

# ANNUAL SECURITY REPORT & ANNUAL FIRE SAFETY REPORT

2020

FOR



UNIVERSITY OF WISCONSIN OSHKOSH  
FOX CITIES



UNIVERSITY OF WISCONSIN  
OSHKOSH



UNIVERSITY OF WISCONSIN OSHKOSH  
FOND DU LAC



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## Resources at a Glance

### Safety and Security

#### UW Oshkosh Police Department

Emergency.....911  
Non-Emergency.....(920)424-1212  
738 High Ave. | Oshkosh, WI 54901  
[uwopolice@uwosh.edu](mailto:uwopolice@uwosh.edu)  
<https://uwosh.edu/police/>

#### City of Oshkosh Police Department

Emergency.....911  
Non-Emergency.....(920)236-5700  
420 Jackson St. | Oshkosh, WI 54901  
[www.oshkoshpd.com](http://www.oshkoshpd.com)

#### City of Fond du Lac Police Department

Emergency.....911  
Non-Emergency.....(920)906-5555  
126 N. Main St. | Fond du Lac, WI 54935  
<https://www.fdl.wi.gov/police/>

#### City of Menasha Police Department

Emergency.....911  
Non-Emergency.....(920)967-3500  
430 1st St. | Menasha, WI 54952  
<https://www.cityofmenasha-wi.gov/departments/police/index.php>

#### Safewalk, Saferide & Saferoute Programs

Phone.....(920)424-1212  
Also - use the “UWO Mobile” App to request safe transportation.  
<https://uwosh.edu/police/services/safetransportation/>

### Campus Offices

**Dean of Students Office**.....(920)424-3100  
800 Algoma Blvd. | Oshkosh, WI 54901  
[www.uwosh.edu/deanofstudents/](http://www.uwosh.edu/deanofstudents/)

**Assistant Chancellor’s Office**.....(920)929-1106

**Martin Rudd**, UW Oshkosh Assistant Chancellor for Access Campuses

**Renee Anderson**, Regional Executive Assistant  
Admin/ Ext Bldg #132 | Fond du Lac, WI 54935  
[andersonr@uwosh.edu](mailto:andersonr@uwosh.edu)

**Solution Center (Fox Valley)**.....(920)832-2620

General Email: [foxinfo@uwosh.edu](mailto:foxinfo@uwosh.edu)

**Solution Center (Fond du Lac)**.....(920)929-1122

General Email: [fdlinfo@uwosh.edu](mailto:fdlinfo@uwosh.edu)

**Jeri Kukurich**, Interim Executive Director for Student Affairs for Access Campuses  
[kukurichje@uwosh.edu](mailto:kukurichje@uwosh.edu)

**Office of Human Resources**.....(920)424-1166

800 Algoma Blvd. | Oshkosh, WI 54901  
HYPERLINK

"<http://www.uwosh.edu/deanofstudents/>"  
[hroffice@uwosh.edu](mailto:hroffice@uwosh.edu)  
<https://uwosh.edu/hr/>

**Employee Assistance Program**.....(866)274-4723  
[www.feieap.com](http://www.feieap.com)

Username: SOWI

**University Housing**.....(920)424-3212  
208 Osceola St. # 263 | Oshkosh, WI 54901  
[housing@uwosh.edu](mailto:housing@uwosh.edu)  
<https://uwosh.edu/housing/>

### Disability Resources

**Equal Opportunity, Equity, and Affirmative Action (employees)**.....(920)424-1166  
800 Algoma Blvd. #328 | Oshkosh, WI 54901  
[afaction@uwosh.edu](mailto:afaction@uwosh.edu)  
<https://uwosh.edu/equity/accessibility/>

**Accessibility Center (students)**.....(920)424-3100  
800 Algoma Blvd. #125 | Oshkosh, WI 54901  
[accessibilitycenter@uwosh.edu](mailto:accessibilitycenter@uwosh.edu)  
<https://uwosh.edu/deanofstudents/accessibility-center/>

### Title IX Contacts

#### Title IX Coordinator

**Shawna Kuether**.....(920)424-0283  
800 Algoma Blvd. #328 | Oshkosh, WI 54901  
[kuethers@uwosh.edu](mailto:kuethers@uwosh.edu)

<https://uwosh.edu/titleix/>

**Deputy Title IX Coordinator**

Sean Fay, Director of EOAAA .....(920)424-0330

800 Algoma Blvd. #328 | Oshkosh, WI 54901

Fays@uwosh.edu

[afaction@uwosh.edu](mailto:afaction@uwosh.edu)

<https://uwosh.edu/titleix/>

**Deputy Title IX Coordinator**

Carmon Faymonville, Ph.D.....(920)424-0890

Office of the Provost and Vice Chancellor

800 Algoma Blvd. #335 | Oshkosh, WI 54901

[faymonvc@uwosh.edu](mailto:faymonvc@uwosh.edu)

**Deputy Title IX Coordinator**

Victoria Stimac.....(920)424-1384

Office of Intercollegiate Athletics

Kolf Sports Center | Oshkosh, WI 54901

[stimacv@uwosh.edu](mailto:stimacv@uwosh.edu)

**Deputy Title IX Coordinator**

Art Munin, Ph.D.....(920)424-4000

Division of Student Affairs

800 Algoma Blvd. #148 | Oshkosh, WI 54901

[munina@uwosh.edu](mailto:munina@uwosh.edu)

**Deputy Title IX Coordinator**

Buzz Bares, M.S.Ed.....(920)424-3100

Dean of Students Office

800 Algoma Blvd. #125 | Oshkosh, WI 54901

[baresj@uwosh.edu](mailto:baresj@uwosh.edu)

**Deputy Title IX Coordinator**

Houa Xiong, M.S.....(920)424-3100

Dean of Students Office

800 Algoma Blvd. #125 | Oshkosh, WI 54901

[xiongh@uwosh.edu](mailto:xiongh@uwosh.edu)

**Deputy Title IX Coordinator**

Kiersten Karlsen, M.S.....(920)424-3100

Dean of Students Office

800 Algoma Blvd. #125 | Oshkosh, WI 54901

[karlsenk@uwosh.edu](mailto:karlsenk@uwosh.edu)

**Deputy Title IX Coordinator**

John Palmer, M.S.Ed.....(920)424-3100

Dean of Students Office

800 Algoma Blvd. #125 | Oshkosh, WI 54901

[palmerj@uwosh.edu](mailto:palmerj@uwosh.edu)

**Deputy Title IX Coordinator**

Robert Babcock, M.S.....(920)424-3212

Department of Residence Life

208 Osceola St. #263 | Oshkosh, WI 54901

[babcockr@uwosh.edu](mailto:babcockr@uwosh.edu)

**Title IX Investigator**

Adam Hernandez, M.S.....(920)424-3100

Department of Residence Life

208 Osceola St. #263 | Oshkosh, WI 54901

[hernanda@uwosh.edu](mailto:hernanda@uwosh.edu)

**Title IX Investigator**

Ellen Lang, M.S.....(920)424-3100

Department of Residence Life

208 Osceola St. #263 | Oshkosh, WI 54901

[lange@uwosh.edu](mailto:lange@uwosh.edu)

**Health Resources**

**Student Health Center.....(920)424-2424**

Mon-Fri 8:00 a.m. - 4:30 p.m.

777 Algoma Blvd | Oshkosh, WI 54901

[studenthealth@uwosh.edu](mailto:studenthealth@uwosh.edu)

<https://uwosh.edu/studenthealth/>

**Sexual Assault Nurse Examiner .....(920)456-7420**

For victims of sexual assault, child abuse, elder abuse  
and domestic violence

855 N. Westhaven Drive | Oshkosh, WI 54904

<https://www.aurorahealthcare.org/healing-advocacy-services/our-healing-services/forensic-nursing>

**Advocate Aurora Medical**

**Center.....(920)456-6000**

855 N. Westhaven Dr | Oshkosh, WI 54904

<https://www.aurorahealthcare.org/locations/hospital/aurora-medical-center-in-oshkosh>

**Ascension Mercy Hospital .....(920)223-2000**

500 S. Oakwood Rd | Oshkosh, WI 54904

<https://healthcare.ascension.org/Locations/Wisconsin/WIAPA/Oshkosh-Ascension-NE-Wisconsin-Mercy-Campus>

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

### Campus Victim Advocates

Campus Advocates are here to provide confidential, compassionate crisis intervention and ongoing support to survivors of rape/sexual assault, intimate partner violence, stalking and/or harassment.

#### Victim Advocates:

**Gabrielle Schwartz**, Sexual and Interpersonal Violence Prevention Coordinator  
Reeve Union 102L  
[advocate@uwosh.edu](mailto:advocate@uwosh.edu)  
(920)424-2024

### Christine Ann Domestic Abuse Services, Inc.

(920)235-5998  
Individuals and families in Winnebago County who are struggling with the devastating effects of domestic abuse.  
206 Algoma Blvd | Oshkosh, WI 54901  
[info@christineann.net](mailto:info@christineann.net)  
<http://www.christineann.net/>

### National Domestic Violence Hotline

.....(800)799-7233  
TTY .....(800)787-3224

**RAINN** (Rape, Abuse & Incest National Network)  
National Sexual Assault Hotline .....(800)656-4673  
[www.rainn.org](http://www.rainn.org)

### Mental Health Resources

**Counseling Center**.....(920)424-2061  
Appointments.....(920)424-2061  
Mon – Fri 7:45 am – 4:30 pm  
750 Elmwood Ave #240 | Oshkosh, WI 54901  
[https://www.uwosh.edu/couns\\_center](https://www.uwosh.edu/couns_center)

### Winnebago County Crisis

**Intervention**.....(920)233-7707  
Emergency Crisis Line.....911  
24-Hour Helpline  
220 Washington Ave | Oshkosh, WI 54901  
<https://www.co.winnebago.wi.us/human-services/divisions/behavioral-health/crisis-services>

**National Suicide Prevention Hotline**...(800)273-8255  
Substance Abuse and Mental Health Services Administration  
[www.samhsa.gov](http://www.samhsa.gov)

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

### UW Oshkosh Veteran's Resource Center

UW Oshkosh, Dempsey Hall, Room 130.....(920) 424-1804  
UW Fond du Lac, Room 237.....(920) 929-1357  
UW Fox Cities, Room 1264.....(920) 931-3424  
<https://www.uwosh.edu/veterans/uw-oshkosh-veterans-resource-center>

### Substance Abuse Resources

**Counseling Center**.....(920)424-2061  
Crisis Line.....(920)233-7707  
Appointments.....(920)424-2061  
Mon – Fri 7:45 am – 4:30 pm  
750 Elmwood Ave | Oshkosh, WI 54901  
[https://www.uwosh.edu/couns\\_center/self-help/alcohol-and-other-drugs](https://www.uwosh.edu/couns_center/self-help/alcohol-and-other-drugs)

Substance Abuse and Mental Health Services Administration  
National Helpline.....(800)662-4357  
[www.samhsa.gov](http://www.samhsa.gov)

# University of Wisconsin Oshkosh – Chief’s Welcome Message

Dear UW Oshkosh Community,

On behalf of Chancellor Andrew Leavitt, I present to you the Annual Security and the Annual Fire Safety Report (ASR&AFSR) for 2020. This report is provided to you in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and it contains useful information about safety and security on the campuses of UW Oshkosh. Within this report you will find crime statistics for the previous three years that occurred on or around the Oshkosh, Fox Cities and Fond du Lac campuses including the areas of:

- On-campus student housing.
- Certain off-campus buildings or properties owned or controlled by UW Oshkosh.
- On public property within or immediately adjacent to and accessible from the campus.

The report also contains institutional policies and practices concerning campus security, such as sexual assault and emergency response plans.

The ASR&AFSR includes valuable and useful information such as fire statistics for student housing, a description of fire safety systems on campus housing facilities, fire drills, student evacuation procedures, policies for fire and safety education as well as plans for future improvements in fire safety.

UW Oshkosh is generally a safe place to live, learn and grow, and there are many resources available to help you make informed decisions about your safety. In addition to the yearly release of the ASR&AFSR, UW Oshkosh uses multiple methods to communicate about campus crime and emergency information,

By familiarizing yourself with UW Oshkosh’s safety and security policies, procedures, and programs, you are taking a significant step in protecting yourself while a member of the titan community. One quality that makes our campus a true community is the willingness to look out for and support one another. The University has a great deal of resources for students and employees who are in crisis, and we encourage you to say something if you or someone else needs help.

Thank you for taking the time to read this message and report. Every member of the community has an important role in campus safety, and together we hope to have a safe and successful year.

Sincerely,

Kurt Leibold  
Chief of Police  
UW Oshkosh Police Department

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

### **Policy Statement:**

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

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

This report is prepared by the University of Wisconsin Oshkosh Police Department (UWOPD). To gather policies for this report, UWOPD collaborated with the Division of Student Affairs, Residence Life, the Office of Human Resources, Student Health Center, the Department of Intercollegiate Athletics, the Title IX Coordinator and other divisions and departments on campus.

Campus Crime statistics are gathered through reports to the UWOPD, the Dean of Students Office, Residence Life, the Title IX Coordinator, and reports submitted by other Campus Security Authorities. UWOPD also requested crime statistics from outside law enforcement agencies for certain off-campus buildings or property owned or controlled by the University of Wisconsin Oshkosh, and on the public property within, or immediately adjacent to and accessible from, the campus in the past three years. UWOPD and the Office of Student Conduct and Community Standards collaborated in compiling the crime, arrest and referral statistics to ensure statistics are not missed or double counted.

The University of Wisconsin Oshkosh distributes a notice of availability of this report by October 1 of each year. Anyone may obtain a paper copy of this report by contacting the UWO Police Department at 920-424-1212, by emailing [uwopolice@uwosh.edu](mailto:uwopolice@uwosh.edu) or by visiting <https://uwosh.edu/police/>.



## Clery Crime Statistics

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

OFFENSES	Year 2019					Year 2018					Year 2017				
	ON-CAMPUS PROPERTY		Public Property	Non-Campus		ON-CAMPUS PROPERTY		Public Property	Non-Campus		ON-CAMPUS PROPERTY		Public Property	Non-Campus	
	Residence Hall	Total On-Campus				Residence Hall	Total On-Campus				Residence Hall	Total On-Campus			
Murder/Non-negligent Manslaughter	0	0	0	0		0	0	0	0		0	0	0	0	
Manslaughter by Negligence	0	0	0	0		0	0	0	0		0	0	0	0	
Rape	5	5	0	0		2	2	0	0		3	4	0	0	
Fondling	1	1	0	0		1	1	0	0		1	1	0	0	
Statutory Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Incest	0	0	0	0		0	0	0	0		0	0	0	0	
Robbery	0	0	0	0		0	1	0	0		0	0	0	0	
Aggravated Assault	0	0	0	0		4	4	2	0		2	2	2	0	
Burglary	3	3	0	0		1	2	0	0		12	14	0	0	
Motor Vehicle Theft	0	1	0	0		0	0	0	0		0	0	0	0	
Arson	0	0	0	0		0	0	0	0		1	1	0	0	
VAWA OFFENSES															
Domestic Violence	1	1	0	0		2	2	0	0		0**	1**	0	0	
Dating Violence	4	6	0	0		5	6	0	0		0	2	1	0	
Stalking	1	1	0	0		1	5	0	0		2	3	0	0	
ARRESTS															
Weapons	0	0	1	0		0	0	1	0		0	0	3	0	
Drugs	21	26	14	0		30	38	3	0		46	60	14	0	
Liquor	0	0	0	0		0	0	0	0		0	0	0	0	
REFERRALS															
Weapons	0	0	0	0		2	3	0	0		1	2	0	0	
Drugs	78	90	2	0		73	93	2	0		76	98	2	0	
Alcohol	565	600	19	0		455	487	12	0		469	525	42	5	
HATE CRIMES															
Murder/Non-negligent Manslaughter	0	0	0	0		0	0	0	0		0	0	0	0	
Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Fondling	0	0	0	0		0	0	0	0		0	0	0	0	
Statutory Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Incest	0	0	0	0		0	0	0	0		0	0	0	0	
Robbery	0	0	0	0		0	0	0	0		0	0	0	0	
Aggravated Assault	0	0	0	0		0	0	0	0		0	0	0	0	
Burglary	0	0	0	0		0	0	0	0		0	0	0	0	
Motor Vehicle Theft	0	0	0	0		0	0	0	0		0	0	0	0	
Arson	0	0	0	0		0	0	0	0		0	0	0	0	
Larceny-Theft	0	0	0	0		0	0	0	0		0	0	0	0	
Simple Assault	0	0	0	0		0	0	0	0		0	1(S)	0	0	
Intimidation	0	0	0	0		1(S)	1(S)	0	0		1(S)**	1(S)**	0	0	
Destruction/Damage/Vandalism to Property	0	0	0	0		0	0	0	0		1(Ra)	1(Ra)	0	0	

UW Oshkosh Campus

## Unfounded Crimes

2 reported crimes were unfounded in 2017.

3 reported crimes were unfounded in 2018.

0 reported crimes were unfounded in 2019.

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

\*\*2017 Hate Crime Total On-Campus and On-Campus Residence Hall for Intimidation and Sexual Orientation (S) have been changed from 0 to 1 (after further review decided it fits definition).

\*\*2017 Domestic Violence has been changed from 6 to 1 for On Campus and 1 to 0 for Residence Hall in order to be consistent for 2016, 2017, 2018 across all schools within the UW System. Prior to this we used Wisconsin State Law statute (968.075) to determine if a case would be counted for Domestic Violence statistics.

\*\* Notes any updates from previous years.

