Policy Statement

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

Purpose and Scope of Policy

This policy prohibits acts of sexual violence and sexual harassment on university property, at university-sanctioned or university-affiliated events, and where off-campus conduct affects a member of the university community. This policy applies to all university students and employees. The university is committed to educating its community and to promptly and effectively respond to and redress conduct that violates this policy. This policy provides the UW-River Falls community with information and resources to identify, report, and respond to sexual violence and sexual harassment including sexual assault, stalking, and dating and domestic violence. These efforts support the overall missions of UW-River Falls and the UW System.

Title IX Statement

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

I. Definitions

(See Appendix B).

II. Role and Duties of University Officials and Employees

A. Title IX Coordinator

The duties of the UW-River Falls Title IX Coordinator are described in the institutional position description. Those duties include: receiving reports of sexual violence and sexual harassment; maintaining appropriate records; providing or supporting the provision of appropriate education and training; maintaining ongoing communication with any Deputy Title IX Coordinators and the Title IX Committee; investigating allegations of sexual violence and sexual harassment, as appropriate; ensuring that applicable policies, resources, and other information is up-to-date and properly disseminated. The duties of the Title IX Coordinator will be guided by principles of trauma-informed care.

B. Title IX Committee

The Title IX committee at UW-River Falls meets on a regular basis, at minimum quarterly, to discuss policy implementation and revision; to assess the effectiveness of trainings and educational programming; to address campus climate issues; and to provide guidance to the Title IX Coordinator. The following are offices represented on this committee:
C. Responsible Employees

UW-River Falls has designated individuals as “responsible employees” under this policy: refer to website, https://www.uwrf.edu/TitleIX/Responsible-Employees.cfm. These individuals should be properly trained to do the following:

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

D. All Employees

In accordance with § 36.11(22), Wis. Stats., employees who witness an act of sexual assault, or who receive a first-hand report of sexual assault from an enrolled student, must report that information online via the Mandated Reporting Form on Sexual Assault/Sexual Harassment. Confidential employees, described below, are only required to report the occurrence of the sexual assault.

All employees must comply with Executive Order 54 which requires that university employees report incidents of child abuse and neglect which they observe or witness in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services.

http://www.uwrf.edu/campussafety/childabuse.cfm

III. Reporting an Incident of Sexual Violence or Sexual Harassment

A. Reporting Options

Those who have been subjected to an incident of sexual violence or sexual harassment, or who have received a report of or witnessed an incident of sexual violence or sexual harassment, have several options for reporting the incident:

1. The individual may elect not to report (unless the individual is an employee who has information about a sexual assault as described in II.D. above)
2. The individual may report information to a confidential resource:
   UWRF Campus Victim Advocate (CVA contracted with Turningpoint) 715-425-6751 or 1-800-345-5104 (24-Hour Crisis Line)
   https://www.uwrf.edu/StudentHealthAndCounseling/CVA.cfm
Additionally confidential employees for students:
UWRF Counseling and Student Health Services, 211 Hagestad Hall, 715-425-3884
https://www.uwrf.edu/StudentHealthAndCounseling/StudentHealthServices/

3. The individual may report information to the campus Title IX Coordinator:
   Gregg Heinselman, Title IX Coordinator, 170 University Center, 715-425-0720
   gregg.heinselman@uwrf.edu
   Michelle Drost, Deputy Title IX Coordinator, 216 North Hall, 715-425-3073
   michelle.drost@uwrf.edu
   Cindy Holbrook, Deputy Title IX Coordinator, Athletics Department, 715-425-3250
   cindy.holbrook@uwrf.edu
   Thomas Pedersen, Deputy Title IX Coordinator, B3 East Hathorn, 715-425-0720
   thomas.pedersen@uwrf.edu

4. The individual may report information to campus law enforcement:
   UWRF University Police, 103 Regional Development Institute, Non-Emergency 715-425-3133, Emergency: 911
   https://www.uwrf.edu/Police/

5. The individual may report information to local law enforcement:
   River Falls Police Department, 125 East Elm Street, Non-Emergency: 715-425-0909,
   Emergency: 911

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

Individuals have the option to file a complaint with the U.S. Department of Education, Office for Civil Rights:
http://www2.ed.gov/about/offices/list/ocr/docs/howto.html

B. Amnesty for Students Requesting Emergency Assistance

Victims and bystanders to sexual assault and certain other sex crimes in accordance with §. 36.35 (4), 125.07 (5), Wis. Stats, will not be issued citations or be subject to disciplinary sanctions for violation of university policy for his or her violation of certain underage drinking laws at or near the time of the incident. “Bystander” means a person who is present with a crime victim at the time of or immediately following the alleged crime. “Crime victim” means a person who claims to have been the victim of a crime constituting a violation under 940.22 (2), 940.225, 940.302, 948.02 (1) or (2), 948.05 to 948.095.

