

University of Wisconsin
Eau Claire

Barron
COUNTY

2023 Annual Security Report



UW-Eau Claire — Barron County

1800 College Drive
Rice Lake, WI 54868

<https://barron.uwec.edu/>

In accordance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*

[This Page Intentionally Left Blank]

Table of Contents

Resources at a Glance.....	iv
Safety and Security.....	iv
Campus Offices.....	iv
Title IX Contacts.....	iv
Health Resources.....	v
Sexual Assault, Domestic Violence, Dating Violence and Stalking Resources.....	v
Mental Health Resources.....	v
Substance Abuse Resources.....	v
Campus Welcome Letter.....	1
Preparation of the Annual Security Report.....	2
Clery Crime Statistics.....	3
Unfounded Crimes.....	4
UW-Eau Claire – Barron County Campus Security Policies.....	4
Role, Authority, and Training.....	4
Reporting Crimes.....	4
Non-campus Locations of Officially Recognized Student Organizations.....	5
Voluntary, Confidential Reporting.....	5
Professional and Pastoral Counselors.....	5
Timely Warning Reports.....	5
Missing Student Notification for Students in On-Campus Housing.....	6
Emergency Response and Evacuation.....	6
Drills, Exercises, and Training.....	8
Emergency Notification.....	8
Mass Notification Annual Test.....	9
Security and Access to UW-Eau Claire – Barron County Facilities.....	9
General Campus Building/Facility Security.....	9
Informing Students and Employees of Campus Security Policies and Crime Prevention.....	9
Additional Crime Prevention and Security Awareness Programs.....	10

<i>UW-Eau Claire – Barron County Policies Governing Alcohol and Other Drugs</i>	10
Alcohol and Drug Abuse Programs and Interventions.....	11
UW-Eau Claire – Barron County Alcohol and Drug Policy.....	11
Campus Discipline, University of Wisconsin System Code and Wisconsin State Law.....	11
UWS 18.09 Alcohol and Drug Prohibitions.....	12
UWS 18.15 Additional Statutory Penalty Provisions Regulating Conduct on University Lands.....	13
Wis. Stats. 125.07.....	13
State of Wisconsin Uniform Controlled Substances Act.....	15
<i>Sexual Assault, Domestic Violence, Dating Violence, & Stalking</i>	16
Definitions.....	16
Education Programs and Campaigns.....	20
Bystander Intervention Programs and Risk Reduction.....	21
Procedures for Reporting Sexual Assault, Domestic Violence, or Stalking.....	23
Victim’s Rights.....	24
Restraining Orders and No Contact Orders.....	25
UW-Eau Claire – Barron County and Restraining Orders.....	27
Information About Sex Offenders.....	29
Protective Measures and Resource Notification.....	29
Confidentiality.....	30
Disciplinary Action for Sexual Assault, Domestic Violence, Dating Violence, & Stalking.....	32
Employee Disciplinary Action and Procedures	37

Resources at a Glance

Safety and Security

City of Rice Lake Police Department

Emergency.....911
Non-Emergency.....(715)234-1500
34 S Wilson Ave, Rice Lake, WI 54868
rlpd@ricelakegov.org

Barron County Sheriff's Office

Emergency.....911
Non-Emergency.....(715) 537-3106
Anonymous Tipster Line.....(800) 532-9008
1420 State Hwy 25 North, Room 1200, Barron, WI
54812-3007
<http://barronsheriff.org/>

Campus Offices

Campus Director

Abbey Fischer.....(715)788-6208
1800 College Drive
Meggers Hall Room 110
fischeab@uwec.edu

Dean of Students Office..... (715) 836-5992

240 Schofield Hall - UWEC
Dos@uwec.edu
<https://www.uwec.edu/dean-of-students/>

Office of Human Resources.....(715) 836-2513

Schofield Hall 226 - UWEC
humanresources@uwec.edu
<https://www.uwec.edu/human-resources/>

[KEPRO](#) Employee Assistance Program

Toll free.....(833) 539-7285

Services for Students with Disabilities

(715) 836-5800
Centennial Hall 2106 - UWEC
Ssd@uwec.edu
<https://www.uwec.edu/equity-diversity-inclusion/edi-services-programs/services-for-students-with-disabilities/>

Title IX Contacts

Title IX Coordinator

Teresa O'Halloran.....(715) 836-2522
101 Schofield Hall - UWEC
Affirm01@uwec.edu
<https://www.uwec.edu/affirmative-action/>

Deputy Title IX Coordinator

Gregg Heinselman..... (715) 836-5992
240 Schofield Hall - UWEC
Dos@uwec.edu
<https://www.uwec.edu/dean-of-students/>

Health Resources

Lakeview Medical Center.....(715) 234-1515
1700 West Stout Street
Rice Lake, WI 54868
24-hour Emergency Room, Forensic Examinations

Sexual Assault, Domestic Violence, Dating Violence and Stalking Resources

Barron County Dept. Of Health & Human

Services.....(715) 537-5691
335 E MONROE AVE, RM 338
BARRON, WI 54812-1478
<https://adrcresources.org/counties/barron/>

CASA (Center for Awareness of Sexual Assault)

Hibbard Hall 311C
124 Garfield Avenue
Eau Claire, WI 54701.....(715)836-4357
<https://www.uwec.edu/center-awareness-sexual-assault/>

National Domestic Violence Hotline... (800)799-7233

TTY(800)787-3224

RAINN (Rape, Abuse & Incest National Network)

National Sexual Assault Hotline(800)656-4673
www.rainn.org

Mental Health Resources

Campus Counselor/Psychologist

Dr. Bruce Jungerberg(715)822-3800
Meggers Hall, M 157 1800 College Drive
Rice Lake, WI 54868
jungerbw@uwec.edu

Barron County Dept. Of Health & Human Services.....(715)537-5691

Emergency Suicide/Mental Health, 1-888-552-6642 (24 hrs/day, 7 days/wk.)
335 E MONROE AVE, RM 338
BARRON, WI 54812-1478
<https://adrcresources.org/counties/barron/>

National Suicide Prevention Hotline...(800)273-8255

Substance Abuse and Mental Health Services Administration
www.samhsa.gov

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

Substance Abuse Resources

Barron County Dept. Of Health & Human Services.....(715)537-5691

Emergency Suicide/Mental Health, 1-888-552-6642 (24 hrs/day, 7 days/wk.)
335 E MONROE AVE, RM 338
BARRON, WI 54812-1478
<https://adrcresources.org/counties/barron/>

Substance Abuse and Mental Health Services Administration

National Helpline.....(800)662-4357
www.samhsa.gov

Campus Director's Welcome Letter

The University of Wisconsin-Eau Claire – Barron County is pleased to release the 2023 Annual Security Report to the community. The purpose of this report is to provide accurate information regarding campus and community resources, prevention efforts, conduct policies, and crime statistics for the past three years. This report has been produced in accordance to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

The Annual Security Report includes crimes reported on campus, in certain off-campus buildings or property owned or controlled by UW-Eau Claire – Barron County, and on public property within or immediately adjacent to and accessible from the campus. To complete this report, local law enforcement and designated campus officials were consulted.