- 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. \*Unfounded: not included in Clery offense counts.
- 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).

## UW Fox Cities Campus

OFFENSES	Year 2019					Year 2018					Year 2017				
	ON-CAMPUS PROPERTY		Public Property	Non-Campus		ON-CAMPUS PROPERTY		Public Property	Non-Campus		ON-CAMPUS PROPERTY		Public Property	Non-Campus	
	Residence Hall	Total On-Campus				Residence Hall	Total On-Campus				Residence Hall	Total On-Campus			
Murder/Non-negligent Manslaughter	0	0	0	0		0	0	0	0		0	0	0	0	
Manslaughter by Negligence	0	0	0	0		0	0	0	0		0	0	0	0	
Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Fondling	0	0	0	0		0	0	0	0		0	0	0	0	
Statutory Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Incest	0	0	0	0		0	0	0	0		0	0	0	0	
Robbery	0	0	0	0		0	0	0	0		0	0	0	0	
Aggravated Assault	0	0	0	0		1	1	0	0		0	0	0	0	
Burglary	0	0	0	0		0	0	0	0		0	1	0	0	
Motor Vehicle Theft	0	0	0	0		0	0	0	0		0	0	0	0	
Arson	0	0	0	0		0	0	0	0		0	0	0	0	
VAWA OFFENSES															
Domestic Violence	0	0	0	0		0	0	0	0		0	0	0	0	
Dating Violence	2	2	0	0		0	0	0	0		0	0	0	0	
Stalking	0	1	0	0		0	1	0	0		0	0	0	0	
ARRESTS															
Weapons	0	0	0	0		0	0	0	0		0	0	0	0	
Drugs	0	0	0	0		0	0	0	0		0	0	0	0	
Liquor	0	0	0	0		0	0	0	0		0	0	0	0	
REFERRALS															
Weapons	0	0	0	0		0	0	0	0		0	0	0	0	
Drugs	0	0	0	0		0	0	0	0		0	0	0	0	
Alcohol	11	11	0	0		15	15	0	0		7	7	0	0	
HATE CRIMES															
Murder/Non-negligent Manslaughter	0	0	0	0		0	0	0	0		0	0	0	0	
Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Fondling	0	0	0	0		0	0	0	0		0	0	0	0	
Statutory Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Incest	0	0	0	0		0	0	0	0		0	0	0	0	
Robbery	0	0	0	0		0	0	0	0		0	0	0	0	
Aggravated Assault	0	0	0	0		0	0	0	0		0	0	0	0	
Burglary	0	0	0	0		0	0	0	0		0	0	0	0	
Motor Vehicle Theft	0	0	0	0		0	0	0	0		0	0	0	0	
Arson	0	0	0	0		0	0	0	0		0	0	0	0	
Larceny-Theft	0	0	0	0		0	0	0	0		0	0	0	0	
Simple Assault	0	0	0	0		0	0	0	0		0	0	0	0	
Intimidation	0	0	0	0		0	0	0	0		0	0	0	0	
Destruction/Damage/Vandalism to Property	0	0	0	0		0	0	0	0		0	0	0	0	

## Unfounded Crimes

0 reported crimes were unfounded in 2017.

0 reported crimes were unfounded in 2018.

0 reported crimes were unfounded in 2019.

## UW Fond du Lac Campus

OFFENSES	Year 2019					Year 2018					Year 2017				
	ON-CAMPUS PROPERTY		Public Property	Non-Campus		ON-CAMPUS PROPERTY		Public Property	Non-Campus		ON-CAMPUS PROPERTY		Public Property	Non-Campus	
	Residence Hall	Total On-Campus				Residence Hall	Total On-Campus				Residence Hall	Total On-Campus			
Murder/Non-negligent Manslaughter	0	0	0	0		0	0	0	0		0	0	0	0	
Manslaughter by Negligence	0	0	0	0		0	0	0	0		0	0	0	0	
Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Fondling	0	0	0	0		0	0	0	0		0	0	0	0	
Statutory Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Incest	0	0	0	0		0	0	0	0		0	0	0	0	
Robbery	0	0	0	0		0	0	0	0		0	0	0	0	
Aggravated Assault	0	0	0	0		0	0	0	0		0	0	0	0	
Burglary	0	0	0	0		0	0	0	0		0	0	0	0	
Motor Vehicle Theft	0	0	0	0		0	0	0	0		0	0	0	0	
Arson	0	0	0	0		0	0	0	0		0	0	0	0	
VAWA OFFENSES															
Domestic Violence	0	0	0	0		0	0	0	0		0	0	0	0	
Dating Violence	2	2	0	0		2	2	0	0		0	0	0	0	
Stalking	0	0	0	0		0	0	0	0		0	0	0	0	
ARRESTS															
Weapons	0	0	0	0		0	0	0	0		0	0	0	0	
Drugs	0	0	0	0		0	0	0	0		0	0	0	0	
Liquor	0	0	0	0		0	0	0	0		0	0	0	0	
REFERRALS															
Weapons	0	0	0	0		0	0	0	0		0	0	0	0	
Drugs	0	0	0	0		0	0	0	0		0	0	0	0	
Alcohol	2	2	0	0		1	1	0	0		0	0	0	0	
HATE CRIMES															
Murder/Non-negligent Manslaughter	0	0	0	0		0	0	0	0		0	0	0	0	
Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Fondling	0	0	0	0		0	0	0	0		0	0	0	0	
Statutory Rape	0	0	0	0		0	0	0	0		0	0	0	0	
Incest	0	0	0	0		0	0	0	0		0	0	0	0	
Robbery	0	0	0	0		0	0	0	0		0	0	0	0	
Aggravated Assault	0	0	0	0		0	0	0	0		0	0	0	0	
Burglary	0	0	0	0		0	0	0	0		0	0	0	0	
Motor Vehicle Theft	0	0	0	0		0	0	0	0		0	0	0	0	
Arson	0	0	0	0		0	0	0	0		0	0	0	0	
Larceny-Theft	0	0	0	0		0	0	0	0		0	0	0	0	
Simple Assault	0	0	0	0		0	0	0	0		0	0	0	0	
Intimidation	0	0	0	0		0	0	0	0		0	0	0	0	
Destruction/Damage/Vandalism to Property	0	0	0	0		0	0	0	0		0	0	0	0	

## Unfounded Crimes

0 reported crimes were unfounded in 2017

0 reported crimes were unfounded in 2018.

0 reported crimes were unfounded in 2019.



## University of Wisconsin Oshkosh Campus Security Policies

### University of Wisconsin Oshkosh Police Department Role, Authority, and Training

The University Police protect and serve the University of Wisconsin Oshkosh community with sworn and commissioned law enforcement personnel, on-call 24 hours a day, and 7 days a week. These officers have the power to arrest and bring before the proper courts any persons violating the law on University property. The University Police officers are armed and are generally responsible for enforcing all laws, rules, and regulations, in accordance with s. 36.11(2), Wisconsin Statutes. All University of Wisconsin Oshkosh officers complete on-going, rigorous training.

The University Police Department has MOUs (Memos of Understanding) with the City of Oshkosh, City of Menasha and City of Fond du Lac. For all other locations (where we don't have a physical campus), UW Oshkosh encourages cooperation with local police authorities so that they can monitor and record information concerning criminal activity that occurs away from campus but involves students or student organizations. The University Police and City of Oshkosh Police share shift activity information daily in order to further the cooperation between the two departments and keep the University community and local community safe. The University Police request information from local law enforcement regarding crimes that have occurred at locations where recognized student organizations have off-campus housing facilities. The University cooperates with law enforcement agencies and will apply its rules and regulations relating to the conduct of University students under Chapters UWS 17 and 18. The University can hold student organizations responsible for misconduct, including student organizations with off-campus housing facilities. The Oshkosh Student Association, with the assistance of the Dean of Students Office, developed a document of procedures, "University of Wisconsin Oshkosh Complaints Pertaining to the Conduct of Registered Student Organizations," copies of which are available in both offices.

### Reporting Crimes

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

**University Police** encourages accurate and prompt reporting of all crimes to University Police or other appropriate police agencies when the victim of the crime elects to do so or is unable to do so.

Criminal actions or emergencies on the campus should be reported to **University Police** by dialing 911 in the event of an emergency, by calling the non-emergency number (920) 424-1212 or by visiting the department at 738 High Ave., Oshkosh, WI 54901. For the purpose of making a crime warning evaluation and for potential inclusion of a crime statistic in the Annual Security and Fire Safety Report, criminal offenses should be reported to **University Police, the Dean of Students Office, the Title IX Coordinator or the Office of Human Resources**. University Police strongly encourages people to report crimes so that they may be evaluated for a crime warning.

Crimes that occur off campus can be reported to the Oshkosh Police Department via the non-emergency number (920) 236-5700, by calling 911 within Oshkosh, or by going to the department at 420 Jackson St., Oshkosh, WI 54901.

Crimes can be reported anonymously and confidentially online to the University Police by going to the University Police Department webpage and clicking on "Report an Incident:" <http://police.uwosh.edu/services/report-an-incident/> and by leaving blank the reporting person's name, phone and email address. Crimes can also be reported confidentially to the following offices: Counseling Center, Student Health Center, and the Campus Victim Advocate. Crimes can be reported non-confidentially to the Dean of Students, Residence Life, and Equal Opportunity & Access.

Crimes/violations of the student code of conduct should be reported to the Dean of Students Office or the Title IX Coordinator to seek assistance or to begin a code of conduct investigation. The Dean of Students Office can be contacted at 125 Dempsey Hall, (920) 424-3100. The Title IX Coordinator can be contacted at 328 Dempsey Hall, (920) 424-1166. If requested, the Dean of Students Office or the Title IX Coordinator will provide assistance in notifying law enforcement of sexual assault, domestic violence, dating violence and/or stalking.

Crimes/violations of employment policies should be reported to the Office of Human Resources, which is located at 328 Dempsey Hall, (920) 424-1166. If requested, the Office of Human Resources will provide assistance in notifying law enforcement of sexual assault, domestic violence, dating violence and/or stalking.

Victims of sexual assault, domestic violence, dating violence and/or stalking who do not wish to report the crime to a law enforcement official, the Dean of Students Office, the Title IX Coordinator or the Office of Human Resources are still encouraged to get help and support. Please see the Sexual Assault, Domestic Violence, Dating Violence and/or Stalking chapter in this report for more information.

Child abuse should be reported to the **UW Oshkosh Police Department or Child Protective Services**. For information regarding employees' obligations to report child abuse, please visit the following website:

<https://www.uwosh.edu/provost/Main%20Highlight/handbooks/online-faculty-staff-handbook/general-personnel-materials-faculty-and-academic-staff/gen-1-university-policies-and-procedures/gen-1-2-9-mandatory-reporting-of-child-abuse-and-neglect>

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

Crimes can be reported via any of the following resources both confidentially and non-confidentially:

- Call UW Oshkosh Police Department (920)-424-1212
- Use "UWO Mobile" to submit a tip, chat with a dispatcher live or connect with local police via phone
- Visit [www.uwosh.edu/police](http://www.uwosh.edu/police) and use the "Report an Incident" form to submit information about an incident
- Visit the Police Department at 738 High Ave, Oshkosh, WI 54901 24/7/365 and provide information to on-duty personnel
- Use one of the yellow box emergency phones or blue light emergency phones strategically placed throughout campus
- Contact Winnebago County Crime Stoppers via their website ([www.winnebago crimestoppers.org](http://www.winnebago crimestoppers.org)), by phone (920)231-8477 or submit a P3 Tip on their website

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

The Oshkosh Police Department has primary jurisdiction in most off-campus areas. Other county (Winnebago County Sheriff's Office), state (Wisconsin State Patrol) and several federal agencies also provide law enforcement services in the area. University Police and Oshkosh Police routinely work with the Dean of Students on any serious incidents occurring off campus when a UWO student is involved. There are some officially registered student organizations, including fraternities and sororities, with non-campus housing. Under advisement of the appropriate Advisor, student members of fraternity and sorority governing boards should be in regular communication with the Greek Advisor (Angie Zemke) regarding safety concerns and local ordinances. There is communication with the UW Oshkosh Police Department for any on campus events.

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

Sorority and Fraternity events are required to have sober monitors in attendance of all events that include alcohol consumption. This includes third-party venues. To request a social event students must use this link: <https://uwosh.edu/reeve/forms/greek-life-social-event/> Participants can report unsafe activity to the Dean of Students Office (920) 424-3100 or UW Oshkosh Police (920) 424-1212. Disciplinary processes follow Chapter 17, like any other disciplinary incident would be handled.

### Voluntary, Confidential Reporting

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.

UW Oshkosh maintains several online reporting forms to collect statistical information for the Annual Security Report and Annual Fire Safety Report for Title IX related incidents. The first is located on the Title IX website for UW Oshkosh at <https://uwosh.edu/titleix/report-it/>. Another form is located on the UW Oshkosh Police Department website at <https://uwosh.edu/police/services/report-an-incident/>. In addition to those reporting tools, there are additional options available in the “UWO Mobile” App platform. Community members can choose to report information confidentially or non-confidentially. If the crime did not occur on Clery geography,<sup>2</sup> or it cannot be determined from the report whether the act occurred on Clery geography, it will not be included in the ASR.<sup>3</sup>

### Professional and Pastoral Counselors

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

Because UW Oshkosh does not have a mechanism for voluntary, confidential reporting for statistical inclusion in the ASR, UW Oshkosh does not have a policy to encourage professional counselors to advise their clients of the procedures to report crimes on a voluntary, confidential basis for statistical inclusion in the Annual Security Report and Annual Fire Safety Report.

Please see the area in this ASR entitled Sexual Assault, Domestic Violence, Dating Violence, Stalking for more information regarding official reporting and confidential resources for sexual assault, domestic violence, dating violence, sexual assault and/or stalking.

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<sup>2</sup> Clery Act, Department of Education, available at <http://www2.ed.gov/admins/lead/safety/campus.html>

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

The University Police maintain a Daily Crime Log, which is available to the public on the main page of the UW Oshkosh Police Department website ([www.uwosh.edu/police](http://www.uwosh.edu/police)) and a printed version is available at the Police Department. It is updated several times each week.

The University Police provides the names of sex offenders employed by or attending the University of Wisconsin Oshkosh. They may also provide, as allowed by law, notice to the campus community of sex offenders living in the area. Information about sexual offenders can be found at the University Police website (<https://uwosh.edu/police/resources/sex-offender-information/>). The website also provides a link to the Wisconsin Department of Corrections Sex Offender website.

### Timely Warning Reports

The UW Oshkosh Police Department Chief (or designee) will contact, when time permits, one of the following offices in order to develop Timely Warnings/Crime Alerts for the University community: University Marketing & Communications, Vice Chancellor for Student Affairs or Vice Chancellor for Finance and Administration. The University Police Department Chief, in addition to command staff and officers, will also work closely with the local police and sheriff's offices on events and situations that may pose an ongoing threat to the campus community. The University Police Department Chief (or designee) will send Timely Warning messages, without consultation, when emergency situations dictate that messages be sent immediately. The previously mentioned offices will assist with follow up communication to students, staff and faculty.

The intent of a Timely Warning/Crime Alert is to notify members of the community about serious crimes that occur on campus or near campus, where it is determined that the incident may pose an ongoing threat to members of the University community, so that people will be able to protect themselves. The Clery Act requires UW Oshkosh to distribute Timely Warnings/Crime Alerts for the following Clery reportable crimes: murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, statutory rape, incest, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence and stalking. Cases of burglary, motor vehicle theft, aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the University Police Department. Timely Warnings may be distributed for other crimes as determined necessary by the Chief of Police (or designee in his or her absence).

When the UW Oshkosh Police Department becomes aware of a situation that meets the criteria for a Timely Warning/Crime Alert, the Chief of Police (or designee), Director of University Marketing & Communications (or designee), Vice Chancellor for Student Affairs or Vice Chancellor for Finance and Administration develops the content of the Crime Alert and authorizes its distribution to the community. In the event a Crime Alert is needed, consideration will be given to the most appropriate means to be used to disseminate the information to the UW Oshkosh community. The primary form of distribution is through a mass email message to the entire university community sent through the Rave Mobile Safety System. Other forms of communication available are text, UW Oshkosh and/or UW Oshkosh Police Department Twitter, and UW Oshkosh and/or UW Oshkosh Police Department Facebook. In addition, Crime Alerts may also be shared by postings on [uwosh.edu](http://uwosh.edu), [uwosh.edu/up](http://uwosh.edu/up), press releases, postings/notices at appropriate locations or the use of the UW Oshkosh electronic sign boards.

\*The department name, previously IMC (Integrated Marketing and Communications), has been updated to UMC (University Marketing and Communications). Also, the Administrative Services department has been updated to the Finance and Administration department. Change to report made 08/21/2018.



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

The University of Wisconsin Oshkosh has on-campus student housing facilities. As part of the housing assignment process, each prospective residence hall student, regardless of age, is required to provide an emergency contact name and telephone number for missing person purposes, which the Residence Hall Director on Duty will provide to the University of Wisconsin Oshkosh 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, the Residence Hall Director (RHD) on Duty should be notified. If a Community Advisor (CA), Assistant Residence Hall Director (ARHD), or Residence Hall Director is notified initially, they will immediately notify the Residence Life Director. Once a student is reported to be missing, Residence Life will immediately notify the University of Wisconsin Oshkosh Police Department, who will begin an investigation. The University of Wisconsin Oshkosh Police Department will be informed if the missing person is under 18 and not emancipated. If the missing student is under 18 and not emancipated, the University of Wisconsin Oshkosh Police Department will notify the Oshkosh 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, the University of Wisconsin Oshkosh Police Department will notify the emergency contact, if any, and the Oshkosh Police Department within 24 hours of the determination that the student is missing. If the Oshkosh Police Department was the entity that originally made the determination that the student was missing, there is no need for the University of Wisconsin Oshkosh Police Department to notify the Oshkosh Police Department.

