

# VITERBO UNIVERSITY

## 2018 ANNUAL SECURITY AND FIRE SAFETY REPORT

August 2018

### INTRODUCTION

The Annual Security and Fire Safety Report includes crime statistics for the most recent three-year period concerning reported crimes that occurred on campus; in certain off-campus building or properties owned or controlled by Viterbo; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning alcohol and drug use, crime prevention, reporting of crimes, sexual misconduct, and safety and security matters. The Fire Safety Report outlines fire safety practices, standards, and all fire related statistics for on campus residential facilities. In compliance with the U.S. Department of Education requirements, colleges and universities that participate in federal student financial assistance programs must publish an Annual Security Report each year by October 1st.

To request a paper copy of the report or for more information, contact the Director of Campus Safety or the Vice President for Student Affairs. The Annual Security and Fire Safety Report is also available on the Viterbo University web site at <http://www.viterbo.edu/campus-safety-and-security/annual-security-report>.

### PREPARATION OF THE 2018 ANNUAL SECURITY AND FIRE SAFETY REPORT

This report is prepared to comply with the U.S. Department of Education requirements and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Email notification containing web site access to this report is made annually to Viterbo students and employees. The full text of this report is available at this link: <http://www.viterbo.edu/about-viterbo/annual-security-report-including-safety-related-policies>

This 2018 Annual Security and Fire Safety Report was prepared by the Vice President for Student Affairs (VPSA) and the Director of Campus Safety. Members of Viterbo's Emergency Response Task Force and Student Affairs staff also assisted with review and edits of this report. Campus crime, arrest and referral statistics include those reported to Campus Safety and Security, the Vice President for Student Affairs, Residence Life, Campus Security Authorities, and local law enforcement agencies.

## SAFETY AT VITERBO UNIVERSITY

### La Crosse Campus

#### REPORTING CRIMES AND EMERGENCIES

It is imperative that all crime and suspicious activity be reported to the Campus Safety and Security Department accurately and promptly. By working together, the university community and local law enforcement agencies can reduce crime on campus. We encourage all campus members to report all crimes or other emergencies to the local law enforcement and then to the Campus Safety and Security Department.

All Viterbo incident reports involving students, with the exception of confidential reports, alleging sexual harassment (including sexual violence), are forwarded to the Student Affairs Division. The Student Affairs Division will then refer all incident reports to the Office of Student Life for potential judicial action as appropriate.

A person reporting a crime to Campus Safety has the right to report the crime to their local law enforcement agency by calling **911** or utilizing the local law enforcement agency non-emergency phone number listed in the chart below. Campus safety officers, regularly discuss this option with the victim of a crime, and will assist the victim with that process. Viterbo University does not have any officially recognized student organizations that have housing facilities "on or off-campus." Campus Safety may be contacted about incidents occurring off-campus involving Viterbo students. There is no official LCPD policy requiring such notification involving private property. Students in these cases may be subject to arrest by LCPD and university disciplinary proceedings through the Office of Student Life.

To help provide a secure and safe environment, personnel are available to receive reports of crime and respond to calls at these telephone numbers 24 hours a day, 7 days a week, and 365 days a year. All incidents reported are reviewed, and applicable information is forwarded to the appropriate university office or civil authority.

## La Crosse Campus

DEPARTMENT	SITUATION	PHONE NUMBER	LOCATION
Police, Fire, Emergency, Medical Services	Emergency Requiring Immediate Response	911	*****
Viterbo Campus Safety and Security	Immediate Response Needed	608-796-3911 or 3911 from campus phone	5 Student Development Center/936 Franciscan Way or Student Union Security Outpost behind Security Desk
La Crosse Police Department	Non-Emergency	608-785-5962	City Hall, 400 La Crosse St., La Crosse, WI
Viterbo Campus Safety	Evening And Weekend Non-Emergency	608-796-3911	Student Union Security Outpost behind Security Desk
Viterbo Campus Safety	Weekday Non-Emergency	608-796-3913	5 Student Development Center, 936 Franciscan Way
Viterbo Campus Safety	In The Event Of A Power Outage	608-780-1582	5 Student Development Center, 936 Franciscan Way, or Student Union Security Outpost behind Security Desk