This Annual Security Report will have the crime statistics for the calendar years of 2020, 2021 and 2022.

The safety, security and well-being of our students, employees, and campus guests are very important to us. It is important that all members of UW-Eau Claire – Barron County help to keep our campuses safe. We encourage everyone to report any crime or situation that violates the safety and well-being of our campus communities. If you or a friend are a victim of a crime, please know there are resources available to you on and off-campus to assist.

Each student and employee of UW-Eau Claire – Barron County will be notified, via e-mail, of how to access this report via the UW-Eau Claire – Barron County website.

You may obtain a copy of this report by contacting the Solution Center in Meggers Hall, 715-788-6249.

Sincerely,



Abbey Fischer

Campus Director

University of Wisconsin-Eau Claire – Barron County

Preparation of the Annual Security Report

The annual publication of the Annual Security Report fulfills the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.¹ This act, commonly called the Clery Act, requires the annual distribution of an Annual Security Report 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 UW-Eau Claire – Barron County; and on the public property within or immediately adjacent to and accessible from the campus in the past three years.

This report is prepared by the UW-Eau Claire – Barron County Campus Director. To gather additional resources for this report, the Director collaborated with UW-Eau Claire Police Department, Title IX Coordinator, Dean of Students Office, and others. These statistics reflect crimes reported to the Rice Lake Police Department and Barron County Sheriff's Office by university students, faculty, and staff, as well as various campus departments. Additionally, statistics for cases forwarded to the Dean of Students Office that are offenses pursuant to the Clery Act will appear in this report. The Annual Campus Security Report is reviewed and updated annually as one cohesive document per the requirements of federal law. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites. Each entity provides updated information on their educational efforts and programs to comply with the Act.

The full text of this report can be located on our website at barron.uwec.edu. Each year, an email notification is sent to all enrolled students, faculty, and staff concerning the institution's Annual Campus Security Report with an access link and an attachment of the document. Printed copies of the report may also be obtained at the Solution Center in Meggers Hall, 715-788-6244.

UW-Eau Claire – Barron County distributes a notice of the availability of this report by October 1 of each year.

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

Clery Crime Statistics

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

OFFENSES	Year 2020				Year 2021				Year 2022			
	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
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS												
Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0
Liquor	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS												
Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0
HATE CRIMES												
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism to Property	0	0	0	0	0	0	0	0	0	0	0	0

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

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

- Underage drinking is a civil offense in the state of Wisconsin, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.
- In accordance with new guidance from the Department of Education, “Unfounded Crimes” are reported in aggregate.

- Crimes committed between roommates or former roommates, without a current or former intimate relationship, are not counted in “Domestic Violence” or “Dating Violence” statistics (VAWA, 34 CFR Part 668, 2014).

Unfounded Crimes

No crimes were reported as unfounded for the last three years.

UW-Eau Claire – Barron County Campus Security Policies

Role, Authority, and Training

UW-Eau Claire – Barron County does not have any sworn or commissioned law enforcement personnel. UW-Eau Claire – Barron County does not have any agreements or memorandum of understanding with local or state law enforcement agencies. However, our campus is committed to preserving the safety of all students and will cooperate with local law enforcement as appropriate.

Reporting Crimes

UW-Eau Claire – Barron County does not maintain an active police department, but UW-Eau Claire – Barron County students and employees should report crimes to the Campus Director or Behavioral Intervention Team. 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.

UW-Eau Claire – Barron County strongly encourages all crimes be reported to assure UW-Eau Claire – Barron County can assess any and all security concerns and inform the community if there is a significant threat to the UW-Eau Claire – Barron County community. It is the policy of UW-Eau Claire – Barron County to strongly encourage accurate and prompt reporting of all crimes to the appropriate law enforcement agency. Other individuals are also encouraged to report when the victim is unable to do so. UW-Eau Claire – Barron County personnel will assist any student, employee, and/or campus guest with the notification of law enforcement and requesting law enforcement assistance. UW-Eau Claire – Barron County offers an [on-line reporting system](#). The prosecution of all criminal offenses is through the appropriate, Barron County District Attorney’s Office. UW-Eau Claire – Barron County does not prosecute crimes but provides appropriate support through the process.

UW-Eau Claire – Barron County provides information to students and employees about campus security procedures and practices. Students and employees are encouraged to be responsible for personal security as well as others. Students and employees are informed about crime prevention and positive bystander intervention practices through programs and literature distributions. This includes:

Students: New students receive information at the time of orientation about campus security procedures and practices and about the crime of sexual assault in particular. Students are informed of the procedure for reporting sexual assault crimes to campus officials and are encouraged to report these crimes to local law enforcement authorities. Students are informed about the importance of preserving evidence. Also included is information about the rights of victims and counseling services available for the victims of sexual assault. Continuing students receive information about the crime of sexual assault annually. All students receive the required notification that the Annual Security Report is available on the web, and that a paper copy may be requested.

Employees: At the first meeting of the Campus Community, campus security procedures and practices are addressed. All employees receive the required notification that the Annual Security Report is available on the web, and that a paper copy may be requested.

Prospective students: the link to the annual security report and Safety + Security is accessible on every page of the UW-Eau Claire – Barron County’s website.

Prospective Employees: there is a link to the annual security report on the UW-Eau Claire – Barron County employment page.

Prospective Students, Employees and other parties can also request a paper copy.

Noncampus Locations of Officially Recognized Student Organizations

UW-Eau Claire – Barron County does not have any officially recognized student organizations with non-campus locations.