Prior to notifying University Police, Residence Life will take the following steps:

- The Residence Life staff member will file an incident report in the campus database
- The Residence Life staff member will direct CAs to gather information on the student
- Dining staff will determine the last time and location the student accessed dining services
- Residence Hall Director will confirm the last time and location of building access

All the above is provided immediately to University of Wisconsin Oshkosh Police Department. If the student is not located after the above measures, University Police will be notified immediately and provided the information above along with their emergency contact information.

Important phone numbers to know:

- Residence Life Phone: 920-424-3212
- UW Oshkosh Police Department: 920-424-1212 or 911 (emergencies)

## Emergency Response and Evacuation

### Emergency Response Team

In an effort to make the campus safer and more secure, UW Oshkosh established a campus-wide Emergency Response Team. The Emergency Response Team consists of trained campus volunteers from various departments to ensure the inclusion of a wide variety of expertise. The Emergency Response Team supplements the UW Oshkosh Police and Risk Management Department's efforts in multiple ways, including but not limited to assisting with the assessment and evaluation of current emergency procedures, participating in exercises aimed to educate the campus community of emergency procedures and providing low-risk assistance during an emergency.

In addition to the Emergency Response Team, the following individuals are involved in confirming/responding to emergency situations:

Purpose	Official	Address	Phone Number
Health	Student Health Center	777 Algoma Blvd.	920-424-2424
Health	Oshkosh Fire & EMS	101 Court St.	920-236-5240 (911)
Emergency Response Team	UW Oshkosh Police	738 High Ave.	920-424-1212 (911)
Emergency Notifications	UW Oshkosh Police	738 High Ave.	920-424-1212
Criminal Response	UW Oshkosh Police	738 High Ave.	920-424-1212 (911)

### Drills, Exercises, and Training

To ensure the UW Oshkosh Emergency Response Team remains current and actionable, the campus conducts at least six Tabletop Exercises each year involving emergencies that could involve any of our three campuses. Examples of some of these Tabletop Exercises include a University Pandemic, Severe Weather creating a long-term power outage, and an Active Threat scenario. After the Tabletop Exercises are complete, an After-Action Report is completed, identifying what processes the University has in place that are successful and need to be maintained as well as what gaps the Response Team has identified and needs corrective action. Those gaps turn into actionable items, which are given to the appropriate member or members of the Emergency Response Team to complete. Members of the Emergency Response Team take information acquired from the Tabletop Exercise back to their individual departments to ensure those within their department and those they serve are familiar with the University expectations during each of these emergencies.

In addition to the Emergency Response Team's Tabletop Exercises, the Universities Emergency Manager works with the University Environmental Health and Safety (EHS) Coordinator and a Residence Life Coordinator to schedule annual Fire/Evacuation Drills both in the Residence Halls and the Academic Buildings along with Tornado drills during Severe Weather Awareness week. Prior to the Academic Fire/Evacuation Drills, employees are notified via email of when these mandatory drills will take place, to include the time and date of each building. Prior to activating the alarms in each building, those in the building are randomly surveyed, asking if they knew where they would evacuate to during the need of an evacuation. This allowed those assisting in the Fire/Evacuation drills to educate those in the building on where the evacuation maps were and where the best place to evacuate to after they exited the building. This random survey was completed prior to the Tornado Drills as well. Communication about the Tornado Drills was also completed via email to all faculty and staff. Communication provides information on where their designated shelter location was in order to prepare themselves for the drill. During the Statewide drill, the University Police Department sends communication out through the University Emergency Notification system called Titan Alert. This will send the Emergency Notification through to their University email, through their reported cell phones via a text message, through the UW Oshkosh Mobile App as a push notification, as well as through our Emergency Messaging BRG clocks that are in every building on campus.

The exercises and drills are assessed based on how well they conform to the EHS Coordinator and Emergency Manager's goals. These goals include: everyone involved in the emergency response and notification procedures will understand their role and responsibility, all systems that allow mass emergency communications remain operable, all evacuation routes and shelter locations are posted and updated in every campus building, and no emergency communication has the ability to be missed no matter where someone is on our campus. The assessment is then discussed amongst the EHS Coordinator and the Emergency Manager for follow-up discussions, and practices, with supervisors. Further follow-through activities, including in-person discussions to obtain feedback from participants, is also discussed with supervisors.

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

## Emergency Notification

The University of Wisconsin Oshkosh is required by the Clery Act to have and disclose emergency response and evacuation procedures in response to significant emergency or dangerous situations involving an immediate threat to the health or safety of students or employees occurring on the campus. UW Oshkosh Police will immediately, without delay, notify the campus community upon confirmation of a significant emergency or dangerous situation and, taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of the UW Oshkosh Police Department, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The notification system at UW Oshkosh is the Rave Mobile Safety System, and Emergency Notifications are sent as Titan Alerts

Confirmation is accomplished when an institution official has verified a legitimate emergency or dangerous situation exists on campus (as defined by the Clery Act). The UW Oshkosh Police Department personnel determines confirmation through working in conjunction with key administrative units, such as Facilities, Information Technology, building managers, and/or the local first-responder agencies and public health agencies.

Situations for sending an Emergency Notification/Titan Alert include, but are not limited to, active threats, significant and serious hazardous materials spill, closing a section of campus, significant disruptions to campus infrastructure, multiple building closings, or a mass casualty disaster, and fire/explosions.

The UW Oshkosh Police Department shall make the initial assessment and determine if a significant emergency exists and will immediately consult with UWO administrators to determine the content and send out an initial Emergency Notification/Titan Alert indicating the nature of the emergency. UW Oshkosh administrators include the Chancellor, Provost & Vice Chancellor, Vice Chancellor for Student Affairs and the Vice Chancellor for Finance and Administration. Often, those divisions that may be directly involved or have specific knowledge regarding the emergency are also included. The determination of the appropriate segment of the community to receive the messages is based on the affected area/community. This decision is also made by the police department and administrators as it determines which methods will be utilized for notification. Utilizing our electronic boards and speakers allows specific buildings and/or segments of campus to be notified of potential dangers; a fire or closing of a specific building due to a chemical spill may be appropriate incidents for notification to a segment of the campus. To quickly and easily notify all of campus regarding an emergency or dangerous situation, the Rave Mobile Safety System can send messages through email, text, UW Oshkosh and/or UW Oshkosh Police twitter, and UW Oshkosh and/or UW Oshkosh Police Department Facebook, as well as the electronic boards, campus speakers and the UWO Mobile App.

## Determining the Contents of the Emergency Notification

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information, the mass notification system may contain pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template or may tailor a specific message for the emergency. UW Oshkosh Police dispatchers are responsible for consulting with patrol personnel and disseminating the emergency message to the UW Oshkosh campus community. The dispatcher uses Rave Technologies to populate a messaging platform that pushes to all our communication channels.

## Procedures to Notify the Campus Community

In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods may be activated in the event of an emergency. These methods of communications include text messages to community members who opt-in to receive these type of alerts, mandatory email notification to all employees and students, push to the UW Oshkosh and UW Oshkosh Police Facebook pages, push to the UW Oshkosh and UW Oshkosh Police Twitter accounts, push to the

digital clock system located throughout the campus and push notification to users who have the UWO Mobile App downloaded on their phone.

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

If the campus activates its Emergency Notification in response to a situation that poses an immediate threat to members of the campus community, the UW Oshkosh Police Department in conjunction with the University Marketing & Communications Office will notify the larger community about the situation and steps the campus has taken to address the emergency. The UW Oshkosh Police Department is responsible for messaging during these emergency situations, and they will use Rave Technologies to communicate the information using the following methods of communication, including via text messages to community members who opt-in to receive these type of alerts, mandatory email notification to all employees and students, push to the UW Oshkosh and UW Oshkosh Police Facebook pages, push to the UW Oshkosh and UW Oshkosh Police Twitter accounts, push to the digital clock system located throughout the campus and push notification to users who have the UWO Mobile App downloaded on their phone.

### Enrolling in the UW Oshkosh Mass Notification System

We encourage employees and students to enroll in our Titan Alert (Emergency Notification) System. Employees or students can enroll in our Titan Alert System by visiting <https://uwosh.edu/emergency/>. Scroll down to the Titan Alert link on the right side of the page and log in using your NetID. Employees or students can also visit [www.getrave.com](http://www.getrave.com) search “Oshkosh” and then log in using their NetID. Community members who aren’t current students or employees but wish to receive emergency notifications while on campus can and should download the “UWO Mobile” app to receive emergency notifications via push notification.

### On-Campus Safety Services

UW Oshkosh has blue light emergency phones strategically placed throughout the UW Oshkosh campus. Community members can view where these lights are by accessing the [interactive map of UW Oshkosh](#). While at this link they can click on the blue lights and other campus resources. UW Oshkosh also has emergency phones in elevators and public access phones near entrances to buildings. UW Oshkosh Police Department, in partnership with the Department of Residence Life and Oshkosh Student Association, offer a [Safewalk and Saferide program](#) for students, faculty, staff and campus guests.

The UW Oshkosh Police Department is a full-service, 24/7/365 agency with 15 full-time sworn law enforcement professionals who are certified by the Wisconsin Law Enforcement Standards Board each year. All UW Oshkosh Police Department law enforcement officers have the power and authority to make an arrest. Sworn personnel respond to both emergency and non-emergency incidents and investigations. The UW Oshkosh Police Department’s Lieutenant position is also identified as the Emergency Manager for the UW Oshkosh campus. This position builds the emergency plans for our campus community and leads the Emergency Response Team. In addition, the UW Oshkosh Police Department provides services through its own non-emergency Communications Center and is further supported by approximately 45 non-sworn Community Service Officers (CSOs). Sworn personnel and CSOs patrol the UW Oshkosh campus by vehicle, bicycle and foot. Each officer and CSO is assigned to a geographic area of responsibility for community interaction, crime prevention and problem solving. Information is available on the website or in the UWO Mobile App on how to communicate directly with officers assigned to specific geographic areas.

### Security and Access to University of Wisconsin Oshkosh Facilities

General access to and use of University facilities are governed by Chapter UWS 21, Wisconsin Administrative Code. Academic and administrative buildings are open Monday through Friday from 7:00 a.m. to 10:00 p.m., excluding holidays. These buildings are locked from approximately 10:00 p.m. to 7:00 a.m. UW Oshkosh Police Department staff patrol the area and conduct safety checks for access. There is limited access to academic buildings on Saturdays and Sundays.



Residence halls are locked during daytime hours with the exception of the front entrance, which is unlocked at either 9:00 a.m. or 10:00 a.m. (depending on the hall). Authorized residents can enter any door through card access during daytime hours. However, all residence hall doors are locked at 9:30 p.m. (or earlier depending on events in the community) until 9:00 a.m. or 10:00 a.m. (depending on the hall). Each residence hall has a Security Station staffed by either one or two staff members – either Community Service Officer(s) and/or Community Advisor(s) – at the front entrance. Security Stations are in operation from 9:30 p.m. to 2:00 a.m. on Sundays through Thursdays and 9:30 p.m. to 3:00 a.m. on Fridays and Saturdays. During times the Security Stations are in operation, residents can only enter through the front entrance of their residence hall, with the exception of Scott Hall, which has three entrances that can be accessed. All other side entrances are posted as a “Fire Exit Only” door and are only to be used during emergencies when Security Stations are in operation. Residents must check in at the Security Station and guests with an approved photo ID may be checked-in at the Security Station by a resident of that hall.

Security is maintained in the University's facilities through a number of mechanisms, including limiting the hours of operation, restricting the distribution and copying of keys, use of electronic card access to buildings, providing adequate lighting, Security Stations in the residence halls during evening hours, and providing telephone call boxes and blue light emergency phones at various campus locations for emergency assistance.

Specific security mechanisms vary according to the facility. Requests for information concerning the security precautions in place for various types of facilities (e.g., athletic facilities, residence halls, libraries, academic and administrative buildings, recreational facilities, student unions, etc.) may be presented either to the Chief of Police (920-242-1212) or to the administrator in charge of the use and scheduling of the specific University facility (Custodial Superintendent – 920-424-0488).

Any maintenance or repair to security mechanisms should be reported to Facilities Management Office in the fashion of a work order. This can be done by selecting “Work Order Request” on the [Facilities Management website](#).

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

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

Creating a safe campus is everyone's responsibility. The following programs are offered to inform the campus community about campus security procedures and practices, to encourage the campus community to be responsible for their safety and the safety of others, and to inform students and employees about crime prevention.

Prevention *is not and cannot* be a passive process. It requires a strong and overt commitment by the administration and the community to prioritize public safety and provide services for those in need. This is manifested by adoption of policies and programs to support targeted violence prevention efforts, establishment of threat assessment and management teams, and education to underscore the importance of these processes and to promote acceptance and engagement by all.

The University of Wisconsin Oshkosh runs a Red Zone Program/Initiative annually for the first 6-weeks of the Fall semester. The following departments are engaged in Red Zone programming during this period of time: Student Health, Campus Police, Student Recreation & Wellness, LGBTQ++ Resource Center, Rainbow Alliance for Hope, UW Oshkosh CARE, Counseling Center, Dean of Students, Fraternity and Sorority Life, Reeve Union, Diversity and Inclusion Programs, Residence Life, Sisterhood UW Oshkosh, Student Support Services, U-Matter, Advocacy Council and the Winnebago County Health Department. The “red zone” is shorthand for the time at the beginning of the school year when a

disproportionate number of campus sexual assaults take place. These offices develop and market programming that targets sexual violence. UW Oshkosh departments spend extra time engaging students on safety, drinking and violence and they provide weekly training opportunities on Bystander Intervention. The Police Department encourages officers to have social contacts with students, has next day follow-up with students who are incapacitated, has strict enforcement for drinking violations, has increased presence in areas where data shows vulnerability for community members and has personnel attend programs throughout campus.

The University of Wisconsin Oshkosh has R.A.D. (Rape Aggression Defense) programs available for a 7-week 1-credit class each semester. Students register for this class and are taught by faculty on campus with special presentations from the UW Oshkosh Police Department throughout each semester.

The UW Oshkosh Police Department runs a Drug Diversion program between the Counseling Center, the Dean of Students and the Winnebago County District Attorney's Office. First time drug offenders are referred to the District Attorney's Office where they're screened to be offered the program. If they're offered the program most students must attend drug abuse related programming, they must have 6 months of consecutive clean-time with weekly mandatory drug tests and they're required to meet with a Counselor to ensure that they understand the risks of their behaviors. If they successfully complete all of these requirements over a 12-month period of time they are not charged for the crimes they originally committed.

UW Oshkosh Police present to all incoming new and transfer students about campus safety resources and tools during the Titan Takeoff program and during new student orientation. The Police Department talks about the Red Zone Initiative (<https://uwosh.edu/police/redzone/>), their Pedestrian and Traffic Safety (<https://uwosh.edu/police/pedsafety/>) Initiative and the Busted Initiative (<https://uwosh.edu/police/busted/>) along with the ability to access the UWO Mobile App so they have access to safety features at their fingertips all the time.

UW Oshkosh Police present general sessions (open to all faculty, staff, students and visitors) on how to respond and react to Active Threat situations. This training is taught by Captain Chris Tarmann and Dr. Joseph Peterson. Captain Tarmann is a nationally certified Advanced Law Enforcement Rapid Response Team Active Shooter instructor through Texas State University and Dr. Joseph Peterson is a survivor from the incident that occurred at Northern Illinois University in 2008. This program has taught several hundred community members each year how to prepare for and respond to an Active Threat situation.

UW Oshkosh Police along with the Chancellor's Office, Environmental Health and Safety, Risk Management, Facilities Management, Grounds Department and many others conduct a safety walk around campus with students, faculty and staff for the purposes of identifying risk and safety issues. Representatives walk, document concerns and issues, and prioritize them for action.

Incoming students must also complete an alcohol awareness training by October 1 in their first year of enrollment at University of Wisconsin Oshkosh. 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 <https://uwosh.edu/deanofstudents/>.

On the access campuses during the New Student Advising and Registration Sessions safety and security measures are discussed, a brief overview of UWS Policies 14, 17 and 18, and the SAVE video (provided by Kristine McCaslin) is played, which addresses sexual harassment and misconduct and report resources. Also, an AODA video (provided by Wendy Seegers) is played that outlines the effects of drug and alcohol use on college success.

In addition to formal training procedures, University of Wisconsin Oshkosh also includes safety tips in its Timely Warning announcements and we share safety information on posters distributed throughout campus, information is available on

the UWO Mobile App, community advisors develop bulletin boards throughout the year that shares information about safety on campus, and community members can attend safety-related training sessions throughout the year put on by a number of campus organizations to include Active Threat Response, Bystander Intervention, SAFE Training, and other specific safety related training programs. The training content is available throughout campus to included informational kiosks located strategically throughout campus (on outside walkways), on bulletin boards in common areas of buildings, on the UWO Mobile App, via email when we send out alerts, and in many more locations. These tips include:

- Call the police at 920-424-1212 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, use the UW Oshkosh SafeWalk program, use Virtual or Friend Walk available on UWO Mobile.
- 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 Oshkosh Policies Governing Alcohol and Other Drugs

### Alcohol and Drug Abuse Programs and Interventions

University of Wisconsin Oshkosh provides a variety of programs and interventions for drug and alcohol abuse. Confidential information, assessment, referral and short-term counseling services are available for students at the Counseling Center, [https://www.uwosh.edu/couns\\_center](https://www.uwosh.edu/couns_center) (920)424-2061. 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 Wisconsin Oshkosh urges all students and employees to have adequate insurance coverage.