## West Allis Campus (Wisconsin)

DEPARTMENT	SITUATION	PHONE NUMBER	LOCATION
Police, Fire, Emergency, Medical Services	Emergency Requiring Immediate Response	911	*****
West Allis Police Department	Non-Emergency	414-302-8000	11301 W Lincoln Ave, West Allis, WI 53227
Viterbo Campus Safety	Report A Crime or Incident Non-Emergency	608-796-3911	Student Union Security Outpost behind Security Desk La Crosse, WI

## West Des Moines Campus (Iowa)

DEPARTMENT	SITUATION	PHONE NUMBER	LOCATION
Police, Fire, Emergency, Medical Services	Emergency Requiring Immediate Response	911	*****
West Des Moines Police Department	Non-Emergency	515-222-3320	250 Mills Civic Pkwy West Des Moines, IA 50265
Iowa Campus Coordinator Michael Gonzalez	Non-Emergency	515-224-0417	Center 4949 Westown Parkway, Suite 195. West Des Moines, IA 50266
Viterbo Campus Safety	Report A Crime or Incident Non-Emergency	608-796-3911	Student Union Security Outpost behind Security Desk La Crosse, WI

Viterbo University faculty, staff, students, and visitors are encouraged to report all crimes and public safety-related incidents or emergencies in a timely manner. This allows Campus Safety to evaluate and improve methods for security and patrolling in an effort to increase effectiveness. Examples of reportable incidents include:

- Any suspicious activity or person seen on or loitering around campus, in or near the residence halls, apartments or theme house, or in the parking lots should be reported to Campus Safety.
- Actual breaches of security such as an unescorted guest in the residence halls; doors propped open with rocks, sticks, or similar devices; unauthorized personnel working on windows, doors or other Physical Plant areas; unauthorized individuals entering or using university equipment, offices, or rooms.

### **REPORTING CRIMES ON AN ANONYMOUS BASIS**

If you have experienced or have knowledge of certain crimes and do not want to pursue action within the university system or local criminal justice system, you may want to consider making an anonymous report. An anonymous report can be made on the Viterbo Speaks Up link: <http://www.viterbo.edu/student-affairs/viterbo-speaks>. The Director of Campus Safety can write a report on the details of an incident without revealing your identity. You can complete and submit an incident report form while remaining anonymous at this link: <https://publicdocs.maxient.com/incidentreport.php?ViterboUniv>. With such information, the university can keep an accurate record of the number of incidents involving students, determine if there is a pattern of crime in regard to a particular location, method, or assailant, and alert the campus community of potential danger. Anonymous reports are counted and disclosed in the annual crime statistics for the university.

### **EMERGENCY BLUE LIGHT PHONES**

Emergency blue light phones are located on the La Crosse Campus. Once activated, a large blue strobe light flashes from the top of the phone tower and the on duty campus safety officer receives a phone call. If you need assistance, see something that is suspicious, or see someone else who needs assistance, you should activate a blue light phone and speak directly with the campus safety officer.

- a. Brophy Center (Dahl School of Business), northwest entrance off of Assisi Courtyard
- b. Fine Arts Center, Jackson Street entrance
- c. Library, Main entrance
- d. McDonald Terrace, Eighth Street entrance
- e. Parking Lot I, adjacent to Reinhart Center and Alley
- f. Physical Plant Building, Winnebago Street entrance
- g. Rose Terrace, Clock Tower entrance
- h. Student Union, Marian Courtyard entrance
- i. Treacy House, Southwest corner adjacent to parking lot D
- j. Assisi Courtyard

### **PASTORAL AND PROFESSIONAL COUNSELORS REPORTING REQUIREMENTS**

The US Department of Education stipulates in The Handbook for Campus Safety and Security Reporting that campus “pastoral counselors” and campus “professional counselors,” when acting as such are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

At Viterbo, the Pastoral Counselor is the University Chaplain. The Professional Counselors are the Director of Counseling Services and any other licensed counselors working in the department. The counselors in the Counseling Center and the University Chaplain may inform their clients of the procedures to report crime to Viterbo Campus Safety or the La Crosse Police Department on a voluntary basis.

### **LA CROSSE VITERBO CAMPUS SAFETY AND ACCESS**

Campus Safety and Security is available 24 hours a day, 7 days a week, and 365 days a year on the La Crosse Campus. Campus Safety will respond immediately to your location in the event of an emergency. Response time may be affected by various factors, such as the number and location of available personnel and/or their involvement at the time.