Voluntary, Confidential Reporting

As a matter of policy, UW-Eau Claire – Barron County directs individuals to report a Clery crime to the Campus Director or the on-line reporting form, but such disclosures can be made to any Campus Security Authority (CSA). These reports may trigger investigations in cases of sexual assault, domestic violence, dating violence, and/or stalking.

Voluntary confidential crime reporting is available through the [online reporting system](#), or the Barron County Sheriff’s Department Tip Line, 1-800-532-9008, or text BCTIPS 847411 (TIP411). 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 still keeping your personally identifying information confidential. Reports filed in this manner are counted and disclosed in the Annual Security and Annual Fire Safety Report. In limited circumstances, the University may not be able to assure confidentiality and will inform you in those cases.

Professional and Pastoral Counselors

Professional mental health counselors who are appropriately credentialed and hired by UW-Eau Claire – Barron County to serve in a counseling role are not considered Campus Security Authorities (CSAs). Reports regarding Clery crimes made to these individuals are not required to be reported for inclusion in the Annual Security Report or for a timely warning evaluation, unless the reporter signs a Release of Information document. UW-Eau Claire – Barron County encourages professional counselors, if they deem appropriate, to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

UW-Eau Claire – Barron County does not employ Pastoral Counselors

Timely Warning Reports

In an effort to provide timely notice to the campus community in the event of a Clery Act Crime that may pose a serious or ongoing threat to members of the community, the UW-Eau Claire Police Department will issue “timely warnings.” These warnings may be issued for the following: arson; aggravated assault; criminal homicide; domestic violence; dating violence; robbery; burglary; motor vehicle theft, sexual assault; hate crimes; and stalking. UW-Eau Claire – Barron County may also issue a timely warning for liquor, drug and weapon arrests or referrals that may cause a continuing threat to the community. Timely warnings will be distributed in a number of ways through the Emergency Notification System.

The Chief of the UW-Eau Claire Police Department or designee has the authority to develop the content of a timely warning and authorize distribution using the guidelines listed below. The Chief of the UW-Eau Claire Police Department or designee will consider the type of offense, location, nature of any threat and whether there is a continuing threat to

the community or a continuing crime pattern in determining the appropriateness of a warning. Some information may be withheld if there is a risk of compromising law enforcement efforts to investigate and/or solve the crime. If the victim of the crime is a person, that person will not be identified by name in a timely warning. Timely warnings are issued as soon as the pertinent information is available to the Chief of the UW-Eau Claire Police Department and are sent through the Emergency Notification System.

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

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

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

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

UW-Eau Claire – Barron County will generally not issue crime warnings for crimes occurring beyond the immediate Clergy-designated geographical area, if the Chief of the UW-Eau Claire Police Department or designee determines there is no serious or continuing threat to the safety of UW-Eau Claire – Barron County students and employees; if the subject of the threat has been apprehended; or if a report was not filed in a manner that would allow for a timely warning. These determinations are made on case-by-case basis.

Missing Student Notification for Students in On-Campus Housing

UW-Eau Claire – Barron County does not provide campus housing. In the event a missing person is reported to UW-Eau Claire—Barron County officials, those officials will refer the reporter to the appropriate law enforcement officials.

Emergency Response and Evacuation

The authority to declare a campus state of emergency rests with the University Chancellor or their designee.

During the period of any campus major emergency or disaster, the Campus Director in coordination with local authorities may place into immediate effect the appropriate procedures necessary in order to meet the emergency, safeguard persons and property, and maintain facilities. All building evacuations will occur when an alarm sounds and/or upon notification by the Building Coordinator, and it is expected to evacuate to the nearest exit and alerting others to do the same. Building alarms sound inside and outside of buildings. The alarm system should automatically notify an emergency dispatcher; however, you are still encouraged to report the emergency via telephone (9-911).

Upon evacuation, it is advised to proceed to a clear area that is at least 500 feet away from the affected building. Keeping streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel is imperative. No one is permitted to return to an evacuated building unless he or she receives permission from an emergency official. Evacuation of all or part of the campus grounds will be announced by the Campus Director. Students and staff are to immediately vacate the site in question and relocate as directed. It is suggested that keeping persons together by their naturally

occurring groups, such as by classroom or building, provides the most natural and workable framework for "head counting." Such emergency/disaster events that require immediate evacuation of the premises include, but are not limited to, explosions on campus, fire, hazardous substance spill or radiation spill/release and flooding.

The Campus Director shall immediately consult with the Chancellor, or his/her designee, regarding the emergency and the possible need for a declaration of a campus state of emergency. When a state of emergency has been declared, only registered students, faculty, staff, appropriate emergency personnel, and affiliates (i.e., persons required by employment) are authorized to be present on campus. Those who cannot present proper identification (registration or employee identification card or other I.D.) showing their legitimate business on campus will be asked to leave the campus. Representatives from the media should be referred to the university's Public Information Officer.

Only those individuals who have been assigned a member of the Chancellor's Emergency Response Team and/or who have been issued an emergency pass by the Campus Director will be allowed to enter the immediate disaster site.

Any emergency which has the potential for publicity should be promptly reported to the Interim Chief Communications Officer at 715-836-4742—after having reported the emergency via telephone (9-911).

The Coordinator of the Chancellor's Emergency Response Team will determine if an Emergency Operations Center (EOC) is needed, and if so, where it will be located. In all cases of disaster, an EOC will be activated and operational plans will be developed and executed.

The on-scene Incident Management Team (IMT) will be established by emergency services personnel to direct building evacuations, coordinate rescue operations, dispatch victims to local hospitals, and otherwise control the situation at the scene of the disaster. The IMT will provide direct communication with area hospitals, emergency vehicles, police and fire personnel, and other local, county and state assistance agencies.

These procedures apply to all personnel, buildings, and grounds owned and operated by the UW-Eau Claire – Barron County. Coordinated effort of all campus-wide resources as well as outside emergency services are required in order to effectively control the situation.

A post-incident critique will be conducted as soon as practical following an emergency and/or disaster. The Campus Director and Director of Risk Management and Safety should jointly write the report incorporating input from members of the Chancellor's Emergency Response Team. The report will be shared with the Chancellor and his/her administrative staff.

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

Purpose	Official	Address	Phone Number
Emergency Response Team	Brian Drollinger	105 Garfield Ave, Schofield Hall, room 226C	715-836-4414
Emergency Notifications	Abbey Fischer	1800 College Dr, Meggers Hall, room 110	715-788-6208
Criminal Response	Rice Lake Police Department	34 S Wilson Ave, Rice Lake, WI 54868	715-234-1500

Drills, Exercises, and Training

The campus conducts at least two scheduled drills and exercises each year. An email notifying the campus community is sent regarding these drills and includes information on emergency response and evacuation procedures. In 2021, a tornado drill was conducted on April 15, and a fire drill was conducted on October 28.