Information about UW Oshkosh'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 on the Dean of Students web page at: <https://uwosh.edu/deanofstudents/student-conduct/non-academic-misconduct/>

### University of Wisconsin Oshkosh Alcohol and Drug Policy

The University of Wisconsin System and University of Wisconsin Oshkosh prohibit the unlawful possession, use, distribution, manufacture, sale or dispensing of alcohol and illegal drugs by students and employees on university property or as part of university activities. It is illegal to procure for, sell, dispense or give away alcohol to anyone who has not reached the legal drinking age of 21 years, and is unaccompanied by a parent, spouse or guardian who has reached the legal drinking age of 21 years.<sup>4</sup> It is illegal for anyone who has not reached the legal drinking age of 21 years and is unaccompanied by a parent, spouse or guardian who has reached the legal drinking age of 21 years to procure, possess or consume alcoholic beverages, subject to exceptions.<sup>5</sup>

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<sup>4</sup> Wis. Stat. § 125.07(1)(a)(1).

<sup>5</sup> Wis. Stat. § 125.07(4)(a).

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

UW Oshkosh Alcohol Service and Consumption Policy:

## **1. PURPOSE**

The purpose of this policy is to provide a process for approving and monitoring alcohol possession and/or consumption for all on campus and sponsored University events.

## **2. RESPONSIBLE OFFICER**

**UW Oshkosh Police Department - Authorized University Officials - Chancellor Designates**

1. Emergency Manager
2. Director of Risk Management

## **3. SCOPE**

This policy covers the possession or consumption of alcoholic beverages by any individual on University lands, or that takes place as part of a University-sponsored activity not located on University lands, or that the University, or a part of the University, is paying including student segregated fees. This policy is applicable to all events held on campus and University events off campus including those held in other municipalities, states, and nations. This does NOT apply to social gatherings held outside the scope of University employment or its mission.

## **4. BACKGROUND**

If alcohol is authorized at a University event, the University and its students and employees have a responsibility to ensure that it is consumed legally and responsibly. Alcohol is a regulated and potentially addictive sedative-hypnotic drug. As such, it is a central nervous system depressant. This depressant effect occurs even with small doses. Because the consumption of alcohol anesthetizes the brain centers for self-control and inhibition, most people experience its effects as a sensation of relaxation. However, in actuality, it dulls sensation and impairs judgment, vision, memory, and



coordination. Because of these effects, the presence, availability, dispensing or consumption of alcoholic beverages at University events should be thoughtfully considered and, when provided, carefully monitored and regulated.

In adopting and administering this Policy, the following statements provide guidance concerning the circumstances in which consumption of alcoholic beverages may be considered appropriate:

1. Alcoholic beverages are considered an amenity for a social or business occasion and never the purpose or focus of the occasion.
2. It will be out of the ordinary to permit service and consumption of alcoholic beverages at an event primarily attended by underage students.
3. The preferred locations for service and consumption of alcoholic beverages are social, recreational, conference and dining facilities.
4. Activities held outside of the scope and mission of the University at an establishment that legally serves alcohol do not require a permit.

## 5. DEFINITIONS

**Alcoholic Beverage:** Fermented malt beverages and intoxicating liquor. Wisconsin Statute 125.02(1)

**Alcoholic Beverage Sale:** Any transfer of alcoholic beverages for consideration or any transfer without consideration if knowingly made for purposes of evading this regulation relating to the sale of alcoholic beverages or any shift, device, scheme or transaction for obtaining alcoholic beverages, including the solicitation of orders for, or the sale for future delivery of, alcoholic beverages.

**Authorized University Officials:** Chancellor or appointed designee(s), in addition to the Risk Manager and Emergency Manager, have authorization to approve Alcohol Service -Permits.

**Campus:** Any publicly-owned or leased buildings or grounds that compose all or part of UW Oshkosh.

**Employee:** Any person who has an active appointment with UW Oshkosh, paid or unpaid.

**Legal Drinking Age:** Dependent on the location

**Responsible University Employee:** A University employee who has oversight of and advisement to the event.

**Server Responsibility:** In order to be eligible to serve alcohol, servers must have completed the Wisconsin Responsible Beverage Server Training and maintain insurance to serve alcohol.

**Student:** A person who is registered for study in UW Oshkosh for the current academic period. Wisconsin Statute 36.05(11)

**University Event:** Any gathering, program, or activity that takes place on University lands; or that takes place as part of a University-sponsored activity not located on University lands; or that the University, or a part of the University, is paying for including student segregated fees.

## 6. POLICY STATEMENT

[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. UW Oshkosh has developed specific institutional regulations to permit the use and possession of alcoholic beverages at University events. Students and employees who fail to comply with UW Oshkosh regulations are subject to disciplinary action.

## 1. REFERENCES

1. [UW System 18.09\(1\)](#)
2. [Wis. Administrative Code Alcohol](#)
3. [University Student Housing](#)
4. [UW Oshkosh Alcohol Service and Consumption Website](#)

## 2. REGULATIONS

Unless expressly permitted in this policy, use or consumption of alcoholic beverages and possession of an open container that contains an alcoholic beverage are prohibited at all University events. This policy is applicable to University events held both on and off campus. This policy extends to all areas of campus, such as but not limited to, laboratories, individual and group offices, meeting facilities, and public areas.

If a University event takes place in buildings or locations where the University does not own or lease the space used, this policy extends to the areas and period of time used by representatives of the University for the event. The policy also extends to all modes of transportation used for a University event where the University controls the arrangements for and the transportation used. If the University event is off campus, and a licensed and insured establishment is providing the alcohol, a permit is not required.

## 3. PROCEDURES

- A. Sale of alcoholic beverages without approval by the Authorized University Official is prohibited on all University lands, and in all University owned or leased buildings, except:
  1. Where the sale of alcoholic beverages is a service of Titan Underground in Reeve Union, or
  2. When approved by the Chancellor or designee
- B. Considerations to Request Alcohol
  1. Alcohol should be served by the licensed and insured University Food Service Provider; except if:
    - server has taken the Responsible Beverage Server Training and,
    - is appropriately insured to serve alcohol
  2. The legal drinking age for consumption of alcoholic beverages will be adhered to at all University events according to the laws of the jurisdiction where the event takes place.
  3. Individuals must display government-issued identification with a birthdate to any server upon request.
  4. If event attendees are anticipated to include individuals below the legal drinking age, then procedures must be in place to prevent consumption of alcohol by these individuals.
  5. Additional requirements may include, but are not limited to:
    - Servers and/or responsible employees request an ID from any guest before providing them with alcohol or upon event entry.
    - Alcohol is served in a designated and entry-controlled area for attendees at or above the legal drinking age.
    - Attendees wear or display a physical indicator (e.g. wristbands) of their authorization to consume alcohol.
- C. Alcohol Authorization Permit Request Form shall be required for alcohol service at all University events, both on and off campus. Alcohol Authorization Permits must be approved by an Authorized University Official.
  1. Process to request an Alcohol Authorization Permit Request Form can be found at <https://uwosh.edu/police/alcohol/>.

2. If an alcohol permit is requested for an event with an attendance estimated to be over 100 attendees, one additional responsible University employee must be present.
3. Chancellor, Assistant Chancellor for Access Campuses, Vice Chancellors, Deans, and Directors may establish additional requirements or deny alcohol approval for events sponsored by their units and/or held within their areas; however, they cannot reduce restrictions defined within this policy.

The alcoholic beverage service approval shall require:

1. Completion and approval of the permit form.
2. Possession and consumption of alcoholic beverages be limited to the time period and to the room or location specified in the permit.
3. Non-alcoholic beverages and food must be made available to attendees.
4. Other conditions as may be specified by the Chancellor or designee, or Authorized University Official, to ensure that alcohol consumption, consistent with institutional policy, is appropriate to the occasion.

D. The Responsible University employee will:

1. be present at all times during which alcoholic beverages are served or consumed;
2. ensure that the conditions of the Permit are observed by all persons in attendance at the event;
3. ensure that intoxicated persons do not consume alcoholic beverages;
4. maintain control of alcoholic beverages at all times to prevent unauthorized consumption and ensure alcoholic beverages are properly secured at the conclusion of the event
5. ensure that individuals below the legal drinking age do not consume alcoholic beverages; and refrain from the consumption of alcohol during such time as they are serving in this capacity

-- END OF ALCOHOL POLICY --

### 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 Oshkosh 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 complete alcohol or drug abuse assessments with a licensed clinician and follow through on recommendations. Student organizations or groups violating alcohol and drug policies or laws may also be subject to discipline by University of Wisconsin Oshkosh consistent with the student nonacademic disciplinary procedures identified in Chapter 17. 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 Oshkosh policies and of local, state and federal drug and alcohol laws occurring on university property or the worksite or during work time or in the course of their employment, up to and including termination from employment. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in Wisconsin statutes, administrative rules, faculty and academic staff policies, and university staff policies and procedures. Referral for prosecution under criminal law is also possible. In addition, violations of ss. UWS 18.06(13) and 18.10(1), Wis. Adm. Code may result in additional penalties as allowed under ch. UWS 18, Wis. Adm. Code.

### UWS 18.09 Alcohol and Drug Prohibitions

#### (1) ALCOHOL BEVERAGES.

- (a) The use or possession of alcohol beverages is prohibited on all university premises, except in faculty and staff housing and as permitted by the chief administrative officer, subject to statutory age restrictions. The chief administrative officer may generally permit the use or possession of alcohol beverages by promulgating institutional regulations in consultation with appropriate staff and students, or in specific instances by written permission.
  - (b) No person may procure, sell, dispense or give away alcohol beverages to any person contrary to the provisions of ch. 125, Stats.
  - (c) In this subsection, “alcohol beverages” means fermented malt beverages and intoxicating liquors containing 0.5% or more of alcohol by volume.
  - (d) Notwithstanding s. UWS 18.14, institutional regulations developed pursuant to this subsection shall be reported to the president of the system for review and approval.
- (2) POSSESSION OF DRUG PARAPHERNALIA.
- (a) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of ch. 961, Stats.
  - (b) In this subsection, the term “drug paraphernalia” has the meaning specified in s. 961.571 (1), Stats.; the term “controlled substance” has the meaning specified in s. 961.01 (4), Stats.; and the term “controlled substance analog” has the meaning specified in s. 961.01 (4m), Stats.
  - (c) In determining whether an object is drug paraphernalia under this subsection, the factors listed in s. 961.572, Stats., and all other legally relevant factors, shall be considered.
- (3) POSSESSION OF MARIJUANA.
- (a) No person may intentionally use or possess marijuana on university lands, except when such use or possession is authorized under ch. 961, Stats., or is permitted under s. 961.34, Stats. (b) In this subsection, the term “marijuana” has the meaning specified in s. 961.01 (14), Stats.

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

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

### Wis. Stats. 125.07

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

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

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

4. No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

(b) Penalties.

1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.
2. A person who commits a violation may be:
  - a. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.
  - b. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
  - c. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
  - d. Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
3. A court shall suspend any license or permit issued under this chapter to a person for:
  - a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
  - b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
  - c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.
4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.
5. A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to subd. 3. but is not subject to subd. 2. or s. 125.11.
6.
  - a. Notwithstanding subd. [1.](#), in this subdivision, "violation" means a violation of par. [\(a\)](#) or of a local ordinance that strictly conforms to par. [\(a\)](#).
  - b. Subject to subd. [6. c.](#), only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.
  - c. If a violation occurs on licensed premises and the violation is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

(4) UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.

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



- (b) Except as provided in par. (bm), any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.
- (bg) Paragraphs (a) and (b) do not apply to an underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.
- (bm) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:
1. A brewer or brewpub.
  2. A fermented malt beverages wholesaler.
  3. A permittee other than a Class "B" or "Class B" permittee.
  4. A facility for the production of alcohol fuel.
  5. A retail licensee or permittee under the conditions specified in s. 125.32 (2) or 125.68 (2) or for delivery of unopened containers to the home or vehicle of a customer.
  6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.
- (bs) Any person violating par. (a) is subject to the following penalties:
1. For a first violation, a forfeiture of not less than \$250 nor more than \$500, suspension of the person's operating privilege as provided under s. 343.30 (6)(b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.
  2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.
  3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$500 nor more than \$750, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.
  4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$750 nor more than \$1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.
- (c) Any person violating par. (b) is subject to the following penalties:
1. For a first violation, a forfeiture of not less than \$100 nor more than \$200, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.
  2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$200 nor more than \$300, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.
  3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under

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

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

### State of Wisconsin Uniform Controlled Substances Act

The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes, regulates controlled substances and 961.41 outlines specific penalties for the violation of the regulations. Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. The distribution of a controlled substance to a minor can lead to the doubling of an authorized sentence term. 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 Oshkosh 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 Oshkosh 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 Oshkosh 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.<sup>6</sup>

### Dating Violence

According to the Clery Act, Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.<sup>7</sup>

In the state of Wisconsin, a dating relationship is further defined as a romantic or intimate social relationship between two adult individuals but "dating relationship" does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.<sup>8</sup>

### Domestic Violence

According to the Clery Act, Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.<sup>9</sup>

### 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

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<sup>6</sup> Wis. Stat. § 940.225(4).

<sup>7</sup> U.S. Department of Education (2016), Clery Handbook at 3-36, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

<sup>8</sup> Wis. Stat. § 813.12(1)(ag).

<sup>9</sup> U.S. Department of Education (2016), Clery Handbook at 3-38, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A violation of s. 940.32.
5. A violation of s. 943.01, involving property that belongs to the individual.
6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.<sup>10</sup>

### 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 engagement in the conduct described in 1, 2 or 3.

### Sex Offenses

According to the Clery Act, sex offenses are any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.<sup>11</sup>

### Fondling

According to the Clery Act, fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.<sup>12</sup>

### Incest

According to the Clery Act, incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.<sup>13</sup>

In the state of Wisconsin, people who are nearer of kin than 2<sup>nd</sup> cousins may not marry, except that marriage may be contracted between first cousins where the female has attained the age of 55 years or where either party, at the time of the application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently

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<sup>10</sup> Wis. Stat. § 813.12(1)(am).

<sup>11</sup> U.S. Department of Education (2016), Clery Handbook at 3-6, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

<sup>12</sup> U.S. Department of Education (2016), Clery Handbook at 3-6, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

<sup>13</sup> U.S. Department of Education (2016), Clery Handbook at 3-6, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

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.<sup>14</sup>

## Sexual Assault

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's UCR program.<sup>15</sup>

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

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

<sup>14</sup> U.S. Department of Justice (2013). Summary Reporting System (SRS) User Manual, 31. Available at <https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual>.

<sup>15</sup> Violence Against Women Act of 1994, 34 C.F.R. 668.46(a).



of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

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

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

(3m) Fourth degree sexual assault. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.<sup>16</sup>

### 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. [Wis.Stats. 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. [Wis.Stats. 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. (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.<sup>17</sup> In the state of Wisconsin, the statutory age of consent for sexual intercourse is 18 years of age. (Wis.Stat. s. 948.09) 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. (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.<sup>18</sup>

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<sup>16</sup> Wis. Stat. § 940.225(1-3m).

<sup>17</sup> U.S. Department of Education (2016), Clery Handbook at 3-7, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

<sup>18</sup> U.S. Department of Education (2016), Clery Handbook at 3-37:38, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

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.<sup>19</sup>

### *Sexual Harassment; Emergency Rules for UWS Ch 4 and 11*

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

- a) An employee of the institution conditions the provision of an aid, benefit, or service of the institution directly or indirectly on an individual's participation in unwelcome sexual conduct.
- b) Unwelcome conduct of a sexual nature directed towards a student, an employee, or a person participating in a program or activity of the university that, when using any of the following legal "reasonable person" standards:
  1. The conduct is so severe, pervasive, and objectively offensive that it effectively denies the person equal access to the institution's education program or activity.
  2. The conduct is so severe, pervasive, or objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's academic or work performance or participation in an institution's education program or activity, or creates an intimidating, hostile, or offensive academic, working, or program or activity related environment.

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

### *Sexual Harassment; Emergency Rules for UWS Ch 17*

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<sup>19</sup> Wis. Stat. § 940.32(1)(a).

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

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

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

### *Sexual Exploitation; Emergency Rules for UWS Ch 4 and 11*

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

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

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

### *Sexual Exploitation; Emergency Rules for UWS Ch 17*

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

- a) Engaging in any of the following conduct without the knowledge and consent of all participants:
  1. Observing, recording, or photographing private body parts or sexual activity of one or more persons.
  2. Allowing another person to observe, record, or photograph sexual activity or private body parts of one or more persons.

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

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

### Educational Programs and Campaigns

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

University of Wisconsin Oshkosh 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 social norms in healthy and safe directions.<sup>20</sup> Awareness programs are defined as community wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.<sup>21</sup>

There are a variety of offices on campus that have services dedicated to educating others on the topics of sexual harassment. Human Resources, (920) 424-1166, can work with campus offices to ensure that employees receive adequate professional development on the topic of sexual harassment in the workplace. The Women's Center, (920) 424-0963, hosts programs covering sexual harassment and the Dean of Students Office, (920) 424-3100, is able to answer questions to harassment regarding students.

### Primary Prevention Programs

University of Wisconsin Oshkosh has a number of primary prevention programs, including required online training for all incoming students through a systemwide contract with EverFi for CampusClarity, a student sexual assault prevention training.