<b>Campus Safety Personnel</b>	<b>Location</b>	<b>Phone</b>	<b>Hours</b>
Director of Campus Safety	5 Student Development Center/ 936 Franciscan Way	Emergency 608-796-3911 Non-Emergency 608-796-3913	8 am to 5 pm
Campus Safety Officers	Security Outpost behind the Student Union Security Desk	Emergency 608-796-3911 Non-Emergency 608-796-3911	5 pm to 8 am

### **RESPONSIBILITIES OF CAMPUS SAFETY PERSONNEL**

Campus safety and security officers are trained to handle a variety of calls and complaints from the Viterbo University community. Campus safety and security officers have the authority to ask individuals for identification, to determine whether those persons have lawful business on campus and to issue parking tickets billed through the Business Office. They are not police officers nor do they possess the power to arrest. If a situation arises which a campus safety officer cannot handle, the proper authorities will be contacted. Campus Safety and Security maintains an ongoing working relationship with the La Crosse Police Department and the La Crosse County Sheriff's Department.

Campus safety and security officer functions include: protecting campus community members and visitors; assisting visitors and serving as concerned public relations representatives; limiting access to those who are authorized; serving as a deterrent to persons intent on committing criminal acts, including vandalism; watching for use of illegal drugs and consumption of alcohol; protecting proprietary information; monitoring materials leaving the facilities and helping to ensure that company property does not leave without proper authorization; and spotting and reporting potential hazards. In addition, campus safety officers may be called to assess the severity of a physical or mental health situation and call for transportation to a local healthcare provider, if necessary.

Serious criminal incidents are referred to the local police who have jurisdiction on campus. Campus Safety and Security maintains a highly professional, ongoing working relationship with the La Crosse Police Department (LCPD) and the La Crosse County Sheriff's Department. Campus Safety and Security occasionally works with other law enforcement agencies including West Allis Police Department and West Des Moines Police Department. These organizations share information and the LCPD, WAPD, and WDMPD assists Viterbo Campus Safety and Security frequently with information and services. The LCPD assigns a community liaison to the La Crosse Viterbo University campus, and there are two LCPD officers assigned to the Washburn neighborhood. The university and the LCPD also collaborate on a new student orientation program. Both organizations, Viterbo and LCPD, hold seats on the Tri-Campus Community Advocacy Group for reduction of overconsumption of alcohol. Viterbo also assists the LCPD by providing volunteers for the Third Street Aid Station during Oktoberfest. The LCPD sends reports of off-campus alcohol offenses to the university. A memorandum of understanding designates the La Crosse Police Department as the law enforcement agency responsible for response to, and investigation of, criminal activity on the La Crosse Viterbo University campus.

While Viterbo Campus Safety and Security personnel may assist occasionally with off-campus incident or assist students requesting Safe Walk services or emergency services, the authority and jurisdiction of Campus Safety and Security is limited to Viterbo campus between 7<sup>th</sup> and 10<sup>th</sup> Streets and Market and Jackson Streets in La Crosse, Wisconsin. The address of the buildings on the campus property in La Crosse, Wisconsin are shown under the Definitions of Locations section of this report.

### **WEST ALLIS VITERBO CAMPUS**

West Allis Viterbo Campus does not have Campus Safety Officers. Serious criminal incidents are referred to the West Allis Police Department. Non-emergency incidents are referred the Campus Safety and Security Department in La Crosse, WI. Campus Safety and Security Officers can take an incident report by phone or email. The Campus Safety and Security Officer can evaluate how to handle the incident and contact the local law enforcement if needed.

<b>DEPARTMENT</b>	<b>SITUATION</b>	<b>PHONE NUMBER</b>	<b>LOCATION</b>
Police, Fire, Emergency, Medical Services	Emergency Requiring Immediate Response	911	*****
West Allis Police Department	Non-Emergency	414-302-8000	11301 W Lincoln Ave, West Allis, WI 53227
Viterbo Campus Safety	Report A Crime or Incident Non-Emergency	608-796-3911	Student Union Security Outpost behind Security Desk La Crosse, WI

## West Des Moines Campus

West Des Moines Viterbo Campus does not have Campus Safety Officers. Serious criminal incidents are referred to the West Des Moines Police Department. Non-emergency incidents are referred the Campus Safety and Security Department in La Crosse, WI. Campus Safety and Security Officers can take an incident report by phone or email. The Campus Safety Officer can evaluate how to handle the incident and contact the local law enforcement if needed.