The exercises and drills are assessed based on how well they conform to the campus' goals. Everyone involved in the emergency response and notification procedures will understand his or her role and responsibility. The assessment is then used for follow-up discussions, and practices, with supervisors.

Risk Management and Safety maintains reports for seven years. This information is also regularly distributed in the Annual Security Report.

Emergency Notification

In an emergency or dangerous situation, the Campus Director will immediately determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, comprise efforts to assist a victim, or to contain, respond to or otherwise mitigate the emergency/dangerous situation. Attempts will be made to notify the largest amount of the campus population. Notifications may occur through use of the university's mass notification service, the local media, or through other communication channels as appropriate for the emergency. The university's mass notification service also allows for notification through multiple means cell phone text messaging, email messaging, and university web-page notification. More specifically, following the event of an emergency on campus, the UW-Eau Claire – Barron County community will be notified via the following:

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

The emergency notification system for UW-Eau Claire students, faculty and staff is called Omnilert. All campus email addresses are automatically sent emergency notifications via Omnilert. Current students, faculty and staff also may have notifications sent to cell phone numbers and non-university email addresses by adding those numbers and addresses in their Omnilert settings. Settings can be changed by clicking on the Omnilert link through <http://www.uwec.edu/emergency/> and logging in with UW-Eau Claire – Barron County username and password. When registering a cell phone, know the name of your cell phone provider and have your cell phone with you and turned on. Your cell provider's standard text messaging rates will apply. You may also register a non-UW-Eau Claire email address.

The non-campus community can be notified through other communication channels such as the local media, UW-Eau Claire Facebook account, and/or notifications on the UW-Eau Claire homepage www.uwec.edu. The persons responsible for notifying the community (campus and non-campus), and determining the information disclosed is primarily the Campus Director in partnership with the Emergency Operations Committee who are designated responsible authorities. In certain emergency/disaster situations, emergency services are consulted as well to provide and disclose pertinent information. Furthermore, the Public Information Officer is responsible for updating the campus and non-campus community regarding the emergency. The entire campus will be notified when there is the potential that a very large number of people will be affected by a situation.

The authority to declare a campus state of emergency rests with the University Chancellor or their designee. The following definitions of an emergency are provided as guidelines to assist in determining the appropriate response:

- MINOR INCIDENT: Any incident, potential or actual, which will not seriously affect the overall function of the university.
- EMERGENCY: Life-threatening
- MAJOR EMERGENCY: Any incident, potential or actual, which affects an entire building or buildings and which will disrupt the overall operation of the University. Outside emergency services will probably be required as well as major efforts from campus support services. Major policy considerations and decisions will be required from the university administration during a major emergency.
- DISASTER: Any event, or occurrence, which has taken place and has seriously impaired or halted the operations of the university. In some cases, personnel casualties and severe property damage may occur. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency services will be essential. In all cases of disaster, an Incident Command Center will be activated, and operational plans will be developed and executed.

Mass Notification Annual Test

As part of UW-Eau Claire – Barron County’s ongoing emergency preparedness program, the university conducts a test of the university’s emergency notification system bi-annually. This is an announced test in which a test text message is sent to each person who signed up for the mass notification emergency alert system as well as an e-mail to all UW-Eau Claire – Barron County Outlook Exchange users. A test message also appears on the university’s webpage at this time. The tests are administered in the fall and spring semesters. In 2021, the tests were conducted at 10:01 a.m. on Feb. 18 and 10 a.m. on Sept. 16. If you require further information regarding the testing of the emergency notification system, please contact the Director of Risk Management, Brian Drollinger, 715-836-4414. More information about the University of Wisconsin-Eau Claire emergency notification system, as well as registration instructions, can be found at <http://www.uwec.edu/emergency/>.

Security and Access to UW-Eau Claire – Barron County Facilities

General access to and use of the facilities at UW-Eau Claire – Barron County is governed by University of Wisconsin System Chapter 21, Wisconsin Administrative Code², and institutional policies.

General Campus Building/Facility Security

Most buildings and facilities on the UW-Eau Claire – Barron County campus are open to students, community members, and visitors during normal business hours, Monday through Friday, and for limited designated hours Saturday and Sunday. Building times of access vary depending on scheduled activities and the nature of the building. With the exception of those personnel with keys or other appropriate forms of entry, access to campus buildings is generally restricted to university-affiliated personnel during recognized holidays. Faculty and staff members may be granted building keys upon the recommendation of a department chair or administrative head, in accordance with established procedures. For information about the access protocol for a specific building, contact the Campus Director, 715-788-6229.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to the Campus Director, 715-788-6229.

Informing Students and Employees of Campus Security Policies and Crime Prevention

UW-Eau Claire – Barron County 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

² UWS 21, available at http://docs.legis.wisconsin.gov/code/admin_code/uws/21/01.

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.

Additional Crime Prevention and Security Awareness Programs

Personnel from UW-Eau Claire – Barron County and the Dean of Students are available to present to academic classes, residence halls, student organizations, and incoming international students regarding campus safety issues around crime prevention and security awareness upon request. Presentations highlight steps to enhance personal safety as well as community responsibility for creating a safer campus. All students are required to take Sexual Assault Prevention training. Completion of it is required under Title IX and supports our efforts to prepare students for the unique challenges and responsibilities of their new environment. The Dean of Students office, in conjunction with the Gender & Sexuality Resource Center, has developed a “Stand Up” website to provide education and resources for students regarding bystander intervention. Additionally, the UW-Eau Claire Police Department offers detailed information about crime prevention strategies on our website <http://www.uwec.edu/Police/Crime-Prevention.htm>. This site includes educational information and crime prevention strategies including alcohol use/abuse, date rape drugs, identity theft, bicycle/pedestrian safety, emergency phones, personal safety suggestions, bicycle theft prevention tips, and general safety videos.

Incoming students must also complete an alcohol awareness training by in their first year of enrollment at UW-Eau Claire – Barron County. These trainings address alcohol use and abuse, bystander intervention, sexual assault awareness, domestic/relationship violence, stalking, drugs, and theft prevention. Most are offered on an annual basis. If you or your program would like to request a specific training, please contact the Campus Director.