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<sup>20</sup> U.S. Department of Education (2016), Clery Handbook at 8-4, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

<sup>21</sup> U.S. Department of Education (2016), Clery Handbook at 8-4, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

**Everfi:** University of Wisconsin Oshkosh 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 required to complete this training in their first semester at UW Oshkosh.

**LawRoom:** 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.<sup>22</sup> Employees who are both students and system employees would be required to complete both trainings.

**CARE, or Campus for Awareness and Relationship Education:** Care is a peer education group consisting of female and male ally students focused on raising awareness and preventing dating violence, sexual assault, stalking and harassment on campus. Peer educators provide educational programs about Healthy Relationships, Consent, Sexual Rights, and how to be a male ally. In addition to serving as a campus resource on the topic of relationship violence, CARE offers presentations that are available to all university student groups, classes and community organizations. This organization puts on voluntary programs and more information can be found at: <https://www.uwosh.edu/care>.

**Sexual and Interpersonal Violence Prevention:** UW Oshkosh provides compassionate crisis intervention and ongoing support to victims/survivors of intimate partner violence, sexual assault, stalking, and/or harassment. In 2018, UW Oshkosh established a full-time Sexual and Interpersonal Violence Prevention Coordinator position that is responsible for providing ongoing prevention education and advocacy services. Our Sexual and Interpersonal Violence Prevention Coordinator serves as the confidential Campus Victim/Survivor Advocate. An advocate's role is to help victims/survivors explore their options, understand their rights, and connect with other resources and people to build a network of support. *These services are FREE to students, faculty, and staff of the University of Wisconsin Oshkosh.*

**Bystander Intervention:** UW Oshkosh has a significant Bystander Intervention program, with trainings put on weekly for students, faculty and staff of the university. It is an hour-long intervention workshop to provide participants with the skills to be effective and supportive allies in the face of violence, discrimination and more. This course is voluntary for all who attend, however Residence Life student staff go through it as part of their annual training and returning staff members are trained as Bystander Intervention trainers. Training for all Student Recreation and Wellness Center student staff, 115 people, were trained on being an active bystander in the fall of 2019. This included intervention tactics, and scenario practice specific to a fitness environment. Information on this program can be found at: <https://uwosh.edu/bystander/>.

**Rape Aggression Defense (RAD) Classes:** RAD is a self-defense program intended for survivors of sexual violence or those who fear being the target of sexual violence. The goal is to develop and enhance the options of self-defense, so they may become viable considerations to the individual who is attacked. A variety of mental and physical techniques are taught in order to reach that goal. An email is sent out every semester to all students that explains how to register for this one credit course. These classes are optional. For more information call the UW Oshkosh Police Department at 920-424-1212.

**University Speaker Series:** This speaker series brings inspiring individuals to campus that educate and/ or entertain. Attendance of these speakers was optional, unless specific professors required it for a class. For more information on this series see here: <https://uwosh.edu/reeve/involvement/clubs-orgs/speaker-series/>

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<sup>22</sup> UW System Task Force on Sexual Violence and Harassment Report (2015), 19, available at <https://www.wisconsin.edu/sexual-assault-harassment/download/UWS-SVH-Report.pdf>.



**Other events:**

- Laura Smolinski, Sexual Assault Nurse Examiner (SANE) and instructor for the University of Wisconsin Oshkosh College of Nursing (CON), presented a summary of her doctoral dissertation titled “Emergency and SANE Nurses’ Acceptance of Drug-Facilitated Sexual Assault,” at a brown bag seminar hosted by the women’s and gender studies program. Students from across campus gathered to learn the results of her study and gain an understanding of the procedures and protocol of sexual assault cases in hospitals. This presentation took place during the spring 2019 semester and approximately 60 attended.
- In 2019, on April 15<sup>th</sup> Student Recreation and Wellness Center, Women’s Center and the LGBTQ+ Resource Center held an event where speaker Kathy Flores from Diverse & Resilient presented on the prevalence of sexual and interpersonal violence in the LGBTQ+ Community and on effective prevention strategies.

**Ongoing Awareness Programs**

University of Wisconsin Oshkosh also provides information on communitywide and audience-specific programming, in addition to the programs mentioned above such as the Christine Ann Center, Reach Counseling Services, United Way Counseling/ Crisis Services, Agnesian Domestic Violence Services and Solutions Center Shelter and Support Groups. Contact information for these resources can be found at: [https://www.uwosh.edu/couns\\_center/self-help/case-management](https://www.uwosh.edu/couns_center/self-help/case-management).

Other ongoing awareness programs include those listed below.

**Denim Day:** Takes place on a Wednesday, in April, is a day where students, faculty and staff were asked to wear denim to support survivors of sexual assault and bring awareness of sexual assault and sexual violence. This is not required, but is open to all faculty, students and staff. The Fond du Lac campus participated on Denim Day with a presentation to students on the history of denim day and campus prevention resources. For more information on Denim Day, please see here: <https://www.uwosh.edu/care/denim-day/history-of-denim-day>.

**Voices of Titan Men:** Calls to action for men to promote healthy masculinity and prevent sexual violence. Spoken word performances and facilitated discussion. Membership of this group, and attendance at events put on by this group is optional. **Masculinity Monday’s** was held twice a month during spring 2019 semester for a discussion on men and the prevalence of sexual violence, as well as prevention strategies. More information can be found at: <https://uwosh.edu/today/event/voices-of-titan-men-co-sponsored-with-the-womens-center-and-men-of-distinction/>.

**Tabling:** The UW Oshkosh Counseling Center has tabled at various times throughout the year to bring awareness to topics such as healthy relationships and consent. This is done in our Student Union. Visiting a table is completely optional. Additionally, the Student Recreation and Wellness Center host tabling in our Student Union on sexual assault prevention resources.

**WOC Ally Wednesday’s:** Women’s Center and the Recreation and Wellness Center hosted twice a month in the spring 2019 semester a discussion on the prevalence of dating violence in the Hmong Community.

**Titan Foundations Training:** Once a year program, discussion with UWO football team on consent and rape culture.

**Intramural Student Staff Training:** Once a year program, discussion with intramural student staff on how sexual harassment manifests in sport culture, how to be an active bystander, and campus resources.

**Define your line campaign:** The AODA task force does a semester long Alcohol Abuse & Healthy Relationship poster campaign on defining the boundaries of safe vs. problematic alcohol behaviors and healthy vs. unhealthy relationships.

**Primary Prevention and Awareness Campaigns**

At University of Wisconsin Oshkosh, we continuously work to change the culture that permits sexual violence and harassment through a number of institutional and student-led campaigns, including those listed below.

**Culture of Respect:** As part of UW Oshkosh's continued commitment to addressing campus sexual violence, we have joined the [Culture of Respect Collective](#). The Collective is an ambitious two-year program, bringing together institutions of higher education dedicated to ending campus sexual violence. As part of the Collective, participating institutions are guided through a rigorous process of self-assessment and targeted organizational change.

This program is grounded in an expert-developed public health framework, cross campus collaboration, and peer-led learning to make meaningful programmatic and policy changes. We will receive strategic support and technical assistance throughout the process, as well as detailed documentation of campus-initiated changes to support survivors, prevent sexual violence, and communicate that violence is unacceptable.

**Red Zone:** This is a series of programs/ events the first six weeks of classes. This is the time at the beginning of the school year when a disproportionate number of campus sexual assaults take place. Common topics include: Resources, Myths vs. Facts, Communication and Consent, Healthy Sexuality, Healthy Relationships, and on Alcohol and Consent. Each week programs are put on by the Women's Center, the LGBTQ Resource Center, Rec and Wellness, and Reeve Union. There is also at least one Bystander Intervention Training each week, and awareness campaigns to bring awareness to both the Red Zone and sexual assault on college campuses. One such awareness campaign is the Red Flag campaign, where red flags are placed in the lawns across campus to spread awareness about red flags in relationships. Students table to provide peer education. On August 28<sup>th</sup>, 2019 15 group leaders were provided with an overview of the Red Zone and programming opportunities for students. The six-week series is concluded by Take Back the Night. These are voluntary programs and more information can be found here: <https://uwosh.edu/titleix/redzone/>.

**Take Back the Night:** This is an annual program done in the fall which includes a Resource Fair, Speakers, and other events that bring awareness to, and educate participants on sexual assault and domestic violence. This is a voluntary program and more information can be found here: <https://www.uwosh.edu/cvpp/take-back-the-night>.

**#rapeisnotajoke:** This event was developed to address concerns with how often people use the word "rape" in a joking manner in the media, on campus and other areas. Students were compelled to create programming to address this concern. This presentation teaches about rape culture, social norms and what CARE, the student organization has to offer. Recently, they have invited a speaker to share personal stories of rape and abuse. During spring 2019 semester Survivor Brittany Piper shared her story at a campus event and spoke about how rape culture manifests on college campuses, and how to combat it.

**Coming Out Day program:** On the access campuses a one time event sponsored by the FDL Pride Alliance Student Organization in the fall of 2019.

**Sexual Assault Awareness Month:** Every April a month of various events and outreach focused on preventing sexual violence and reinforcing support for victims/survivors of sexual violence. Events are hosted by the Student Recreation and Wellness Center and the Women's Center. On the access campuses two SAVE programs were offered in spring 2019 as well as a bulletin board and interactive display supporting survivors of sexual assault.

**It's Time To Talk About It: Alcohol, Consent, and Prevention Program:** Once a year program for Sorority Life focused on discussing alcohol, consent, safe and healthy sex, and supporting survivors.

**Title IX Best Practices: Serving Reporting Students:** Faculty and staff training developed in collaboration with Equal Opportunity, Equity and Affirmative Action Compliance Training Specialist Natasha Aguilera. Training covered an overview of Title IX, understanding of how trauma impacts students, best practices for supporting a student

victim/survivor, and overview of the investigation process.

### Bystander Intervention Programs and Risk Reduction

University of Wisconsin Oshkosh is committed to providing bystander intervention strategies. This is facilitated primarily through our University Counseling Center. In addition, all employees and students can engage as proactive bystanders, identify signs of an abusive dating partner, or engage in protective behaviors and risk reduction techniques, by adopting the tips below.

**Bystander Intervention:** UW Oshkosh has a significant Bystander Intervention program, with voluntary trainings put on weekly for students, faculty and staff of the university. It is an hour-long intervention workshop to provide participants with the skills to be effective and supportive allies in the face of violence, discrimination and more. Some populations, like Residence Life student staff, are mandated by their contract to attend this training and returning staff members are trained as Bystander Intervention trainers. Information on this program can be found at:

<https://uwosh.edu/bystander/>.

**Level Up! A Feminist Gaming Initiative: Bystander Intervention in Online Spaces:** Discussion on bystander intervention tactics and need in online spaces was held once a month in the Spring 2019 semester by the Women's Center.

### 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 affect 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 leave your drink unattended or let someone continually fill your cup.
- Use and encourage others to have a companion or a safe means of getting home, i.e., a trusted friend, taxi, the UW Oshkosh Safewalk program (request through UWO Mobile or call at 920-424-1212), the Virtual Safewalk feature on the UWO Mobile App or the Virtual Friend Walk feature on the UWO Mobile App.
- 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

Offense	Contact	Location	Phone
<b>Criminal Reporting</b>	<b>UW Oshkosh Police</b>	738 High Ave, Oshkosh	(920) 424-1212, 911
<b>University Administrative Reporting</b>	<b>For Students:</b> Dean of Students	Dempsey Hall, room 125	(920) 424-3100
	<b>For Employees:</b> Human Resources	Dempsey Hall, room 328	(920) 424-1166
	<b>For everyone:</b> Title IX Coordinator	Dempsey Hall, room 328	(920) 424-1166

University of Wisconsin Oshkosh encourages victims of sexual assault, domestic violence, dating violence and/or stalking to report the incident immediately to UW Oshkosh Police at 920-424-1212 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 Oshkosh through the Dean of Students (920) 424-3100, Campus Victim Advocate's Offices (920) 424-2024, Student Health Center (920) 424-2424, Counseling Center (920) 424-2061. Following a report of sexual assault, domestic violence, dating violence and/or stalking to University of Wisconsin Oshkosh, whether the offense occurred on or off-campus, University of Wisconsin Oshkosh 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 Oshkosh 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 Oshkosh property, UW Oshkosh Police have jurisdiction. If the crime occurred off campus, the victim can notify the appropriate local law enforcement agency with jurisdiction at the location of the crime. UW Oshkosh Police will assist the victim in identifying the correct law enforcement agency and will assist the victim in reporting it to that agency. Victims have the right NOT to notify law enforcement or report the crime if they so choose.

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

University of Wisconsin Oshkosh 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.) The Fox Valley SANE Program is managed by Advocate Aurora Medical Center in Oshkosh, Wisconsin. <https://www.aurorahealthcare.org/healing-advocacy-services/our-healing-services/forensic-nursing>
- A Forensic Nurse Exam can be obtained free of charge and without notifying UW or law enforcement. Information on how to obtain a Forensic Nurse Exam can be found here: <https://www.aurorahealthcare.org/healing-advocacy-services/our-healing-services/forensic-nursing>
- Although it is best not to shower, even if a victim has showered and changed clothes, a police report can be filed and/or medical exam can be obtained.
- Campus officials are required to provide information about options and assist in making contact with law enforcement personnel if requested.
- Filing a report will generally involve an interview with a law enforcement officer or an investigating officer from the Title IX office. 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.<sup>23</sup> These rights include the general right to be “treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies;”<sup>24</sup> as well as to attend court proceedings;<sup>25</sup> “to receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;”<sup>26</sup> “to be informed of financial assistance and other social services available as a result of being a witness of a crime;”<sup>27</sup> be accompanied by a victim advocate to law enforcement interviews;<sup>28</sup> and at interviews and proceedings related to the crime.<sup>29</sup> A full description of the rights of victims and witnesses of crimes is available at <https://docs.legis.wisconsin.gov/statutes/statutes/950.pdf>.

In addition to the rights given by federal and state law, University of Wisconsin Oshkosh 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 <https://uwosh.edu/wellness/prevention-2/>)
- The right to access sexually transmitted infection (STI) testing and treatment, emergency contraception, and pregnancy testing. Visit <https://uwosh.edu/studenthealth/>
- 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 the University of Wisconsin Oshkosh 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,

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<sup>23</sup> Wis. Stat. Ch. 950.

<sup>24</sup> Wis. Stat. § 950.04(1v)(ag).

<sup>25</sup> Wis. Stat. § 950.04(1v)(b).

<sup>26</sup> Wis. Stat. § 950.04(2w)(c).

<sup>27</sup> Wis. Stat. § 950.04(2w)(d).

<sup>28</sup> Wis. Stat. § 950.045(1).

<sup>29</sup> Wis. Stat. § 950.045(2).

University Housing nor the UW Oshkosh Police will pursue disciplinary actions against the student victim (or against a witness) for his or her improper use of alcohol (e.g., underage drinking). A student victim who is under the influence of alcohol at the time of a sexual assault is entitled to university and community assistance and encouraged to seek help.” For more information, visit: <https://uwosh.edu/police/medical-safety-policy/>

- The right to have options for offering their testimony in a campus disciplinary hearing, including via phone or video conference.
- The University of Wisconsin Oshkosh 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 Oshkosh against a student who is an alleged perpetrator of such crime or offense. If the victim is deceased as a result of the crime or offense, the UW Oshkosh Dean of Students Office 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](http://www.wcasa.org/file_open.php?id=184).

Winnebago County District Attorney's Office  
District Attorney, Christian Gossett  
Terri S. Van Dellen, Coordinator  
Jessica Rodriguez, Specialist  
Kayla Hansen, Specialist  
920-424-4977  
<https://www.co.winnebago.wi.us/district-attorney>

### 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 or not to issue a TRO based on the information you write in the petition. If the court grants the TRO, the court will schedule a hearing for you to come back to court within 14 days. This hearing is called an injunction hearing. At that hearing you will ask the court to order a final order of protection, which is called an injunction. An injunction can be granted for up to 2 years for child abuse and up to 4 years for domestic abuse, harassment and individuals at risk.<sup>30</sup>

Restraining order forms can be found at <http://www.wicourts.gov/forms1/circuit.htm>, under the heading “civil.” In addition, the clerk of court in your county can provide you with the appropriate forms and limited information as to how to complete them. 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 (ROs) are necessary if there is no criminal action pending. ROs do provide protections that are unavailable through the criminal

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<sup>30</sup> Wisconsin Department of Justice (2017). Restraining Orders, available at <https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders>.

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.wcasa.org](http://www.wcasa.org). In addition to providing information to victims about restraining orders, advocates can help victims develop a detailed safety plan and let the victim know what other services might be available to him or her.<sup>31</sup>

### 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:*

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<sup>31</sup> WCASA (2017). Restraining Orders for Sexual Assault Victims, available at [http://www.wcasa.org/file\\_open.php?id=184](http://www.wcasa.org/file_open.php?id=184).

The respondent can be ordered to refrain from committing acts of domestic abuse against the victim, avoid the victim's residence or any other location temporarily occupied by the victim (this can be ordered temporarily even when the respondent owns the property), avoid contacting or having others contact the victim, any combination of these remedies, 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.

### University of Wisconsin Oshkosh and Restraining Orders

The University of Wisconsin Oshkosh 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 Oshkosh should contact the Dean of Students office or the UW Oshkosh Police Department. Employees who have a court issued restraining order should notify the UW Oshkosh Police Department. 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 the UW Oshkosh Police Department, please call 911 immediately.