C. Confidentiality

Individuals, including victims, who report to any of the offices or individuals noted above, or to any other university employee, except those noted below, cannot be assured absolute confidentiality. However, information provided in the report and in any subsequent, related proceeding will be maintained in a confidential manner; only those individuals who have a need

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to know to fulfill obligations consistent with university policies or laws will be privy to certain information.

D. **Resources and Accommodations**

1. **Accommodations**

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

2. **Resources**

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

**On-Campus**

UWRF Campus Victim Advocate (CVA contracted with Turningpoint)
Safety, support, and services to victims and survivors of sexual assault and violence
715-425-6751 or 1-800-345-5104 (24-Hour Crisis Line)
[https://www.uwrf.edu/StudentHealthAndCounseling/CVA.cfm](https://www.uwrf.edu/StudentHealthAndCounseling/CVA.cfm)

UWRF Counseling Services
211 Hagestad Hall
715-425-3884
[https://www.uwrf.edu/StudentHealthAndCounseling/CounselingServices/](https://www.uwrf.edu/StudentHealthAndCounseling/CounselingServices/)

UWRF Student Health Services
211 Hagestad Hall
715-425-3293
[https://www.uwrf.edu/StudentHealthAndCounseling/StudentHealthServices/](https://www.uwrf.edu/StudentHealthAndCounseling/StudentHealthServices/)

Student Affairs
170 University Center
715-425-4444
[https://www.uwrf.edu/StudentAffairs/](https://www.uwrf.edu/StudentAffairs/)

Human Resources Office
216 North Hall
715-425-3518
[https://www.uwrf.edu/HumanResources/](https://www.uwrf.edu/HumanResources/)

UW-River Falls University Police
103 Regional Development Institute
715-425-3133 (or 911)
[https://www.uwrf.edu/Police/](https://www.uwrf.edu/Police/)
Off-Campus

Turningpoint
Safety, support, and services to victims and survivors of sexual assault and violence
715-425-6751 or 1-800-345-5104 (24-Hour Crisis Line)

Sexual Assault Response Team (SART) / Sexual Assault Nurse Examiner
Forensic healthcare, education, protection, and advocacy for victim survivors of sexual violence
715-425-6443 or 1-888-334-4677 (24-Hour Forensic Nurse Examinations)

Pierce County Reproductive Health Services
1234 South Wasson Lane
715-425-8003

Vibrant Health Family Clinic
1687 East Division Street
715-425-6701

River Falls Police Department
125 East Elm Street
Non-Emergency & Information: 715-425-0909
Emergency: 911

E. Procedures

1. When a report is made to the Title IX Coordinator alleging that a student has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
   UWS 17, Student NonAcademic Disciplinary Procedures

2. When a report is made to the Title IX Coordinator alleging that a faculty member has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
   UWS 4, Faculty Procedures for Dismissal
   UWS 6, Faculty Complaints and Grievances
   UWS 7, Dismissal of Faculty in Special Cases

3. When a report is made to the Title IX Coordinator alleging that a member of the academic staff has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
   UWS 11, Dismissal of Academic Staff for Cause
   UWS 13, Academic Staff Complaints and Grievances

4. When a report is made to the Title IX Coordinator alleging that a member of the university staff has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
   UPS Operational Policy GEN 14: Grievance Procedures

5. When a report is made to campus law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, the procedures linked here apply.
   https://www.uwrf.edu/Police/CrimeResponseProc.cfm
6. When a report is made to local law enforcement alleging that an individual has engaged in an act of sexual violence or sexual harassment, resources are available by contacting River Falls Police Department. [http://www.rfcity.org/index.aspx?nid=314](http://www.rfcity.org/index.aspx?nid=314)

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

F. **Prompt Resolution**

The offices and individuals receiving a report of sexual assault or sexual harassment will endeavor to resolve the matter in a timely manner, with consideration to available information and context.

1. **Potential Sanctions**

The procedures identified above provide for disciplinary action against staff members and students who are found responsible for violating University policy. Such sanctions may include restrictions on a course or program, suspension, expulsion, suspension and dismissal from academic duties. Chapter UWS 17.10, Wis. Admin. Code provides a more comprehensive list of potential sanctions against students. Employee sanctions may include suspension from duties and dismissal.