In addition to formal training procedures, UW-Eau Claire – Barron County also includes safety tips in its Timely Warning announcements. These tips include:

- Call the police at 715-234-1500 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. 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.

UW-Eau Claire – Barron County Policies Governing Alcohol and Other Drugs

Alcohol and Drug Abuse Programs and Interventions

UW-Eau Claire – Barron County 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 from Dr. Bruce Jungerberg, Meggers Hall room 157, 715-822-3800. 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-Eau Claire – Barron County urges all students and employees to have adequate insurance coverage.

Information about UW-Eau Claire – Barron County’s full compliance with the Drug Free Schools and Communities Act, including the descriptions of drug and alcohol abuse education and intervention programs, can be found at <https://www.uwec.edu/files/7460/Biennial-Review-UWECBC.pdf>

UW-Eau Claire – Barron County Alcohol and Drug Policy

The University of Wisconsin System and UW-Eau Claire – Barron County 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.³ 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.⁴

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

³ Wis. Stat. § 125.07(1)(a)(1).

⁴ Wis. Stat. § 125.07(4)(a).

including those held in other municipalities, states, and nations. <https://www.uwec.edu/kb/article/alcohol-and-other-drug-policies/>

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 UW-Eau Claire – Barron County students. For alcohol misuse, students may be referred to appropriate intervention programs to address high risk drinking practices among college students. For marijuana use, students may be referred to appropriate intervention programs to identify harm reduction strategies or minimize use. For drug or alcohol violations, students may also be required to alcohol or drug abuse assessments with a licensed clinician. Student organizations or groups violating alcohol and drug policy or laws may also be subject to discipline by UW-Eau Claire – Barron County consistent with the Blugold Code of Conduct. Violations of local, state or federal laws may result in civil forfeitures or criminal prosecution.

University employees are also subject to disciplinary sanctions for violation of UW-Eau Claire – Barron County 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

UW-Eau Claire – Barron County 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.

UW-Eau Claire – Barron County prohibits sexual assault, domestic violence, dating violence, and stalking as they are defined for the purposes of the Clery Act and Wisconsin state law. UW-Eau Claire – Barron County 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.⁵

⁵ Wis. Stat. § 940.225(4).

Dating Violence

According to the Clery Act, Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include act covered under the definition of domestic violence.⁶

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.⁷

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.⁸

Domestic Abuse; Domestic Abuse Restraining Orders and Injunctions (Wis. Stats. s.813.12(1))

In the state of Wisconsin, domestic abuse means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness.
2. Intentional impairment of physical condition.
3. A violation of s. 940.225 (1), (2) or (3).
4. A violation of s. 940.32.
5. A violation of s. 943.01, involving property that belongs to the individual.
6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.⁹

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.

⁶ U.S. Department of Education (2016), Clery Handbook at 3-36, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

⁷ Wis. Stat. § 813.12(1)(ag).

⁸ U.S. Department of Education (2016), Clery Handbook at 3-38, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

⁹ Wis. Stat. § 813.12(1)(am).

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

Sex Offenses

According to the Clery Act, sex offenses are any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.¹⁰

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.¹¹

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.¹²

In the state of Wisconsin, people who are nearer of kin than 2nd cousins may not marry, except that marriage may be contracted between first cousins where the female has attained the age of 55 years or where either party, at the time of the application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently sterile. (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.¹³

Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.¹⁴ In the state of Wisconsin, sexual assault is differentiated by degree, with the following definitions:

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

¹⁰ U.S. Department of Education (2016), Clery Handbook at 3-6, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

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

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

¹³ 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>.

¹⁴ Violence Against Women Act of 1994, 34 C.F.R. 668.46(a).

- (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 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.¹⁵

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.

¹⁵ Wis. Stat. § 940.225(1-3m).

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.¹⁶In 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.¹⁷

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.

¹⁶ U.S. Department of Education (2016), Clery Handbook at 3-7, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

¹⁷ U.S. Department of Education (2016), Clery Handbook at 3-37:38, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

10. Causing a person to engage in any of the acts described in subds. 1. to 9.¹⁸

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.

UW-Eau Claire – Barron County 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.¹⁹ 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.²⁰

Primary Prevention Programs

UW-Eau Claire – Barron County has a number of primary prevention programs, including online training for all incoming students through a systemwide contract with EverFi for CampusClarity student sexual assault prevention training.

UW-Eau Claire – Barron County implements annual educational programs and campaigns to promote the awareness of dating violence, sexual assault and stalking for students through the culturally relevant, diversity-inclusive, sustainable, online training programs through EverFi. All incoming freshman and transfer students are trained with CampusClarity.

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.²¹ Employees who are both students and system employees.

Bystander Intervention Programs and Risk Reduction

UW-Eau Claire – Barron County is committed to providing bystander intervention strategies. All employees and students can engage as a proactive bystander, identify signs of an abuse dating partner, or engaging in protective behaviors and risk reduction techniques, by adopting the tips below.

Bystander Intervention Tips

¹⁸ Wis. Stat. § 940.32(1)(a).

¹⁹ U.S. Department of Education (2016), Clery Handbook at 8-4, available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

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

²¹ 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>.

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

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

Protective Behaviors and Risk Reduction: What Everyone Can Do

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

- Have healthy, open and ongoing conversations with your partner or potential partner about sex and sexual contact. Talk about your boundaries and what behaviors you both feel comfortable, and uncomfortable, engaging in.
- The next time you hear yourself talking about gender or sex in a derogatory way, stop. Speak up when you hear others talk this way—no matter their gender.
- Listen to or read the personal story of a survivor of violence.
- Make sure you have enthusiastic, affirmative and ongoing consent from your partner. Consent is a clear and freely given yes, not the absence of a no.
- Consent to one act does not mean consent to other acts. Communicate and be responsive. You must continually get consent for sex. If someone seems not okay with what's happening, it is your responsibility to check in.
- When you have sex be sure you understand your partner's limits and communicate your own limits clearly. Don't engage in sexual activities without affirmative consent from your partner.
- Most commonly, sexual assault is perpetrated not by a stranger but by someone the victim knows, typically a date or acquaintance.
- People who are incapacitated by alcohol or drugs cannot give consent. Signs of incapacitation may include—but are not limited to—throwing up, slurring words, stumbling, or not being able to remember conversations.
- Do not pressure others to drink or use drugs and be alert to people pressuring you or others to use.