### No Contact Directives Issued by University of Wisconsin Oshkosh

One tool University of Wisconsin Oshkosh 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 that 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, email, 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 Dean of Students, Associate Dean of Students, UW Oshkosh Police Department, Captain of Police, and the Department of Residence Life, Coordinator of Residential Conduct when there is a concern involving someone who lives in a residence hall. 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.

No contact directives do not appear on transcripts.

### *Employees*

Supervisors, in consultation with Human Resources staff, have the authority to regulate workplace behavior of Academic and University staff, and the Provost may regulate faculty, as long as there is a work-related reason for doing so. The Title IX Coordinator may also issue a no contact directive for any employee. No contact directives are typically issued in a letter to the recipient. University of Wisconsin Oshkosh 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, email, 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 Oshkosh 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: Dean of Students, the Title IX Coordinator, Office of Student Conduct and Community Standards, Office of Human Resources, or UW Oshkosh Police Department.

#### **Enforcing UW Oshkosh No Contact Directives**

If your no contact directive is being violated, please contact the office that issued it or the UW Oshkosh Police Department or Dean of Students office. 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 <https://appsdoc.wi.gov/public>. The Wisconsin Department of Corrections supplies information to the UW Oshkosh Police Department regarding registered sex offenders who are enrolled or employed at UW Oshkosh. This information can also be found at <https://uwosh.edu/police/resources/sex-offender-information/>.

#### **UW Oshkosh Protective Measures and Resource Notification**

University of Wisconsin Oshkosh will provide written notification about options for protective measures to victims [and respondents] who report sexual assault, domestic violence, dating violence and or stalking. There are a range of protective measures, including changes to academic, working, transportation and living situations if requested by the victim [or the respondent] and reasonably available. University of Wisconsin Oshkosh 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 UW Oshkosh Police Department, Dean of Students Office, Counseling Center or Department of Residence Life 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 UW Oshkosh Police Department, Dean of Students Office, Counseling Center or Department of Residence Life may also provide direction and assistance.

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

Students or Employees?	Contact	Location	Email	Phone
<b>For Students</b>	Department of Residence Life	208 Osceola St, Room 263	housing@uwosh.edu	(920) 424-3212
	Dean of Students	Dempsey Hall, Room 125	N/A	(920) 424-3100
<b>For Employees</b>	Human Resources	Dempsey Hall, Room 328	hroffice@uwosh.edu	(920) 424-1166
<b>Community Resources</b>	Counseling Center	Student Success Center, Room	N/A	(920) 424-2061
	Police	738 High Ave, Oshkosh	uwopolice@uwosh.edu	(920) 424-1212

Students and employees who report sexual assault, domestic violence, dating violence and/or stalking to University of Wisconsin Oshkosh 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 Oshkosh 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 Oshkosh 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

University of Wisconsin Oshkosh will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of University of Wisconsin Oshkosh 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 Oshkosh 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 Oshkosh maintains information about sexual violence in a secure manner. If the University has notice of an incident, University of Wisconsin Oshkosh 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 Oshkosh will endeavor to keep victim and necessary party information private. However, once a report is made to the University of Wisconsin Oshkosh, or the University of Wisconsin Oshkosh 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 Oshkosh will strive to maintain as confidential any accommodations or protective measures provided to the victim, but keeping victim information confidential may limit UW Oshkosh'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. UW Oshkosh 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 Oshkosh 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 Oshkosh will redact a victim's identifying information when responding to requests for information pursuant to the Wisconsin Public Records law. The University of Wisconsin Oshkosh 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 Oshkosh 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 the UW Oshkosh Counseling Center (920) 424-2061, UW Oshkosh Student Health Center (920) 424-2424, Campus Victim Advocate (920) 424-2024. Other licensed healthcare providers, counselors and social workers employed by the University of Wisconsin Oshkosh 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:

#### **Campus Victim Advocate/**

##### **Sexual and Interpersonal Violence Prevention Office – Confidential**

This office provides both education on violence prevention as well as advocacy for student victims/survivors. It is a confidential reporting option and the Advocate can discuss reporting options, resources and answer questions a student may have.

Inside Reeve Union (102L)

748 Algoma Blvd.

920-424-2024

#### **Counseling Center – Confidential**

The Counseling Center is staffed with licensed counselors that are available to address a variety of student concerns. They also put on group sessions on a wide variety of topics. Counselors are a confidential reporting option for students and can provide emotional support as well as resources.

Student Success Center Suite 240  
750 Elmwood Avenue  
920-424-2061

**Student Health Center – Confidential**

The Student Health Center at UW Oshkosh offers healthcare services to currently enrolled students. Services include medical care, such as birth control, GYN exam and PAP test, illnesses and injuries, immunizations, physical exams and procedures. They also offer laboratory, psychiatry, nutrition, travel health, prescriptions, and medical records services.

Radford Hall  
777 Algoma Blvd.  
920-424-2424

*Other On-Campus Resources for Students*

**Dean of Students Office**

125 Dempsey Hall  
800 Algoma Blvd  
920-424-3100

**Equal Opportunity and Access**

337 Dempsey Hall  
800 Algoma Blvd.  
920-424-2296

**Title IX Coordinator**

Human Resources  
327 Dempsey Hall  
800 Algoma Blvd  
920-424-1166

**Department of Residence Life**

263 South Gruenhagen Hall  
208 Osceola Street  
920-424-3212

**UW Oshkosh Police Department – Non-Confidential**

738 High Avenue  
920-424-1212  
Emergency: 911

**Financial Aid Office**

104 Dempsey Hall  
800 Algoma Blvd,  
920-424-3377

### **Student Legal Services**

Reeve Memorial Union  
748 Algoma Blvd.  
920-424-3202  
[osa@uwosh.edu](mailto:osa@uwosh.edu)

### **Office of International Education (Immigration and Visa services)**

202 Dempsey Hall  
800 Algoma Blvd.  
920-424-0775

### *On-Campus Confidential Resources for Employees*

Employees can contact the following resources on-campus:

#### **Employee Assistance Program - FEI**

The University of Wisconsin Oshkosh values its employees and the unique contribution each person makes to enhance our university community. The Employee Assistance Program (EAP) reflects this commitment to employee well-being through offering an array of free and confidential services for employees experiencing personal or work related problems.

FEI provides free confidential professional assistance with life, work, family, and well-being. There are counselors and consultants available 24/7 everyday of the year. Your use of this service and the information you share is confidential, except when your safety or the safety of others may be at risk. This program is available to all employees and household members. More information can be found at: <https://www.feieap.com/>.

### *Off-Campus Confidential Resources*

Anyone can contact the following community resources:

#### **Reach Counseling Services- Confidential**

Community counseling agency working to improve access to mental health services through an integrated system of prevention, response and treatment grounded in an understanding of trauma and abuse. Reach offers up to three crisis sessions at no charge to assist individuals in restoring a sense of safety while working to reduce negative responses and increasing coping skills.

1370 S. Commercial Street  
Neenah, WI 54956  
920-722-8150

#### **Christine Ann Domestic Abuse Services- Confidential**

A 37 bed emergency shelter for individuals and families needing safety and shelter from an abusive situation. Beyond providing the shelter and a 24-hour help line, they also provide outreach and education to community members including teens and children.

24 Hour Helpline: 920-235-5998  
Wisconsin only: 800-261-5998  
Fox Cities Office: 920-729-5727

Oshkosh Office and Shelter: 920-235-5998

Green Lake County Office: 800-261-5998

### **Sexual Assault Crisis Center- Confidential**

Trained advocates are available by phone 24 hours a day to assist with questions, medical and/or legal advice.

17 Park Place, Suite 400

Appleton, WI 54911

24-Hour Helpline: 920-733-8009 or 800-722-7797

### **Harbor House- Confidential**

Harbor House exists to break the stigma of abuse, offer refuge to survivors, and create pathways to empowerment. They have programs for women, children and youth, domestic violence and a shelter.

24 Hour Helpline

Fox Cities: 920-832-1666

Calumet County: 920-849-7819

Toll Free: 800-970-1171

### **University of Wisconsin Oshkosh Disciplinary Action for Sexual Assault, Domestic Violence, Dating Violence & Stalking**

University of Wisconsin Oshkosh 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 Oshkosh 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 UW Oshkosh Office of Human Resources. Complaints against students should be reported to the Dean of Students Office. Anyone can report to the Title IX Coordinator.

Complaints against students will be processed through the University of Wisconsin System Chapter 17.<sup>32</sup> Complaints against employees will be processed under UWS Chapter 4<sup>33</sup> for faculty, Ch. 11 for academic staff,<sup>34</sup> and Classified Personnel Policies and Procedures (CPPP) for University Staff.<sup>35</sup>

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<sup>32</sup> UWS Ch 17, Wisconsin Admin. Code.

<sup>33</sup> UWS Ch 4, Wisconsin Admin. Code.

<sup>34</sup> UWS Ch. 11, Wisconsin Admin. Code.

<sup>35</sup> Classified Personnel Policies and Procedures, Chapter 18, available at <https://kb.wisc.edu/ohr/policies/page.php?id=53566>.

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

### *UWS 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 impairs university-run or university-authorized activities, or that interferes with or impedes the ability of a person to participate in university-run or university-authorized activities.
- (9) **Forgery or falsification.** Unauthorized possession of or fraudulent creation, alteration, or misuse of any university or other governmental document, record, key, electronic device, or identification.
- (10) **Misuse of computing resources.** Conduct that involves any of the following:
  - (a) Failure to comply with laws, license agreements, and contracts governing university computer network, software, and hardware use.
  - (b) Use of university computing resources for unauthorized commercial purposes or personal gain.
  - (c) Failure to protect a personal password or university-authorized account.
  - (d) Breach of computer security, invasion of privacy, or unauthorized access to university computing resources.
- (11) **False statement or refusal to comply regarding a university matter.** Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter.
- (12) **Violation of criminal law.** Conduct that constitutes a criminal offense as defined by state or federal law.
- (13) **Serious and repeated violations of municipal law.** Serious and repeated off-campus violations of municipal law.
- (14) **Violation of ch. UWS 18.** Conduct that violates ch. [UWS 18](#), including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.
- (15) **Violation of university rules.** Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.
- (16) **Noncompliance with disciplinary sanctions.** Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.
- (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 are 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.
3. Specification of the sanction sought.
4. Notice of the respondent's right to a hearing.
5. A copy of this chapter and of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered 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 under [UWS 17.10 \(1\) \(h\)](#) to [\(j\)](#) may not be imposed unless previously recommended by the investigating officer.
- (h) The hearing shall be conducted by the hearing examiner or committee, and the university's case against the respondent shall be presented by the investigating officer or his or her designee.
- (i) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered simultaneously to the respondent and the complainant, excluding information that may be precluded by state or federal law. The decision shall become final within 14 days of the date on the written decision, unless an appeal is taken under s. [UWS 17.13](#).
- (j) If a party fails to appear at a scheduled hearing and to proceed, the hearing examiner or committee may issue a decision based upon the information provided.
- (k) Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the respondent or complainant requests a closed hearing or if the hearing examiner or committee determines that it is necessary to hold a closed hearing, as permitted under the Wisconsin open meetings law. Deliberations of the committee shall be held in closed session, in accordance with s. [19.85](#), Stats. As such, proper notice and other applicable rules shall be followed.

*UWS 17.13 Appeal to the chancellor.*

- (1) Where the sanction prescribed by the hearing examiner or committee is one of those listed in s. [UWS 17.10 \(1\) \(h\)](#) to [\(j\)](#), the respondent may appeal in writing to the chief administrative officer within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record. 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:

- (a) 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.
- (b) 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:
  - (a) The information in the record does not support the findings or decision.
  - (b) Appropriate procedures were not followed which resulted in material prejudice to the respondent or complainant.
  - (c) 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.

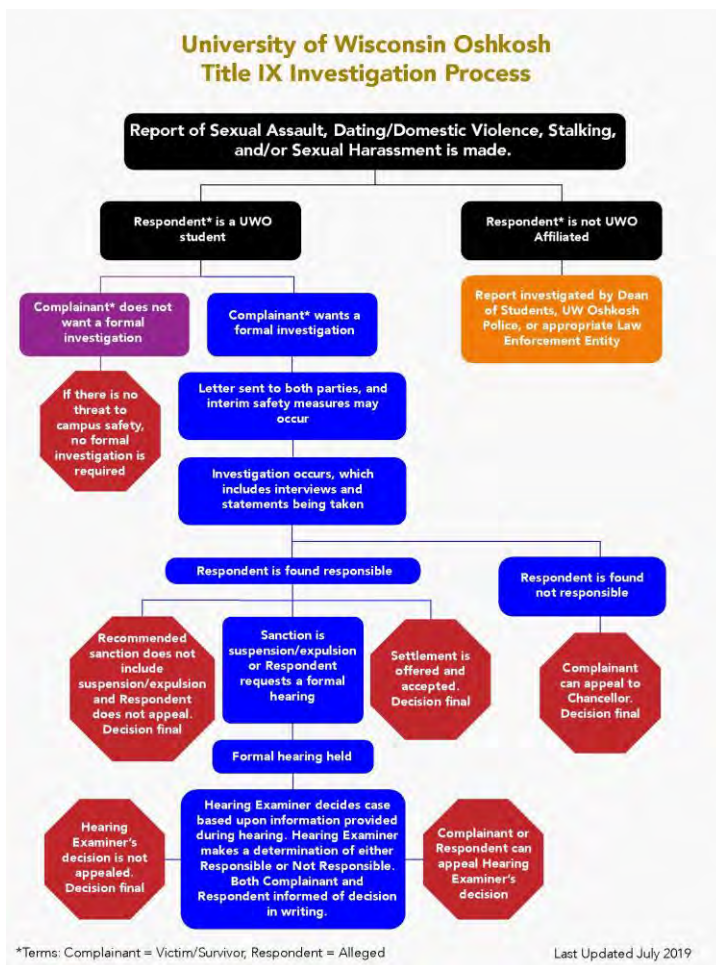
#### *UWS 17.15 Settlement.*

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 Oshkosh 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.





## Employee Disciplinary Procedures

University of Wisconsin Oshkosh 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 Oshkosh has various types of at-will employees, including but not limited to, limited appointees, other employees-in-training and student hourlies. All employees may be subject to one or more of the following disciplinary responses: written reprimand, unpaid suspension, dismissal, demotion, revocation of responsibilities, reassignment and retraining.

All University of Wisconsin System institutions develop individual procedures for discipline and dismissal based on the Wisconsin Administrative Code provisions and UW System policies included below. The discipline and dismissal procedures for Faculty and Academic Staff members, as well as university staff members, are developed through shared-governance processes.

University of Wisconsin Oshkosh 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-Oshkosh 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-Oshkosh may establish restrictions regarding the extent to which the support person may participate in the proceedings that apply equally to both parties.
- The complainant and respondent will receive simultaneous notification of
  1. The result of any institutional disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence and/or stalking.
  2. University of Wisconsin Oshkosh 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 <https://uwosh.edu/hr/> or by visiting the Office of Human Resources in Dempsey Hall Room 328, 800 Algoma Blvd, Oshkosh, WI 54901.

#### 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.
3. Sexual assault.
4. Theft, fraud or embezzlement.
5. Criminal damage to property.
6. Stalking or harassment.

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

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

(d) The faculty member's fitness or ability to fulfill the duties of 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.

#### *University of Wisconsin Oshkosh Faculty Discipline and Dismissal for Cause*

*FAC 9.C.1. UWS 6.01 {Complaints} of the Wisconsin Administrative Code, Rules of the Board of Regents.*

**UWS 6.01 Complaints.**

The faculty of each institution, with the approval of the Chancellor, shall establish rules and procedures to deal with allegations by the administration, students, academic staff members, other faculty members, classified staff members, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 4. Such rules and procedures shall include, but not necessarily be limited to, the following:

- (1) Review of and administrative action on the complaint by the Chancellor. Administrative action may include dismissing the complaint, invoking an appropriate disciplinary action, or referring the complaint to the standing faculty committee created under sub. (2).
- (2) Provision for a hearing before a standing faculty committee selected by the faculty of each institution in such manner as they shall determine. Such hearing shall be held at the request of the Chancellor or, if the Chancellor invokes a disciplinary action, at the request of the faculty member concerned.
- (3) Guarantee of adequate due process to include, but not limited to, written notification of the complaint, fair and complete hearing procedures, written statement of findings, transmittal of findings to the faculty member involved and appropriate administrative officials within a reasonable period of time, and prohibition of further jeopardy for the same alleged misconduct after a final decision.
- (4) Delineation of the powers of the faculty committee to make recommendations to the Chancellor concerning disciplinary action, to recommend dismissal of the complaint, or to recommend referral of the complaint to the appropriate department or administrative officer.
- (5) The decision by the Chancellor on the recommendations of the committee, or on the complaint in the absence of committee recommendation, shall be final except that the board at its option might grant a review on the record.

*FAC 9.C.2. Definition and Purpose.*

A formal complaint expresses an objection to perceived misconduct and seeks disciplinary action against the offender. The purpose of this procedure is to provide a means by which administrators, students, academic staff members, other faculty members, classified staff members or members of the general public may bring a complaint against the conduct of a faculty member.

*FAC 9.C.3. Complaints Against Faculty Members.*

Complaints may be brought against faculty members for conduct which violates university rules or policies or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under UWS 4. The Chancellor shall determine after receiving the complaint whether it is to be considered under this part or the section of these rules titled "Faculty Dismissal."

- (1) Form of a Complaint.

Complaints shall be written and signed by the complainant. They shall identify the acts which allegedly violate university rules or policies or breach the faculty member's obligations, and they shall specify the rules or policies which have allegedly been violated or the obligations allegedly breached.