DEPARTMENT	SITUATION	PHONE NUMBER	LOCATION
Police, Fire, Emergency, Medical Services	Emergency Requiring Immediate Response	911	*****
West Des Moines Police Department	Non-Emergency	515-222-3320	250 Mills Civic Pkwy West Des Moines, IA 50265
Iowa Campus Coordinator Michael Gonzalez	Non-Emergency	515-224-0417	Center 4949 Westown Parkway, Suite 195. West Des Moines, IA 50266
Viterbo Campus Safety	Report A Crime or Incident Non- Emergency	608-796-3911	Student Union Security Outpost behind Security Desk La Crosse, WI

### LA CROSSE BUILDING ACCESS

During business hours, the university will be open to students, employees, guests, and vendors. During non-business hours and during periods of extended closing, access to all university facilities is by key or card, if issued, or through Campus Safety, Physical Plant, or Residence Life.

Residence halls and apartments are secure 24 hours a day. Some facilities may have individual hours, which may vary at different times of the year (i.e., Fine Arts Center, library, Mathy Center, Outdoor Athletics Complex, Student Union, and Varsity Athletics Center). These facilities will be secured according to the schedules developed by the administrative staff responsible for the facility. Emergencies or unusual circumstances may necessitate changes to the posted schedules.

Viterbo has no off-campus location of student organizations officially recognized by the university (i.e., sororities, fraternities, etc.).

### WEST ALLIS BUILDING ACCESS

The West Allis Campus is typically open Monday thru Friday 8:30am until 5:00pm, unless a class is schedule outside this time. Access to the building during business hours will be open to students, employees, guests, and vendors. During non-business hours and during periods of extended closing, access to all university facilities is by key, if issued by the off campus coordinator. Emergencies or unusual circumstances may necessitate changes to the posted schedules.

### WEST DES MOINES BUILDING ACCESS

The West Des Moines Campus is typically open Monday thru Friday 8:00am until 5:00pm, unless a class is schedule outside this time. Access to the building during business hours will be open to students, employees, guests, and vendors. During non-business hours and during periods of extended closing, access to all university facilities is by key, if issued by the Off Campus Iowa Coordinator. Emergencies or unusual circumstances may necessitate changes to the posted schedules.

### SAFETY CONSIDERATIONS UTILIZED IN MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Safety and Security regularly patrols the La Crosse campus and reports malfunctioning lights and other unsafe physical conditions to the Physical Plant for repair. Other members of the university community should promptly report equipment problems to the Physical Plant for the La Crosse Campus and off campus coordinator for West Des Moines and West Allis campuses.

Campus community members should alert either the Director of Campus Safety and Security, at 608-796-3913, or the Director of Physical Plant at 608-796-3921 of safety and/or security concerns related to facilities and maintenance. Work orders are also available on the [Physical Plant Web Site](#). On evenings and weekends, contact Campus Safety and Security at 608-7963911 or 608-780-1582 in the event of a power outage.

## **EDUCATIONAL PROGRAMS FOR CRIME PREVENTION AND SAFETY**

Viterbo University recognizes the importance of educational programs to help the campus community ensure their own safety and that of others. The following education opportunities are made available for students, staff, and faculty.