- Alcohol and drugs are often used to create vulnerability to sexual assault. Studies of sexual assault incidents show a high correlation between sexual assault perpetration, victimization and drug/alcohol usage.
- Some sex offenders target people by using alcohol as a weapon. Get your own drinks; don't let someone continually fill your cup or leave your drink unattended.
- Use and encourage others to have a companion or a safe means of getting home, i.e., a trusted friend, taxi, or other ride service.
- 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
Criminal Reporting	Rice Lake Police Dept.	34 S Wilson Ave, Rice Lake, WI 54868	715-234-1500
University Administrative Reporting	For Students: Dean of Students	240 Schofield Hall	715-836-5992
	For Employees & Others: Title IX Coordinator	101 Schofield Hall	715-836-3487

UW-Eau Claire – Barron County encourages victims of sexual assault, domestic violence, dating violence, and/or stalking to report the incident immediately to Rice Lake Police Department at 715-234-1500 or by calling 911. In addition to law enforcement, individuals may also report sexual assault, domestic violence, dating violence, and stalking to UW-Eau Claire – Barron County through the Dean of Students Office. Following a report of sexual assault, domestic violence, dating violence, and/or stalking to UW-Eau Claire – Barron County, whether the offense occurred on or off-campus, UW-Eau Claire – Barron County 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, 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. UW-Eau Claire – Barron County will comply with a request for assistance in notifying law enforcement. Victims also have the right to decline to notify law enforcement. If the crime occurred on UW-Eau Claire – Barron County property, Rice Lake Police Department have jurisdiction. If the crime occurred off campus, the victim can notify the appropriate local law enforcement agency with jurisdiction at the location of the crime. 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 law enforcement authorities, the Dean of Students Office, or the Title IX Coordinator, UW-Eau Claire – Barron County will investigate for a hostile environment, and, where applicable, pursue disciplinary action against the person alleged to have committed the offense. The Dean of Students Office and Title IX Coordinator are required to respond appropriately to all reports of sexual violence and will do so when they receive notice of a possible hostile environment.

UW-Eau Claire – Barron County 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.) Information on how to obtain a Forensic Nurse Exam can be found here: <https://sane.doj.wi.gov/county/barron-county>.
- 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://sane.doj.wi.gov/county/barron-county>
- 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, or both, if you choose to report to both agencies]. You may request an officer of the gender you feel most comfortable with to take your statement.

Victim's Rights

Criminal Victim's Rights

In the state of Wisconsin, individuals who are the victims of crime, and who report that crime to the police, are entitled to certain protections.²² These rights include the general right to be “treated with fairness, dignity, and respect for his or

²² Wis. Stat. Ch. 950.

her privacy by public officials, employees, or agencies;”²³ as well as to attend court proceedings;²⁴ “to receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;”²⁵ “to be informed of financial assistance and other social services available as a result of being a witness of a crime;”²⁶ be accompanied by a victim advocate to law enforcement interviews;²⁷ and at interviews and proceedings related to the crime.²⁸ A full description of the rights of victims and witnesses of crimes is available at <https://docs.legis.wisconsin.gov/statutes/statutes/950.pdf>.

In addition to the rights given by federal and state law, UW-Eau Claire – Barron County 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.
- The right to access sexually transmitted infection (STI) testing and treatment, emergency contraception, and pregnancy testing.
- The right to be informed of and have access to their own medical, mental health, Forensic Nurse Examiner, campus disciplinary, and/or victim advocacy services.
- The right to not be punished for underage drinking if reporting a sexual assault or other crime per UW-Eau Claire – Barron County 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, the Dean of Students will not 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.”
- The right to have options for offering their testimony in a campus disciplinary hearing, including via phone or video conference.
- UW-Eau Claire – Barron County will disclose to the victim of a crime of violence or non-forcible sex-offense, the results of any disciplinary hearing conducted by UW-Eau Claire – Barron County against a student who is an alleged perpetrator of such crime or offense. If the victim is deceased as a result of the crime or offense, UW-Eau Claire – Barron County 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.endabusewi.org/FileStream.aspx?FileID=89> If you live in Barron County, the Barron County District Attorney’s Office will be able to assist.

https://www.barroncountywi.gov/index.asp?Type=B_BASIC&SEC=%7B46574272-EF56-4923-910B-38F447B17AF1%7D

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.

²³ Wis. Stat. § 950.04(1v)(ag).

²⁴ Wis. Stat. § 950.04(1v)(b).

²⁵ Wis. Stat. § 950.04(2w)(c).

²⁶ Wis. Stat. § 950.04(2w)(d).

²⁷ Wis. Stat. § 950.045(1).

²⁸ Wis. Stat. § 950.045(2).

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.²⁹

Restraining order forms can be found at <http://www.wicourts.gov/forms1/circuit.htm>, under the heading “civil.” In addition, the clerk of court in your county can provide you with the appropriate forms and limited information as to how to complete them. A list of clerks of court by county can be found at <http://www.wicourts.gov/contact/docs/clerks.pdf>. Sexual assault, domestic violence, dating violence and stalking victims sometimes ask if Restraining Orders are necessary if there is no criminal action pending. ROs do provide protections that are unavailable through the criminal trial process, such as the authority for law enforcement to make an immediate arrest if a violation occurs. Sexual assault victims also ask if the RO process can detrimentally impact a criminal case or ask which RO to obtain if the victim’s situation would allow him or her to obtain more than one type of RO. These can be complicated questions. The victim may want to discuss these concerns with the district attorney or with an advocate at a sexual assault program. Ultimately, these decisions lie with the victim because the victim is the person best able to determine what will keep him or her safe. For a list of sexual assault programs, please see www.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.³⁰

Harassment Restraining Orders (HROs)

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

Who can file?

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

Against whom can an HRO be granted?

Any person, child or adult, who engages in harassment as described above.

Remedies:

The respondent can be ordered to 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

²⁹ Wisconsin Department of Justice (2017). Restraining Orders, available at <https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders>.

³⁰ WCASA (2017). Restraining Orders for Sexual Assault Victims, available at http://www.wcasa.org/file_open.php?id=184.

remedies. The RO can be in effect up to 4 years. A firearm surrender is not automatic but may be requested by the petitioner of the HRO.

Domestic Abuse Restraining Order (DARO)

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

Who can file?

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

Against whom can a DARO be granted?