(2) Complaint Procedures.

(a) Upon receiving a complaint the Chancellor shall determine whether it warrants further consideration. If the Chancellor decides to reject the complaint at this stage, he or she shall so notify the complainant and shall explain the reasons why the complaint has been rejected. If the Chancellor decides to accept the complaint, he or she shall send a copy of the complaint to the faculty member it names and shall request a written response to the complaint within ten working days.

(b) Upon receipt of the faculty member's response or after ten working days have passed without a response, the Chancellor may dismiss the complaint or initiate a formal review of it. In the formal review, if any, the Chancellor shall examine all pertinent documents and interview all persons likely to have knowledge about the conduct in question and in general shall afford both the complainant and the respondent full and fair opportunity to show why the complaint should be prosecuted further or dropped. The Chancellor may appoint a designate to carry out the formal review and recommend appropriate action upon the complaint.

(c) Within twenty working days of initiating a formal review, the Chancellor shall take one of the following actions on the complaint and shall inform both the complainant and the respondent of the action:

1. Dismissal of the complaint;
2. Invocation of a sanction against the respondent; or
3. Referral to the Faculty Hearing Committee.

(d) If the complaint is dismissed, the faculty member shall not be subjected to further jeopardy for the same alleged misconduct.

(e) If the Chancellor invokes a sanction, he/she shall inform the faculty respondent of the reasons for his/her decision.

(f) If there is administrative disciplinary action, this may include sanctions such as:

1. Oral admonishment
2. Written reprimand
3. Requirement for restitution
4. Suspension of specific privileges
5. Reduction in salary; or
6. Reduction in rank

(g) Before invoking any sanction, the Chancellor will consult with the Executive Committee of the Faculty Senate about the appropriateness of the proposed sanction. If the Executive Committee and the Chancellor disagree about the appropriateness of the sanction, the Chancellor will inform the committee in writing of his/her reasons for thinking the proposed sanctions appropriate.

(h) Sanctions shall be subject to review by the Faculty Hearing Committee, upon request by the faculty member. If the Chancellor rejects the recommendations of the hearing subcommittee, he or she shall provide

the subcommittee and the Executive Committee of the Faculty Senate with a written statement of his/her reasons for rejecting the findings of the hearing subcommittee.

(i) Within ten working days of receiving notice from the Chancellor of administrative invocation of disciplinary action, the faculty member may file a request for review by the Faculty Hearing Committee. Should such a review be requested, the implementation of the administrative sanction shall be stayed pending the final decision by the Chancellor after receipt of the recommendation of the hearing subcommittee.

(j) If the Chancellor refers a complaint to the Faculty Hearing Committee, or if the faculty member requests such referral after administrative invocation of disciplinary action, the subcommittee shall follow the procedures outlined in the sub-chapter titled "Faculty Senate Hearing Committee." Normally, the hearing shall be completed within thirty working days. If the hearing committee is required by extenuating circumstances to extend the hearing beyond thirty days, it shall file with the chairperson of the Faculty Hearing Committee and the president of the Faculty Senate a statement of the reasons why it must extend the timeliness for the hearing and a tentative timetable for completing its hearing on the complaint.

(k) The findings and recommendations of the hearing subcommittee shall be transmitted to the faculty member, the complainant, and the Executive Committee of the Faculty Senate for submission to the Chancellor. The hearing subcommittee shall recommend to the Chancellor either dismissal of the complaint, specified disciplinary action such as indicated in section (f), above, or referral to a department or administrative officer for appropriate action.

(l) The Chancellor shall render a formal, written decision to the faculty member, the complainant, appropriate university officers and, for information only, to the Executive Committee of the Faculty Senate within ten working days of receipt of the recommendation from the Executive Committee. If the Chancellor fails to accept the recommendations of the hearing subcommittee, he or she shall provide the subcommittee, the chairperson of the Faculty Hearing Committee, the Executive Committee, and the principals in the complaint with a written rationale for rejecting the subcommittee's recommendations.

(m) At the request of the faculty member, the Board of Regents, at its option, may choose to grant a review of the decision on the record.

*FAC 8.B.1. UWS 4 {Procedures for Dismissal} of the Wisconsin Administrative Code, Rules of the Board of Regents.*

UW Oshkosh local policies refer directly to UWS 4 (seen above).

*FAC 8.B.2. Standing Faculty Committee.*

A subcommittee of the Faculty Senate Hearing Committee will be charged with hearing dismissal cases and making recommendations according to the provisions of UWS 4.03. This subcommittee shall operate as the hearing agent for the Board pursuant to Chapter 227, Wis. 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 UWS 4.07.

*FAC 8.C.1. UWS 7 {Procedures for Dismissal of Faculty in Special Cases} of the Wisconsin Administrative Code, Rules of the Board of Regents.*

UW Oshkosh local policies refer directly to UWS 7(seen above).

## 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.
3. Sexual assault.
4. Theft, fraud or embezzlement.
5. Criminal damage to property.
6. Stalking or harassment.

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

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

(d) The academic staff member’s fitness or ability to fulfill the duties of 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)
- (a) If, after affording the academic staff member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the academic staff member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:
  - (b) If the chancellor later determines that the academic staff member should not be dismissed the chancellor may discontinue the proceedings, or may impose a lesser penalty, and except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the academic staff member was willing and able to report for work;
  - (c) If the chancellor later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the academic staff member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the academic staff member.
- (4) If, after affording the academic staff member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.

#### *UWS 11.106 Board Review*

A member of the academic staff on an indefinite appointment who has been dismissed for serious criminal misconduct may appeal this action to the board as provided in s. UWS 11.10.

#### *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 Oshkosh Academic Staff Discipline and Dismissal for Cause*

#### *ACS 16.1. Complaints.*

If the complaint concerns any of the discrimination or harassment sections in GEN 1.2(1) through (8), the complaint is made according to the process outlined in that section of this Handbook.

Pursuant to UWS 13.01, a complaint is an allegation concerning the conduct of an academic staff member which violates University rules or policies, or which adversely affects the staff member's performance or obligation to the University. The Chancellor or designee shall decide whether a complaint as filed is serious enough to warrant dismissal proceedings under chapters UWS 11 and Chapter 17 of these rules.

- (1) A formal complaint seeks disciplinary action against another employee.
- (2) A complaint may be brought against an academic staff member by supervisor(s), administrators, students, other academic staff, faculty, classified staff, or members of the public. Persons with a complaint are encouraged to utilize informal discussion, collegial interaction and existing structures to resolve conflicts and remedy personal and professional concerns whenever possible. Where these do not provide a satisfactory resolution, the following formal procedure provides a means by which a person may bring a complaint against the conduct of an academic staff member.

#### *ACS 16.2. Form.*

	Grievance	Complaint
Nature	alleges unfair treatment or dissatisfaction with aspects of working conditions	objection to perceived misconduct and seeks disciplinary action against another employee
Focus	relief	sanction; can lead to dismissal from employment for another employee
Rules	UW Oshkosh Academic Staff Personnel Rules Chapter 15	UW Oshkosh Academic Staff Personnel Rules Chapter 16

These rules refer to written complaints signed by the complainant. Oral or anonymous complaints are not considered. Complaints shall be given to the Chancellor or designee within 60 calendar days of the date on which the violation became known to the complainant and shall contain the following information:

- (1) Description of the specific act(s) which resulted in the complaint, the date(s) when the act(s) took place, and the names of persons involved.
- (2) A listing of the specific rules, policies or performance obligations alleged to have been violated, or the nature of the alleged misconduct.
- (3) Evidence to support the complaint. Such evidence may include materials predating the action and leading to the complaint.
- (4) Desired outcome.

*ACS 16.3. Procedure.*

The following procedure shall be used to review complaints.

- (1) The Chancellor or designee shall forward the original copy of the complaint to the supervisor of the individual whose conduct is the subject of the complaint.
- (2) Once a complaint has been received, the supervisor shall then make an initial determination regarding the seriousness of the alleged misconduct.
- (3) Whenever the alleged misconduct could be serious enough for dismissal, or when the results of the initial review of the complaint allows a determination to be made that dismissal might possibly be warranted, the supervisor shall present a recommendation to the Chancellor or his/her designee who shall then determine whether the complaint shall be considered under Chapter 17 of the UW Oshkosh Academic Staff Personnel Rules. If the complaint is to be considered under Chapter 17, the Chancellor or designee shall notify the academic staff member that a complaint has been filed, and shall provide a copy of the complaint if requested.
- (4) If the complaint is to be considered under the present chapter of the rules, the supervisor shall, at his/her discretion, informally and confidentially discuss the complaint with the staff member about whom the complaint has been made or with other persons who may be knowledgeable concerning the alleged misconduct.
- (5) At the conclusion of these discussions, if no evidence of wrongdoing has been found, the complaint shall be dismissed and the complainant so notified. No record of it will be maintained in the staff member's personnel file.
- (6) If evidence of wrongdoing is found, the Chancellor or designee shall initiate appropriate action within 14 calendar days of the receipt of the complaint and shall inform the complainant that appropriate action has been taken.
- (7) If the complaint has not been dismissed or otherwise resolved within 14 calendar days of the receipt, the supervisor shall send a copy of the signed complaint to the academic staff member concerned. The Chancellor or his/her designee shall initiate a review. Within 14 calendar days of being notified, the Chancellor or designee shall meet as appropriate with the academic staff member, with the complainant, and with other persons if necessary, and shall begin the review of all relevant documents. Within 14 calendar days after the review is completed, the Chancellor or designee shall inform the academic staff member and complainant in writing of his/her action, which may include the following.
  - (a) Dismissal of the complaint. If the complaint is dismissed, the academic staff member shall not be subjected to further jeopardy for the alleged misconduct. No record of it will be maintained in the staff member's personnel file.



(b) Administrative invocation of an appropriate disciplinary action. If there is administrative disciplinary action, it may include but is not limited to sanctions such as:

- a. Oral admonishment;
- b. Written reprimand;
- c. Requirement for restitution;
- d. Suspension of specific privileges;
- e. Reduction in salary; and
- f. Suspension with or without pay for a specific period of time.

(c) Referral of the complaint to the Senate of Academic Staff for a hearing (see GOV 4.3.C.).

(d) Within 14 calendar days of receiving written notice from the Chancellor or designee of administrative invocation of disciplinary action, the academic staff member may file a request with the President of the Senate for review by a hearing committee, if such review has not already been held. Should such a review be requested, the implementation of the administrative sanction shall be stayed, pending final decision by the Chancellor or designee after receipt of the recommendation of the hearing committee.

(e) If the Chancellor or designee refers a complaint for hearing to the Senate of Academic Staff, or if the academic staff member requests such referral after administrative invocation of disciplinary action, the committee shall follow the procedures outlined under GOV 4.3.C. The hearing shall be completed within 40 calendar days, unless extended by mutual consent of the academic staff member and the hearing committee because extenuating circumstances exist.

(f) The findings and recommendations of the hearing committee shall be transmitted via the President of the Senate of Academic Staff to the academic staff member, the complainant, and the Chancellor. The hearing committee shall recommend to the Chancellor or designee:

1. dismissal of the complaint;
2. disciplinary action such as indicated above; or
3. referral to an administrative officer for appropriate action.

(g) The Chancellor, or designee, shall render a formal, written decision to the academic staff member, the complainant, appropriate University officers and, for information only, to the President of the Senate of Academic Staff within 14 calendar days of receipt of the recommendation from the academic staff hearing committee. The decision shall be final.

*ACS 17.1. Dismissal Procedure.*

(1) Upon receiving allegations of misconduct, the Chancellor or designee may direct an appropriate University administrator (see UWS 11.02) to conduct an informal investigation of the allegations and shall provide information concerning rights to which members of the academic staff are entitled under this chapter. In this case the academic staff member shall be informed by the Chancellor or designee of the allegations and every effort shall be made to resolve the problem informally within a period not to exceed three weeks.

(2) During this period of informal investigation and discussion, the salary of the academic staff member shall not be reduced or discontinued, and duties of the academic staff member shall not be modified unless continuation could involve substantial harm to the University of Wisconsin Oshkosh.

- (3) As a result of the informal investigation, the Chancellor or designee may decide that the charges should be dropped, or that the charges should be considered under the general complaint procedures found in Chapter 16 of these rules.
- (4) 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. 262.06(1)(c), Stats., where 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. (UWS 11.02)
- (5) When service as specified in UWS 11.02 above is known to be impossible (e.g. the academic staff member is out of the country), service as outlined above will be accompanied by an email message to the academic staff member's UW Oshkosh email address.
- (6) If informal investigation and discussion do not resolve the matter and the allegation is deemed sufficient to warrant dismissal, the administrator conducting the informal review shall prepare a statement of specific charges and forward them to the Chancellor or designee, who shall notify the affected staff member immediately according to the procedures under UWS 11.02 (2). The academic staff member shall be given an opportunity for a hearing before the appropriate Vice Chancellor [i.e., the Provost and Vice Chancellor for Academic Affairs (for instructional academic staff appointments) or the Vice Chancellor for Administrative Services (for all other academic staff appointments) (or designee identified by the responsible office)]. If the appropriate Vice Chancellor is the immediate supervisor of the academic staff member concerned, the Chancellor or designee shall designate an alternative administrative officer to conduct the hearing in order to avoid a conflict of interest or the perception of impartiality or fairness. For professional administrative positions outside the Division of Administrative Services, the Vice Chancellor for Administrative Services shall consult with the Vice Chancellor of the division(s) in question.
- (7) The academic staff member shall have 20 calendar days from the receipt of the specific charges to request a hearing before the administrative officer. The hearing, if requested, shall be completed within 20 calendar days after receipt of the request for a hearing, unless extended by mutual agreement or order of the administrator. If a hearing is not requested, dismissal is effected by the specifications in the original notification of charges from the Chancellor or designee.
- (8) The hearing before the administrative officer shall give the academic staff member a formal opportunity to present evidence and argument concerning the allegations. The supervisors and others involved also may be asked to present evidence.
- (9) After consultation with the Chancellor or designee, the administrative officer shall inform the academic staff member of the decision in writing. If the decision is to dismiss, the date of dismissal shall be effective immediately upon receipt of written notification of the decision, unless a different date is specified.
- (10) An academic staff member may request in writing a hearing on dismissal charges within 20 calendar days if notice was delivered personally or by certified mail, or within 25 calendar days if notice was made by first class mail and publication (see also UWS 11.10). During the pendency of the appeal, the effective date of dismissal as stated in the immediately preceding sub-section remains in effect unless or until changed by the Chancellor or designee.
- (a) The request for a hearing shall be made in writing to the Chancellor or designee, who shall inform the President of the Senate of Academic Staff.
  - (b) The President of the Senate shall form an academic staff hearing committee as described in GOV 4.3.C. The hearing shall commence not later than 20 calendar days after the academic staff member has made a request

for the review. This time limit may be extended by mutual consent of the parties or by order of the academic staff hearing committee.

(c) The academic staff member shall be given notice in writing at least 14 calendar days before the hearing.

(d) In addition to UWS 11.05 and procedures found in UWS 11.06, the following shall apply to all dismissal proceedings.

1. The academic staff hearing committee may, with the consent of the Chancellor or designee and the academic staff member subject to dismissal proceedings, hold joint pre-hearing meetings with the parties in order to:
  1. simplify the issues;
  2. consider stipulations of fact;
  3. provide for the exchange of documentary or other information; and
  4. achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective and expeditious.
2. Admissibility of evidence is governed by section 227.45(1), Wis. Stats.

(e) The hearing shall be held according to the procedures set forth in sections UWS 11.05 and 11.06. The hearing committee may establish additional procedures to implement the provisions of sections UWS 11.05 and 11.06.

(f) The academic staff hearing committee shall send to the Chancellor or designee and to the academic staff member concerned, via the President of the Senate, a verbatim sound recording of the testimony and a copy of its report, findings and recommendations as soon as practicable (but within 20 calendar days) after conclusion of the hearing.

(g) The Chancellor or designee shall afford the academic staff member a chance to meet and discuss the materials prepared or considered in the context of the hearing within 21 calendar days after their receipt. The Chancellor or designee shall prepare a written decision within 40 calendar days after receiving the report from the Senate President. In that decision, the Chancellor or designee may:

1. order dismissal (specifying the effective date) of the academic staff member;
2. impose a lesser disciplinary action; or
3. find in favor of the academic staff member.

(h) This decision shall be deemed final unless the Board of Regents, upon request of the academic staff member, grants review based on the record (see section UWS 11.07 and 11.10).

(i) If the academic staff member does not request a hearing, dismissal action shall proceed along normal administrative lines, but the provision of sections UWS 11.02, 11.08 and 11.09 shall apply.

(j) A decision to dismiss following a hearing may be appealed to the board within 30 days of the date of the decision by the Chancellor or designee. In these instances, section UWS 11.10 applies.

(11) If a proceeding on charges against an academic staff member holding a probationary or fixed-term appointment is not concluded before his/her appointment would expire, he/she may elect to have the proceedings carried to a final decision. Unless he/she so elects in writing, the proceedings shall end at the expiration of the appointment.

- (a) If the Chancellor or designee ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the decision by the Chancellor or designee, or at the end of the contract period - whichever is earlier - shall be restored.
- (b) In no event shall a decision favorable to the appellant extend the term of the original appointment.
- (c) If the Chancellor or designee decides in favor of the appellant and the appellant has been scheduled for a review leading to renewal/nonrenewal during dismissal proceedings, the Chancellor or designee may at his/her discretion decide on renewing the academic staff member following such evaluation as deemed appropriate.