1. Behavioral Intervention Team: The Behavioral Intervention Team's responsibilities include addressing behaviors that may involve safety issues and preventing the escalation of threatening situations. The team is comprised of the Vice President for Student Affairs, the Director of Campus Safety, the Director of Counseling Services, the Director of Residence Life, the Director of Student Life, the Area Coordinator, the Director of the Academic Resource Center/Disability Services, and the Director of Student Academic Success.
2. Bystander Intervention Training: Bystander Intervention Training is included in New Student Orientation and on an ongoing basis during the school year. The program is being expanded to be available to all students.
3. Campus Safety 101: Campus Safety and Security along with the La Crosse Police Department work jointly to present information on alcohol, drugs and violence prevention annually during the fall new student orientation program. During this program, students are also asked to add these phone number to their cell phones: Campus Safety and Security, 608-796-3911 and 608-780-1582.
4. Campus Fire Safety Month (September): Daily fire safety tips are included in the daily campus e-newsletter during the month of September. Fire drills also take place during the month.
5. Campus Safety and Security Presentations and Trainings: Safety presentations and trainings are provided on request by the Director of Campus Safety to campus groups, staffs, and assemblies.
6. Campus Safety and Security Web Page: The Campus Safety and Security web page is the go-to page for safety alerts, safety-related apps and videos including 360 Stay Safe videos, safety tips, and a link to the Emergency Response Plan. <http://www.viterbo.edu/campus-safety-and-security>
7. Code of Student Conduct: The Code of Student Conduct prohibits many unsafe behaviors. The Code of Student Conduct is available [http://www.thezonelive.com/SchoolStructure/WI\\_ViterboUniversity/handbook.pdf](http://www.thezonelive.com/SchoolStructure/WI_ViterboUniversity/handbook.pdf)
8. Drills: The annual campus-wide fire drill typically takes place in the fall semester. The annual campus-wide tornado drill typically takes place during the spring semester. Fire drills in housing facilities occur minimally two times during the academic year. The drills are coordinated by the Director of Campus Safety and Security. Other drills may be scheduled by the Director of Campus Safety and Security and/or the Emergency Response Task Force and occur at a minimum of once per year.
9. Mental Health First Aid: The Director of Recreational Sports and the Director of Health Services are certified instructors of Mental Health First Aid and offer the 8-hour training on-campus to interested groups.
10. Safe Ride Bus Service: Safe Ride bus service is subsidized by the Student Government Association and is free to Viterbo University, University of Wisconsin-La Crosse (UW-L) and Western Technical College students. Viterbo Safe Ride bus stops are located on 8<sup>th</sup> and Market & at 9<sup>th</sup> and Jackson in front of the Fine Arts Center. The route is shown on the city of La Crosse Municipal Transit Utility web site. Safe Ride runs every 15 minutes on Thursday nights from 10 pm to 3 am, and Friday and Saturday nights from 9 pm to 3 am. Safe Ride buses run on fall and spring semester weekends when UW-L classes are in session. (The Student Government Association will reimburse students for taxi rides as verified for trips from the downtown areas for fall and spring semester weekends when Viterbo classes are in session, but UW-L classes are not.)
11. Safe Ride Vouchers: Safe Ride vouchers are available at Tavern League establishments. Viterbo students desiring a ride should request one from the bartender.
12. Safe Walk: Campus safety provides a safe walk service to students, staff, faculty, and visitors who request a companion to walk them from one campus location to another. Safe Walk is available 24/7/365 by campus safety personnel. Safe Walk can be arranged by calling 608-796-3911 or 608-780-1582.
13. 360 Degree Stay Safe Videos: Short video films are available for viewing on the Campus Safety web site. Seven videos provide valuable information on protecting your possessions and identity, assaults, controlling behavior, stalking, everyday safety, common-sense defense and safe travel. These videos are available 24/7/365 to Viterbo campus community members.
14. New Student Orientation "The Hook Up" Presentation
15. E-Check Up alcohol and Marijuana online training program.

## **EQUIPMENT AND SERVICES FOR CRIME PREVENTION AND SAFETY**

2. Automated External Defibrillators (AEDs) and First Aid Kits: AEDs are available for use in the event of cardiac arrest. Users should follow the instructions available with the AED. AEDs are available 24/7/365 in these campus locations:
  - a. Bonaventure Hall, 4<sup>th</sup> floor near the elevator
  - b. Brophy Center (Dahl School of Business), 1<sup>st</sup> floor near northeast stairwell
  - c. Canticle Apartments, inside the laundry room in building 820
  - d. Clare Apartments, 1<sup>st</sup> floor outside the mailroom
  - e. Fine Arts Center, near the elevator in the main theater lobby and on the 1<sup>st</sup> and 3<sup>rd</sup> floors
  - f. Library, main entryway near the wooden doors
  - g. Marian Hall, 2<sup>nd</sup> floor lounge
  - h. Mathy Center, 1<sup>st</sup> and 2<sup>nd</sup> floors near the elevator
  - i. McDonald Terrace, 1<sup>st</sup> floor near northeast stairwell
  - j. Murphy Center, 2<sup>nd</sup> floor, near the Financial Aid Office
  - k. Outdoor Athletics Complex, home team baseball dugout