2. **Notice of Outcome**

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

G. **Prohibition Against Retaliation**

This policy prohibits retaliation against an individual who reports, assists an individual in reporting, or participates in proceedings involving an allegation of sexual violence or sexual harassment. Retaliation under this policy includes threats, intimidation, or adverse employment/academic actions. Those who believe they have been subjected to retaliation under this section may report the allegations to the Title IX Coordinator or Deputy, campus law enforcement, or local law enforcement. (See contact information above.)

H. **False Accusations**

Knowingly making a material misstatement of fact in connection with reporting under this policy may subject the individual to disciplinary action. Anyone who believes that they have been the subject of a false complaint may meet with the Title IX Coordinator to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.

IV. **Education and Training**

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

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The Chancellor or designee will identify and offer more in-depth training for employees who are executives, supervisors, managers, directors, department heads, responsible employees, and those connected with the disciplinary process.

V. Record Keeping and Data Collection

As noted above, the Title IX Coordinator will maintain records of reports of sexual violence and sexual harassment consistent with the institutional records-retention policy. In addition, the Title IX Coordinator will track compliance with mandatory training programs, and maintain a list of training and education offered on campus.

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

The Office of Student Conduct and Community Standards will collect appropriate data and compile the state report required under § 36.11(22), Wis. Stats.

VI. Assessment

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

APPENDIX B: DEFINITIONS

Complainant. Any individual who is reported to have been subjected to sexual harassment, sexual assault, dating violence, domestic violence, or stalking, as defined in the relevant Administrative Code provisions or policies. See, e.g., Chs. UWS 4.015 (faculty), UWS 11.015 (academic staff), and UWS 17.02(2m) (students).

Confidential Employee. Any employee, who is a licensed medical, clinical, or mental health professional, when acting in that role in the provision of services to a patient or client who is a university student or employee. A Confidential Employee will not report specific information concerning a report of sexual violence or sexual harassment received by that Employee in the Employee’s professional capacity unless with the consent of the reporting individual or unless required by the Employee’s license or by law.

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

Consent. Words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to have sexual intercourse or sexual contact. A person is
unable to give consent if the person is incapacitated because of drugs, alcohol, physical or intellectual disability, or unconsciousness [§ 940.225(4), Wis. Stats.].

**Dating Violence.** Violence committed in a “dating relationship,” which is defined as a romantic or intimate social relationship between two adult individuals; “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 [§ 813.12(1)(ag), Wis. Stats.]:

1. Intentional infliction of physical pain, physical injury, or illness.
2. Intentional impairment of physical condition.
3. A violation of the state statute regarding sexual assault [§ 940.225(1), (2) or (3), Wis. Stats.].
4. A violation of the state statute regarding stalking [§ 940.32, Wis. Stats.].
5. A violation of the state statute regarding damage to property [§ 943.01, Wis. Stats.], involving property that belongs to the individual.
6. A threat to engage in any of the conduct under 1 through 5 listed above [§§ 813.12 (1)(am) and 968.075, Wis. Stats.].

**Employee.** Any individual who holds a faculty, academic staff, university staff, limited, student employment, employee-in-training, temporary, or project appointment. *(See, e.g., UPS Operational Policy, GEN 0, General Terms and Definitions (https://www.wisconsin.edu/ohrwd/download/policies/ops/gen0.pdf))*

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

**Hostile Environment.** A hostile work, academic, or program-related environment is created when one engages in harassment that consists of unwelcome verbal or physical conduct directed at another individual because of that individual’s gender, and that has the purpose or effect of creating an intimidating, hostile, or offensive work, academic, or program-related environment or has the purpose or effect of substantially interfering with that individual’s work or academic performance. Substantial interference with an employee’s work or academic performance or creation of an intimidating, hostile, or offensive work, academic, or program-related
Incapacitation. As it applies to this policy, the state of being unable to physically and/or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person’s decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

Office for Civil Rights. The U.S. Department of Education office that is responsible for enforcing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other education-based discrimination acts. [See 20 USC §§ 1681-1688]

Preponderance of the Evidence. Information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than “clear and convincing evidence” and is the minimum standard for a finding of responsibility. [Sections UWS 17.02(13), UWS 11.015(7), UWS 4.015(7), and UWS 7.015(5), Wis. Admin. Code]

Respondent. A student who is accused of violating a policy under Chapter UWS 17, Wis. Admin. Code, or an employee who is accused of violating a policy under Chapters UWS 4, 7, or 11, Wis. Admin. Code.