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

Remedies:

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

Child Abuse Restraining Order (CARO)

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

Who can file?

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

Against whom can the CARO be granted?

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

Remedies:

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

Enforcing a Restraining Order

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

UW-Eau Claire — Barron County and Restraining Orders

UW-Eau Claire — Barron County will enforce active restraining orders issued by a court of law, including tribal courts, when provided notice of the order. Students who have a court-issued restraining order and wish to inform UW-Eau Claire — Barron County should contact the Dean of Students office or Campus Director. Employees who have a court issued restraining order should notify Human Resources. 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 or not you have informed campus officials, please call 911 immediately.

No Contact Directives Issued by UW-Eau Claire — Barron County

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

A no contact directive is a university-issued directive that prohibits the recipient from having contact with -in any form- the individual or individuals named in the directive. The no contact directive is different than a restraining order/civil injunction issued by a court of law and may be issued independent of campus investigatory/disciplinary processes.

A no contact directive is issued when an authorized University employee determines that an individual should be prohibited from having contact with another person or persons. The individuals listed in a no contact directive can include, but might not be limited to: complainants, respondents and witnesses. No contact directives are often issued during the course of investigating cases which involve allegations of sexual assault, dating/domestic violence, and/or stalking.

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

Students

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

Notice of the no contact directive is sent to the Title IX Coordinator, Dean of Students, and Campus Director. 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.

Employees

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

Requesting a No Contact Directive

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

Enforcing a UW-Eau Claire – Barron County No Contact Directive

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

Information About Sex Offenders

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

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

UW-Eau Claire – Barron County Protective Measures and Resource Notification

UW-Eau Claire – Barron County 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. UW-Eau Claire – Barron County 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 Dean of Students Office, 715-836-5992, can assist in the creation of a safety plan, if requested. For more information about institutional no-contact orders and how to request accommodations, please see the Restraining Orders and No Contact Orders section of this document.

When determining what measures to grant, factors considered might include, but are not limited to: the specific need requested by the complainant, the age of the people involved, the severity or pervasiveness of the allegations, any continuing effects on the complainant, whether the complainant and alleged perpetrator share the same residence hall, dining hall, job location, classes, 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, may also provide direction and assistance. The following offices can provide information and assistance to those requesting accommodations and changes to academic, living, transportation, working situations and other protective measures:

Students or Employees?	Contact	Location	Email	Phone
For Students	Dean of Students	101 Schofield Hall		715-836-5992
For Employees	Human Resources	226 Schofield Hall		715-836-2513
Community	Rice Lake Police	34 S Wilson Ave, Rice Lake, WI 54868		715-234-1500

Students and employees who report sexual assault, domestic violence, dating violence and/or stalking to UW-Eau Claire – Barron County 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.

UW-Eau Claire – Barron County 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. UW-Eau Claire – Barron County 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 local law enforcement. This information is also provided to all students and employees in this ASR.

Confidentiality

UW-Eau Claire – Barron County will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of UW-Eau Claire – Barron County 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, UW-Eau Claire – Barron County 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, UW-Eau Claire – Barron County maintains information about sexual violence in a secure manner. If the University has notice of an incident, UW-Eau Claire – Barron County will balance the victim’s request to keep identifying information confidential with Title IX’s mandate to investigate hostile environments.

To the extent permissible by law, UW-Eau Claire – Barron County will endeavor to keep victim and necessary party information private. However, once a report is made to the UW-Eau Claire – Barron County, or 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. UW-Eau Claire – Barron County will strive to maintain as confidential any accommodations or protective measures provided to the victim, but keeping victim information confidential may limit UW-Eau Claire – Barron County’s ability to provide accommodations or protective measures.

For victims aged 18 and older who report to non-confidential sources, reports of sexual assault, domestic violence, dating violence and/or stalking are directed to the Title IX Coordinator, who will share relevant information only with those who need to know, such as Deputy Title IX Coordinators, complaint investigators, and other individuals who are responsible for handling the school’s response to incidents, or as necessary to comply with the Wisconsin Public Records law, a valid subpoena, a lawful discovery request, or a governmental inquiry or investigation. Institution follows applicable Title IX guidance and the requirements of the federal Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, when evaluating whether to disclose student information. In the case of minors, UW-Eau Claire – Barron County 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. UW-Eau Claire – Barron County will redact a victim’s identifying information when responding to requests for information pursuant to the Wisconsin Public Records law. The UW-Eau Claire – Barron County 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. UW-Eau Claire – Barron County 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 on campus available such as Dr. Bruce Jungerberg, 715)822-3800.

Dr. Bruce Jungerberg provides counseling, mental health and accommodation testing for students.

On-Campus Confidential Resources for Students

Students can contact the following resources on-campus confidential resources: Solution Center (715)788-6288 to receive information on financial aid, counseling services, immigration status, victim advocacy, conduct, compliance, tuition, academic advising, and other questions and concerns.

On-Campus Confidential Resources for Employees

Employees can contact the following resources on-campus:

Office of Human Resources, Schofield Hall 226 - UWEC, (715) 836-2513

humanresources@uwec.edu

<https://www.uwec.edu/human-resources/>

[Employee Assistance Program \(EAP\): Kepro](#) 833-539-7285

Disability Resources, Centennial Hall 2106 - UWEC (715) 836-5800

Ssd@uwec.edu

<https://www.uwec.edu/equity-diversity-inclusion/edi-services-programs/services-for-students-with-disabilities/>

Title IX Coordinator, 101 Schofield Hall – UWEC, (715) 836-2522

Affirm01@uwec.edu

<https://www.uwec.edu/affirmative-action/>

Off-Campus Confidential Resources

Anyone can contact the following community resource:

Barron County Dept. Of Health & Human Services.....(715)537-5691

335 E MONROE AVE, RM 338

BARRON, WI 54812-1478

<https://adrcresources.org/counties/barron/>

Disciplinary Action for Sexual Assault, Domestic Violence, Dating Violence, & Stalking

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

The UW-Eau Claire — Barron County Student Disciplinary Procedures (University of Wisconsin System - Chapter UWS 17) provides specific authority for the University to discipline students who engage in nonacademic misconduct that constitutes a danger to the personal safety of others. Section 17.09 states “the university may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of conduct: Dangerous Conduct (conduct that endangers or threatens the health or safety of oneself or another person), sexual assault, stalking, harassment, hazing...” etc.