- l. Physical Plant, 1<sup>st</sup> floor near the reception desk
  - m. Reinhart Center, 1<sup>st</sup> floor near Room 127
  - n. Rose Terrace, 2<sup>nd</sup> floor lounge
  - o. San Damiano Chapel, near the northwest entrance
  - p. School of Nursing, 1<sup>st</sup> floor near the northwest entrance and 4<sup>th</sup> floor near the elevator
  - q. Student Development Center, 1<sup>st</sup> floor near the stairwell
  - r. Student Union, student TV and computer lounge
  - s. Treacy Hall, 1<sup>st</sup> floor near west stairwell
  - t. Varsity Athletic Center, front lobby
3. **Bicycle Registration:** Campus community members may register their bicycles with the City of La Crosse through the Office of Student Life.
  4. **Blue Light Security Phones:** Emergency blue light phones are available 24/7/365 at these locations:
    - a. Brophy Center (Dahl School of Business), northwest entrance off of Assisi Courtyard
    - b. Fine Arts Center, Jackson Street entrance
    - c. Library, Main entrance
    - d. McDonald Terrace, Eighth Street entrance
    - e. Parking Lot I, adjacent to Reinhart Center and Alley
    - f. Physical Plant Building, Winnebago Street entrance
    - g. Rose Terrace, Clock Tower entrance
    - h. Student Union, Marian Courtyard entrance
    - i. Treacy House, Southwest corner adjacent to parking lot D
    - j. Assisi Courtyard
  5. **Bullhorns:** Bullhorns are available in the following locations for announcements and accessibility in the event of an emergency.
    - a. Campus Safety and Security Outpost, Student Union
    - b. Communications and Marketing
    - c. 105 Fine Arts Building
    - d. Mathy Center
    - e. Office of Residence Life adjacent to the Hawk's Nest
    - f. Physical Plant Building
    - g. Student Development Center (936 Franciscan Way), room #1, reception area
    - h. Varsity Athletic Center
  6. **Code Red:** A notification system used for emergency notification via text message.
  7. **Elevator Emergency Phones:** Building elevators (except those in Bonaventure Hall and the Fine Arts Center) have 24/7/365 emergency telephones below the button panel. The elevator in Bonaventure Hall has an emergency bell only.
  8. **Emergency Response Plan:** The Emergency Response Plan is available in brightly-colored flipbooks posted in corridors and offices, in the Viterbo University Student Handbook and Planner, and at <http://www.viterbo.edu/emergency-response-plan>
  9. **Emergency Response Task Force:** This task force meets regularly throughout the calendar year to review, and improve policy, procedures, and systems and programs related to emergency prevention and response.
  10. **Evacuation Maps:** Evacuation maps are posted in visible locations in each building.
  11. **First Aid Kits:** First aid kits are available in each building. The kits are found near the AEDs listed in #1 above.
  12. **InformaCast:** A notification system that is used at Viterbo primarily to deliver emergency messages by speaker phone, phone screen display, and speakers in the corridors.
  13. **Surveillance Cameras:** Surveillance cameras are located throughout the campus to deter wrongdoing and criminal activity.
  14. **Whistles:** The use of a whistle can be effective in deterring suspicious individuals and/or assailants. Key chain whistles are available for free at the Student Development Center reception desk during regular business hours on weekdays.

## **COMMUNICATION ABOUT CAMPUS CRIME**

### **EMERGENCY NOTIFICATION PROCEDURES**

1. Officials at Viterbo University will issue emergency notification when an incident reported to or brought to the attention of Campus Safety and Security, law enforcement, or other offices poses a serious and/or ongoing threat to the safety of members of the campus community. Viterbo University without delay, and taking into account safety of the community will determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.
2. The process of issuing an emergency notification begins by confirming there is a significant emergency or dangerous situation. Typically Campus Safety personnel, the Vice President of Student Affairs and/or the Interim Executive Director for University Relations verify information and the existence of a significant emergency or dangerous situation. This occurs by gathering information from firsthand accounts, incident reports, alarm systems, security officers, Residence Life Community Coordinators,

police officers, media accounts, weather reports, and/or web information. In some locations, cameras can be reviewed in the event of an emergency or dangerous situation, etc.