Responsible Employee. Any employee (other than a “confidential resource”):

1. Who has the authority to take action to redress sexual misconduct;
2. Who has been given the duty of reporting incidents of sexual misconduct by students or employees to the Title IX coordinator or other appropriate school designee; or

Retaliation. An adverse action taken against an individual in response to, motivated by, or in connection with an individual’s complaint of discrimination or discriminatory harassment, participation in an investigation of such complaint, and/or opposition of discrimination or discriminatory harassment in the educational or workplace setting.

Sex Discrimination. Discrimination on the basis of sex or gender. Sexual harassment and sexual assault are forms of sex discrimination. [See 20 USC §§ 1681-1688]
Sexual Assault. Sexual contact or sexual intercourse with another person without the consent of that person.

1. FIRST DEGREE SEXUAL ASSAULT. Engaging in any of the following constitutes First Degree Sexual Assault:
   a. Sexual contact or sexual intercourse with another person without consent of that person and that causes pregnancy or great bodily harm to that person.
   b. Sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
   c. Sexual contact or sexual intercourse with another person without the consent of that person by use or threat of force or violence, aided or abetted by one or more persons.

2. SECOND DEGREE SEXUAL ASSAULT. Engaging in any of the following constitutes Second Degree Sexual Assault:
   a. Sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
   b. Sexual contact or sexual intercourse with another person without consent of that person causing injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
   c. 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.
   d. 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.
   e. Sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
   f. Sexual contact or sexual intercourse with another person without the consent of that person, aided or abetted by one or more other persons.

3. THIRD DEGREE SEXUAL ASSAULT. Sexual intercourse with a person without the consent of that person.

4. FOURTH DEGREE SEXUAL ASSAULT. Sexual contact with a person without the consent of that person. [§ 940.225, Wis. Stats.]

Sexual Contact. Intentional touching, whether direct or through clothing, if that intentional touching is for the purpose of sexually degrading or sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under § 940.19(1) or § 940.225(5)(b)(1), Wis. Stats.

Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
or educational experience, (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or learning environment. [Adapted from 29 C.F.R. § 1604.11 (1980)].

**Sexual Intercourse.** Penetration, as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal opening either by the defendant or upon the defendant’s instruction [§ 940.225(5)(c), Wis. Stats.].

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

**Stalking.** Intentionally engaging in a course of conduct that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household [§ 940.32, Wis. Stats.].

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

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

**Title IX Coordinator (and Deputies).** An employee designated to coordinate compliance with Title IX, who plays an important role in an institution’s efforts to ensure equitable opportunity for all students and employees, and who works with school officials to remind the school community that students and employees must have equal access to all programs. (Adapted and revised from April 24, 2015, “Dear Colleague Letter” available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf).

**Trauma-Informed Care.** Trauma-informed care reflects an understanding of trauma and emphasizes creating services and programs that are sensitive and directly responsive to the trauma that many victims and survivors experience following a violent crime. Trauma-informed care programs identify and limit potential triggers to reduce their re-traumatization and protect their mental and emotional health. https://www.justice.gov/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers. Trauma-informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed care also emphasizes physical, psychological and emotional safety for both consumers and providers, and helps survivors rebuild a sense of control and empowerment. See also: http://www.traumainformedcareproject.org/resources/SAMHSA%20TIC.pdf; and Sexual Violence and Sexual Harassment Policy, Page 11
Violence Against Women Act (VAWA). Federal law enacted in 1994, which promotes the investigation and prosecution of violent crimes against women, among other objectives. Recently, it affected amendments to the Clery Act [42 U.S.C. §§ 13701-14040], through the Campus Sexual Violence Act (SaVE) provision, Section 304.

Authority
The UW-River Falls Chancellor approves this policy in accordance with the Administrative Policy process. The Assistant Chancellor for Business and Finance is responsible for the substance of, and compliance with all administrative policies. The Policy Owner (Responsible Office) is responsible for the administration and maintenance of this policy.

Sanctions and Appeals Process
Failure to adhere to the provisions of this policy may result in appropriate disciplinary action as provided under existing procedures applicable to students, faculty, and staff, and/or civil or criminal prosecution.

University Responsibilities
Human Resources is responsible for administration of this policy.

Related Documents
Regent Policy Document 14-2 Sexual Violence & Sexual Harassment
Regent Policy Document 14-6 Discrimination, Harassment, and Retaliation
Regent Policy Document 14-8 Consensual Relationships

Contact
Please direct questions about this policy to administrative-policy@uwrf.edu