rule include, but are not limited to: discharging, or in any way attempting to discharge, any type of manufactured or homemade fireworks including cannons or bottle rockets in, out of, or adjacent to a residence hall. Use may lead to dismissal from University of Wisconsin-Superior Housing.

Fires

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

Storage of chemicals such as but not limited to: nitrous oxide, liquid nitrogen, turpentine, dry cleaning fluid, lighter fluid, gasoline, and other flammable chemicals that might create a hazard are prohibited. Setting a fire will likely lead to dismissal from University of Wisconsin-Superior Housing.

Smoking

The UW Superior Smoking policy permits smoking only at designated exterior locations, and smoking is not permitted inside any university building, including residence halls. Wisconsin Statute 101.123 prohibits smoking within 25 feet of a residence hall. Consistent with University policy and state statute, all designated smoking locations at the residence halls are 25 feet or more from the residence halls. This Policy information is conveyed to students through the UW Superior Residence Life Handbook [Handbook].

Procedures to Use in Case of a Fire

The following fire evacuation procedure is found in the current Residence Life Handbook [Handbook]:

The campus uses the same procedures for fire evacuations in all buildings, including residential buildings.

Fire Safety/Evacuation Procedures
Pull the fire alarm if you observe smoke and/or fire and proceed to the nearest exit.
Check the door and doorknob(s) for heat and/or dangerous conditions before opening the door.
If it is safe to exit, open the door and check the exit route. Close the door behind you. Do not use the elevator.
Leave the building immediately and evacuate to designated building Assembly Point (see below).
- Ross-Hawkes: Parking Lot furthest near the baseball field
- Curran-McNeill-Ostrander: Marcovich Wellness Center front door
- Crownhart – Across Catlin Ave. at the Yellowjacket Union Parking Lot entrance
If it is NOT safe to exit,
- Stay in your room, close your door, and remain calm.
- Fill cracks around the door to keep smoke and vapors out. If possible, place a wet towel rolled up against the crack at the bottle of the door.
- Keep your window slightly open to allow fresh air in.
- Attract attention to your location by waving from the window or calling 911.
- Stay close to the floor and take short breaths.
- Wait for emergency personnel to escort you out.
Call 911 from a safe place outside the building. Provide 911 with as much information as possible. Remain on the line until told to hang up. Students can also notify campus safety/security personnel.
If possible, notify your RA or another Residence Life staff member.
Do not reenter the building until told to do so by emergency personnel or residence life staff.

Fire Safety Education and Training Programs for Students, Faculty, and Staff
General safety and fire safety information is available to students, faculty, and staff at https://www.uwsuper.edu/ehs/hsprogram/firesafety.cfm and in this report. The training includes procedures students and employees should follow in case of a fire.

Fire Safety Education for Student Employees and Occupants of University Housing
Fire safety training and education for employees is covered [describe when]. The training covers the following topics:
- Include topics covered
- The training includes procedures students and employees should follow in case of a fire.

Fire Safety Training and Education for Staff
Fire education training for staff is covered [when training is given.] The training covers the following topics:
- Include topics covered
- The training includes procedures students and employees should follow in case of a fire.

In addition to this training, employees also [describe what an employee’s responsibility is in case of fire, and how this responsibility is communicated to them. This may include a facility walk-through to show fire response procedures, receiving an evacuation training, etc.

Plans for Future Improvement in Fire Safety
Fire safety improvements are not necessary. We will continue to adhere to stringent inspection, testing, and maintenance of all fire safety systems, equipment and devices.
[End]