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

**1. POLICY PURPOSE:**

The purpose of this policy is to establish grievance procedure parameters for university staff that include the elements required by [Wis. Stat. § 36.115\(4\)](#).

**2. POLICY BACKGROUND:**

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

**A. Dismissal**

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

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

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

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

**B. Discipline**

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

All UW System institutions will need to develop and administer grievance procedures for discipline of

university staff consistent with the elements outlined in this policy. University staff shared governance groups shall have the opportunity to participate in the development of the grievance procedures.

### **C. Working Conditions**

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

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

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

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

## **3. POLICY DEFINITIONS:**

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

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

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

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

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

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

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

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

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

#### 4. POLICY:

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

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

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

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

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

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

**A. Step One:** If attempts to resolve a matter through discussion between an employee and supervisor are not successful, a grievance may be filed. Grievances shall be filed with the employee’s department head, director, dean, or equivalent administrator no later than 30 calendar days from the date the grievant first became aware, or should have become aware (with the exercise of reasonable diligence), of the matter



grieved. Within 30 calendar days of receipt of the written grievance, the department head, director, dean, or equivalent administrator (or designee) shall meet with the grievant to hear the grievance. The grievant shall receive a written decision no later than seven (7) calendar days after this meeting. If the subject of the grievance is not discipline or layoff, there will be no further opportunity for appeal.

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

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

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

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

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

### University of Wisconsin Oshkosh University Staff Discipline and Dismissal for Cause

University Staff discipline and dismissal policies and procedures are based upon standards developed under the state civil service requirements. Current local policies are under development.

# Fire Safety Report

## Fire Statistics for On-Campus Student Housing Facilities

Unless otherwise specified, the housing locations are in Oshkosh, WI.

### 2019 Fire Statistics

Location	Address	Total # of Fires	Cause of Fire	# Injuries	# Deaths	Value of Property Damage
Donner Hall	820 High Ave.	0	N/A	N/A	N/A	N/A
Evans Hall	727 W. Lincoln Ave.	0	N/A	N/A	N/A	N/A
Fletcher Hall	712 Elmwood Ave.	0	N/A	N/A	N/A	N/A
Gruenhagen Conference Center: North	208 Osceola St.	0	N/A	N/A	N/A	N/A
Gruenhagen Conference Center: South	208 Osceola St.	0	N/A	N/A	N/A	N/A
Horizon Village	635 Elmwood Ave.	0	N/A	N/A	N/A	N/A
North Scott Hall	625 Algoma Blvd.	0	N/A	N/A	N/A	N/A
South Scott Hall	625 Algoma Blvd.	0	N/A	N/A	N/A	N/A
Stewart Hall	723 W. Lincoln Ave.	0	N/A	N/A	N/A	N/A
Taylor Hall	780 High Ave.	0	N/A	N/A	N/A	N/A
Webster Hall	810 High Ave.	0	N/A	N/A	N/A	N/A
Vue Campus	325 Campus Dr., Fond du Lac, WI 54935	0	N/A	N/A	N/A	N/A
Fox Village	1284 Midway Rd, Menasha, WI 54952	0	N/A	N/A	N/A	N/A

### 2018 Fire Statistics

Location	Address	Total # of Fires	Cause of Fire	# Injuries	# Deaths	Value of Property Damage
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<b>Donner Hall</b>	820 High Ave.	0	N/A	N/A	N/A	N/A
<b>Evans Hall</b>	727 W. Lincoln Ave.	0	N/A	N/A	N/A	N/A
<b>Fletcher Hall</b>	712 Elmwood Ave.	0	N/A	N/A	N/A	N/A
<b>Gruenhagen Conference Center: North</b>	208 Osceola St.	0	N/A	N/A	N/A	N/A
<b>Gruenhagen Conference Center: South</b>	208 Osceola St.	0	N/A	N/A	0	N/A
<b>Horizon Village</b>	635 Elmwood Ave.	0	N/A	N/A	N/A	N/A
<b>North Scott Hall</b>	625 Algoma Blvd.	0	N/A	N/A	N/A	N/A
<b>South Scott Hall</b>	625 Algoma Blvd.	0	N/A	N/A	N/A	N/A
<b>Stewart Hall</b>	723 W. Lincoln Ave.	0	N/A	N/A	N/A	N/A
<b>Taylor Hall</b>	780 High Ave.	0	N/A	N/A	N/A	N/A
<b>Webster Hall</b>	810 High Ave.	0	N/A	N/A	N/A	N/A
<b>Vue Campus</b>	325 Campus Dr., Fond du Lac, WI 54935	0	N/A	N/A	N/A	N/A
<b>Fox Village</b>	1284 Midway Rd, Menasha, WI 54952	0	N/A	N/A	N/A	N/A

### 2017 Fire Statistics

<b>Location</b>	<b>Address</b>	<b>Total # of Fires</b>	<b>Cause of Fire</b>	<b># Injuries</b>	<b># Deaths</b>	<b>Value of Property Damage</b>
<b>Donner Hall</b>	820 High Ave.	0	N/A	N/A	N/A	N/A
<b>Evans Hall</b>	727 W. Lincoln Ave.	0	N/A	N/A	N/A	N/A
<b>Fletcher Hall</b>	712 Elmwood Ave.	0	N/A	N/A	N/A	N/A
<b>Gruenhagen Conference Center: North</b>	208 Osceola St.	0	N/A	N/A	N/A	N/A
<b>Gruenhagen Conference Center: South</b>	208 Osceola St.	1	Arson: Sign set on fire with handheld lighter	N/A	N/A	\$75.00

<b>Horizon Village</b>	635 Elmwood Ave.	0	N/A	N/A	N/A	N/A
<b>North Scott Hall</b>	625 Algoma Blvd.	0	N/A	N/A	N/A	N/A
<b>South Scott Hall</b>	625 Algoma Blvd.	0	N/A	N/A	N/A	N/A
<b>Stewart Hall</b>	723 W. Lincoln Ave.	0	N/A	N/A	N/A	N/A
<b>Taylor Hall</b>	780 High Ave.	0	N/A	N/A	N/A	N/A
<b>Webster Hall</b>	810 High Ave.	0	N/A	N/A	N/A	N/A
<b>Vue Campus</b>	325 Campus Dr., Fond du Lac, WI 54935	0	N/A	N/A	N/A	N/A
<b>Fox Village</b>	1284 Midway Rd, Menasha, WI 54952	0	N/A	N/A	N/A	N/A

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

2019

1. There were no fires, fire-related damage, fire-related injuries, or fire-related deaths reported in on-campus student housing.

2018

1. There were no fires, fire-related damage, fire-related injuries, or fire-related deaths reported in on-campus student housing.

2017

1. 12/16/2017 - South Gruenhagen Conference Center – a sign hanging on a hallway wall was intentionally started on fire with a handheld lighter. This was a self-contained fire. Alcohol consumption was a factor. There were no fire-related injuries or deaths. The cost of the property damage was \$75.00.

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

UW Oshkosh residence halls in Oshkosh have fire rated doors, cooking hoods above common areas where students can cook in our renovated halls, and wet standpipe systems.

<b>Residence</b>	<b>Address</b>	<b>Fire Alarm Monitoring On-Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans and Placards</b>	<b># of Evacuation Drills/Year</b>
<b>Donner Hall</b>	820 High Ave.	Yes – Networked to UWOPD	No	No	Yes – Simplex Zone System	16	120	2
<b>Evans Hall</b>	727 W. Lincoln Ave.	Yes – Networked to UWOPD	No	No	Yes – Simplex Zone System	20	117	2

<b>Fletcher Hall</b>	712 Elmwood Ave.	Yes – Networked to UWOPD	No	Yes – Rooms, Halls, and Public Spaces	Yes – Simplex Zone System	25	240	2
<b>Gruenhagen Conference Center: North</b>	208 Osceola St.	Yes – Networked to UWOPD	No	Yes – Rooms, Halls, and Public Spaces	Yes – Simplex Zone System	41	231	2
<b>Gruenhagen Conference Center: South</b>	208 Osceola St.	Yes – Networked to UWOPD	No	Yes – Rooms, Halls, and Public Spaces	Yes – Simplex Zone System	39	231	2
<b>Horizon Village</b>	635 Elmwood Ave.	Yes – Networked to UWOPD	No	Yes – Rooms, Halls, and Public Spaces	Yes – Simplex Zone System	41	90	2
<b>North Scott Hall</b>	625 Algoma Blvd.	Yes – Networked to UWOPD	No	Yes – Rooms, Halls, and Public Spaces	Yes – Simplex Zone System	41	329	2
<b>South Scott Hall</b>	625 Algoma Blvd.	Yes – Networked to UWOPD	No	Yes – Rooms, Halls, and Public Spaces	Yes – Simplex Zone System	35	297	2
<b>Stewart Hall</b>	723 W. Lincoln Ave.	Yes – Networked to UWOPD	No	No	Yes – Simplex Zone System	17	118	2
<b>Taylor Hall</b>	780 High Ave.	Yes – Networked to UWOPD	No	Yes – Rooms, Halls, and Public Spaces	Yes – Simplex Zone System	27	249	2
<b>Webster Hall</b>	810 High Ave.	Yes – Networked to UWOPD	No	No	Yes – Simplex Zone System	12	97	2
<b>Campus Vue</b>	325 Campus Dr., Fond du Lac, WI 54935	Yes	Yes	Yes	Yes	Yes	No	0
<b>Fox Village</b>	1284 Midway Rd, Menasha, WI 54952	Yes- Operated by CEC	No	Yes- Rooms, Halls, and Public Spaces. Maintenanaced by AHERN	Yes- Operated by CEC	8	N/A	2

### UW Oshkosh Fire Safety Policy

If a fire occurs in a UW Oshkosh residence hall or apartment, community members should pull the fire alarm, use the nearest safe exit to evacuate and notify the Winnebago County Communication Center by immediately calling 911. If a

community member finds evidence of a fire that has been extinguished and the person is not sure whether the UW Oshkosh Police Department has already responded, the community member should immediately notify UW Oshkosh Police Department at (920) 424-1212 to investigate and document the incident. For the purposes of including a fire in the statistics in the Annual Fire Safety Report, notify the UW Oshkosh Police Department at (920) 424-1212 or [uwopolice@uwosh.edu](mailto:uwopolice@uwosh.edu).

## UW Oshkosh Residence Halls

### Residence Hall Fire Drills

Fire drills are conducted in all on-campus residence halls during the school year to allow residents to become familiar with building alarm systems and practice an evacuation. The drills are coordinated and conducted by the UW Oshkosh Police Department, the University Emergency Manager, the University Environmental Health and Safety (EHS) Coordinator, the Residence Life Coordinator and the UW Oshkosh Emergency Response Team.

Two fire drills were held in each residence hall in the previous calendar year. On a yearly basis, a fire drill is held in each residence hall early in the Fall semester (October) and again in the Spring semester (April).

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

Only microwave cooking is permitted in student rooms. 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 residence hall rooms. Horizon Village residents are able to utilize some appliances such as toasters and electric frying pans in their suite kitchenettes but are still prohibited from cooking in their bedrooms. 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.

For a list of permitted and prohibited items in the residence halls, refer to the UW Oshkosh Department of Residence Life "Rights and Responsibilities Handbook" found here: [https://uwosh.edu/housing/wp-content/uploads/sites/70/2018/09/CRRH2018\\_19-compressed.pdf](https://uwosh.edu/housing/wp-content/uploads/sites/70/2018/09/CRRH2018_19-compressed.pdf).

In addition, residents should monitor the number and type of appliances they bring. Use of multiple plugs and any extension cords are prohibited, as these items are extreme fire hazards. It is recommended that residents use power strips with a surge protector or fuse on it. Only one power strip can be used per outlet (you cannot plug a power strip into a power strip).

### Candles, Wax Warmers and/or Incense

Candles, wax warmers and incense may not be possessed in the residence hall for used for decoration. Any exceptions (i.e., religious purposes) to this policy must be obtained in writing from the Coordinator of Residential Conduct.

### Firecrackers/Fireworks

No person may possess or use fireworks on University lands. The possession or use of firecrackers, gunpowder or other materials that endanger health or safety is strictly prohibited. Students found in possession of fireworks and/or explosives are subject to legal consequences and/or University disciplinary action, including suspension or expulsion.

### Fires



No person may light any fires, including, but not limited to, burning candles, incense, lanterns, potpourri, or gas or charcoal cooktops or grills inside, or immediately surrounding (within 25 feet), of any residence hall. 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. Setting a fire will likely lead to dismissal from UW Oshkosh Housing.

### Fire Evacuation

All persons must evacuate the building when an alarm sounds. A student not complying with evacuation procedures is subject to disciplinary action.

### Fire Safety Equipment

No person may intentionally cause a false fire alarm, whether by means of a fire alarm system or otherwise. No person may tamper with fire extinguishers and boxes, fire hoses and other fire safety equipment. Individuals tampering with fire safety equipment will be subject to immediate suspension or expulsion from the University and legal consequences.

### Flammable Liquids

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.

### Room Capacity

No more than 10 people are allowed to be present in a student room at a time, with the exception of Horizon Village, which may have no more than 16 people in a suite.

### Smoke Detectors

No person may interfere and/or tamper with, unplug or remove any smoke detector without proper authorization.

### Smoking/Use of Vapor Producing Items

All residence halls are smoke-free. No person may smoke in any area of the residence halls. When smoking outside the building, all persons must remain at least 25 feet away from the building (Wisconsin State Statute, May 2004). The use of any vapor producing item is not permitted, this includes but is not limited to E-cigarettes, hookahs, and other vapor producing products. Through hall governments, and/or a possible all-hall vote, a hall may designate outdoor smoking areas in addition to, or in place of, the minimal distance (as long as it is at least 25 feet from residence halls).

### Smudging

In some cultures, a ceremony called “smudging” is held to cleanse an individual, or that individual’s surroundings, of bad feelings, negative thoughts, bad spirits or negative energy. The University of Wisconsin Oshkosh has a policy stating that smoking is not allowed within 25 feet of the halls, and the State Fire Marshal of Wisconsin has stated that smudging is not allowed in the residence halls. As an option to support and acknowledge religious freedom, and until a more private solution can be established, we will allow smudging to occur outside the halls and within the 25-foot smoking distance. Smudging must occur outside a first floor entryway. A ceremony for personal use must occur there. For permission to perform smudging, contact the Residence Life Office.

### Sprinklers

In buildings with sprinkler systems, nothing can be within 18 inches of the sprinkler spout, as it may obstruct the water in case of a fire. This includes books on shelves, furniture and items piled on top of lofted beds. In buildings with sprinkler systems, all rental lofts must be set on the lowest setting. Self-designed or homemade lofts are not allowed in buildings with sprinkler systems.

### Procedures to Use in Case of a Fire

If you see fire or smoke in your immediate area:

- **Activate the fire alarm.** Pull the nearest fire alarm station. Call 911 to report the location of the fire/smoke and any other pertinent information. If the call cannot be made safely from the building, call as soon as you find a safe place.
- **Remove anyone in immediate danger.** Advise students, staff and visitors to evacuate the building. Evacuate the building via the closest exit doors located away from the fire. Do not use elevators. Assist handicapped individuals to the nearest stairwell landing and advise police and/or firefighters of their location. Move well away from the building (500 feet is recommended).
- **Confine and contain.** Close all doors as you leave the building. Do not lock the doors.
- **Extinguish.** Do this only if you know the location of a nearby extinguisher and can do so without endangering your safety.

If you hear a fire alarm:

- You must evacuate the building. Ensure that all present in your area also evacuate.
- Shut the door, but do not lock the door.
- Do not delay your evacuation. But, if possible, take your backpack, briefcase, purse, and/or coat with you.
- Evacuate the building via the nearest fire exit and remain well away from the building (at least 500 feet) until informed by a UW Oshkosh Police Department officer or City of Oshkosh Fire Department member that you may re-enter.

Individuals with special needs (including temporary disabilities such as a broken leg, etc.) are asked to work with their Residence Hall Director to establish an evacuation protocol in case of a fire.

### 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://uwosh.edu/emergency/emergency-procedures-guide/fire/> and in this report. The training includes procedures students and employees should follow in case of a fire.

### Residence Hall Director (RHD) Training

When Residence Hall Directors (RHDs) and/or Assistant Residence Hall Directors (ARHDs) are assigned to a residence hall, they receive training specific to their residence hall. The training covers the following topics:

- Overview of their hall fire alarm and sprinkler systems
- Overview about evacuating their buildings and their roles during fire drills

### Community Advisor (CA) Training

When Community Advisors (CAs) are assigned to residence halls, they receive training in the form of a fire safety presentation. The training covers the following topics:

- Overview of their hall fire alarm and sprinkler systems
- Overview about evacuating their buildings and their roles during fire drills

### Educating Residents

Prior to the Fall and Spring fire drills, the Department of Residence Life posts information about evacuation plans and the consequences of not evacuating the building during an alarm. Fire drills are conducted early each semester. After the fire drills, another educational piece is posted listing the times it took residents to evacuate their building during the fire drill and what would have happened had it been an actual fire.

In addition to this student education, residence hall staff are trained each fall, or upon hiring, on what to do in case of fire, where to evacuate, and how best to assist residents in exiting the building.

### Plans for Future Improvement in Fire Safety

As older buildings undergo complete renovations, those that do not have sprinkler systems included as part of their infrastructure will be updated to include sprinkler systems as well as new fire alarm systems

\*\*\*Please note that Fox Village and Campus Vue are privately owned housing complexes owned and managed by BMOC Inc. While UW Oshkosh has an MOU with BMOC regarding data collection for these complexes, UW Oshkosh does not own, control, or manage either complex.

[End]