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

Disciplinary Sanctions: The disciplinary sanctions that may be imposed for non-academic misconduct, in accordance with the procedures of 17.11 to 17.13, are any of the following:

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

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

The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed above. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the student in person, by telephone, or by electronic mail to offer to discuss the matter with the student. The purpose of this

is to allow the student an opportunity to respond, but if the student does not respond to the investigating officer's offer to discuss the matter, the investigating officer may proceed to make a determination on the basis of available information. If the investigating officer determines that a non-academic misconduct did occur and that one or more of the disciplinary sanctions listed should be recommended, the investigating officer shall prepare a written report which shall contain all of the following:

1. A description of the alleged misconduct
2. A description of all information available to the university regarding the alleged misconduct. Such information shall be available to the student upon request, except as may be precluded by applicable state or federal law.
3. Specification of the sanction sought.
4. Notice of the student's right to a hearing.
5. A copy of this chapter and of the institutional procedures adopted to implement this section (17.11 (4) (a)).

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

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

A student who requests a hearing, or for whom a hearing is scheduled under 17.11 (4) © 2., shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee. If a student requests a hearing under 17.11 (4) ©1., or a hearing is required to be scheduled under 17.11 (4) © 2., the student affairs officer shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request of written report. The hearing shall be conducted within 45 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the student and investigating officer, or is ordered or permitted by the hearing examiner or committee. No less than 5 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the student with access to or copies of the investigating officer's explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information of the type described in 17.11 (4) (a) 2.

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

(a) The hearing process shall further the educational purposes and reflect the university context of non-academic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in this Code.

(b) The student shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be accompanied by an advisor of the student's choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified in 17.10 (1) (a) to (h), the advisor may counsel the student, but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the student except at the discretion of the

hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in 17.10 (1) (i) or (j), or where the student has been charged with a crime in connection with the same conduct for which the disciplinary sanction is sought, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the student. In accordance with the educational purposes of the hearing, the student is expected to respond on his or her own behalf to questions asked of him or her during the hearing.

(c) The hearing examiner or committee:

1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony. Blugold Code - 24 –

2. Shall observe recognized legal privileges.

3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, provided, however, whatever procedure is adopted, the student is allowed to effectively question the witness.

(d) The hearing examiner or committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. The student charged with misconduct may access the record, upon the student's request.

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

(f) A hearing examiner's or committee's finding of non-academic misconduct shall be based on one of the following:

1. Clear and convincing evidence, when the sanction to be imposed is one of those listed in 17.10 (1) (h) to (j).

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

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

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

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

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

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

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

Where the sanction prescribed by the hearing examiner or committee is one of those listed in 17.10 (1) (h) to (j), the student may appeal to the chief administrative officer within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record. In such a case, the chief administrative officer has 30 days from receipt of the student's appeal to respond and shall sustain

the decision of the non-academic misconduct hearing examiner or committee unless the chief administrative officer finds any of the following: (a) The information in the record does not support the findings or decision of the hearing examiner or committee. (b) Appropriate procedures were not followed by the non-academic misconduct hearing examiner or committee and material prejudice to the student resulted. (c) The decision was based on factors proscribed by state or federal law.

If the chancellor makes a finding under sub. (1), the chancellor may return the matter for consideration by a different hearing examiner or committee, or may invoke an appropriate Blugold Code - 25 - remedy of his or her own (17.13).

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

The procedures set forth in this chapter allow the university and a student to enter into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the student and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the student (17.15).

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

Effect of Suspension or Expulsion Within the University System:

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

(2) A student who is suspended from one institution in the University of Wisconsin System may not enroll in another institution in the system until the suspension has expired by its own terms, except as provided in 17.18.

(3) A student who is expelled from one institution in the University of Wisconsin System may not enroll in another institution in the system, except as provided in 17.18.

(4) A person who is in a state of suspension or expulsion from the university under this chapter, or who leaves or withdraws from the university while under non-academic misconduct charges under this chapter, may not be present on any campus without the written consent of the chief administrative officer of that campus.

(5) Upon completion of a suspension period, a student who is academically eligible may re-enroll in the institution which suspended him or her, provided all conditions from previous disciplinary sanctions have been met (17.17)

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

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

(a) The investigating officer has made a reasonable attempt to offer the student the opportunity for discussion, either in person or by telephone.

(b) The investigating officer recommends a sanction of suspension or expulsion.

(c) The chief administrative officer concludes, based on the available information, that the misconduct occurred and that the student’s continued presence on campus meets one or more of the following conditions:

1. Would constitute a potential for serious harm to the student.
2. Would constitute a potential for serious harm to others.
3. Would pose a threat of serious disruption of university–run or university–authorized activities.
4. Would constitute a potential for serious damage to university facilities or property.

If the chief administrative officer determines that an emergency suspension is warranted under sub. (2), he or she shall promptly have written notification of the emergency suspension delivered to the student. The chief administrative officer’s decision to impose an emergency suspension shall be effective immediately when delivered to the student and is final. Where an emergency suspension is imposed, the hearing on the underlying allegations of misconduct shall be held, either on or outside of university lands, within 21 days of the imposition of the emergency suspension, unless the student agrees to a later date. An emergency suspension imposed in accordance with this section shall be in effect until the decision in the hearing on the underlying charges pursuant to 17.12 is rendered or the chief administrative officer rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the student agrees to a longer period. If the chief administrative officer determines that none of the conditions specified in sub. (2) (c) are present, but that misconduct may have occurred, the case shall proceed in accordance with 17.12.

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

You can find the Blugold Code of Conduct through the Dean of Students Office webpage, under “Student Conduct.” <https://www.uwec.edu/kb/article/blugold-student-conduct-code/>

Employee Disciplinary Action and Procedures

UW-Eau Claire – Barron County 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, UW-Eau Claire – Barron County has various types of at-will employees, including limited appointees, teaching assistants (TA), project assistants (PA), postdoctoral trainees, other employees-in-training, and student hourlies. All employees may 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, UW System policies, and UW-Eau Claire – Barron County policies and processes. UW-Eau Claire – Barron County will ensure that all employee disciplinary procedures are compliant with applicable 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-Eau Claire – Barron County 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-Eau Claire – Barron County 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-Eau Claire – Barron County 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 sexual violence and sexual harassment policy can be found at

<https://www.uwec.edu/kb/article/policies-sexual-violence-and-sexual-harassment-policy-title-ix-policy/>