3. The decision to issue an emergency notification will be made on a case by case basis in light of the known facts surrounding the incident, including factors such as the nature of the incident, the continuing danger to the campus community, the risk of compromising law enforcement efforts, etc. The decision to issue an emergency notification is typically made jointly by two of the following university officials. A situation may call for quick notification and/or only one of these university officials is available to decide to issue the emergency notification.
  - a. Director of Campus Safety and Security
  - b. Vice President for Student Affairs
  - c. Interim Executive Director For University Relations
  - d. Vice President for Finance and Administration
  - e. University President
4. The content of an emergency notification is determined by the circumstance and how it affects the campus and campus community. Emergency notifications may be short or longer messages and are written to:
  - a. Alert the campus community of the situation,
  - b. Help protect individuals from harm,
  - c. Help prevent an incident from escalating and/or
  - d. Provide instruction that promotes the safety and well-being of those affected by the situation.
5. A safety alert or emergency notification message may be directed to the entire campus community or to specific populations, segments, facilities or areas, etc. of the campus depending on the nature of the incident.
6. Any one or a combination of these methods of communication may be used to issue an emergency notification:
  - a. Display screen monitors in building public areas
  - b. Email communication using Viterbo student and employee email addresses
  - c. Fire alarms
  - d. La Crosse area broadcast and print media
  - e. Messages posted on Viterbo web site home page
  - f. Messages posted on Viterbo Campus Safety web site home page
  - g. Messages posted in VU Today or on My VU
  - h. Office telephone screen display
  - i. Office telephone speakers
  - j. Public address speaker system
  - k. Posted paper flyers or posters
  - l. Text messages
  - m. Viterbo University Facebook and/or Viterbo University Twitter
7. Methods for emergency notification are tested annually. The tests may be announced or unannounced. The documentation for these tests includes a description of the exercise and the date. (The Emergency Response Task Committee commonly designates a weekday the last week of June to test and/or complete tests of all emergency notification systems.)
8. Members of the campus community should refer all media generated information requests to Communications and Marketing at 608-796-3047 or [communications@viterbo.edu](mailto:communications@viterbo.edu). Campus community members are urged not to release names or information to media.
9. In the event of an emergency or a dangerous situation, the designated university spokespersons are the Interim Executive Director for University Relations or the University President.
10. Communications and Marketing will issue public statements as necessary. These statements may be made in conjunction with assisting agencies. Communications and Marketing holds these as important priorities for communication in the event of an emergency:
  - a. Working to help ensure safety
  - b. Providing timely and accurate information as available
  - c. Protecting the privacy of students, employees and families
  - d. Engaging media to help disseminate important public information
  - e. Explaining how the emergency is being handled

#### **TIMELY WARNING POLICY**

1. Viterbo University is responsible for issuing timely warnings in compliance with the Jeanne Clery Act, 20 U.S.C. 1092(f).
2. Timely warnings will be issued in response to reported Clery Act crimes committed either on campus or, in some cases, off campus that, in the judgment of the University, constitute an ongoing or continuing threat to students and employees.
3. Anyone with information believed to warrant a timely warning should promptly report the information to Campus Safety. Campus Safety will consult, as appropriate and necessary, with other university officials regarding whether a timely warning should be issued. The decision to issue a timely warning shall be made on a case-by-case basis after consideration of the available facts,

including factors such as the nature of the crime, the continuing danger or risk to the campus community, and the possible risk of compromising law enforcement efforts.

4. Per provisions of the Jeanne Clery Disclosures of Campus Security Policies and Campus Crime Statistics, Viterbo University must issue timely warnings under certain circumstances. These circumstances include aggravated assault, arson, burglary, dating violence, domestic violence, motor vehicle theft, murder and nonnegligent manslaughter, negligent manslaughter, robbery, sex offenses (rape, fondling, incest, statutory rape, and stalking) and other crimes.
5. When a determination is made that a timely warning should be issued, Campus Safety will take appropriate steps to ensure timely notification to the campus community. Typically, a timely warning is issued using campus email and the Campus Safety web page. Other means of notification may be utilized as well.
6. The warnings will include the following information as needed and/or available: the date, time and location of the reported crime; a summary of the incident; a description of the subject and/or vehicle, and any instructions.
7. Viterbo University is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor. 34 C.F.R. 668.46(e)(2)

### **MISSING STUDENT NOTIFICATION POLICY**

This policy is established in compliance with the Higher Education Opportunity Act of 2008 which requires that post-secondary institutions with on-campus housing establish a missing student notification policy and procedures. Campus Safety and other university officials will actively investigate any report of a missing student who is enrolled at Viterbo and is living in Viterbo housing facilities (i.e., Bonaventure Hall, Canticle House, Clare Apartments, Marian Hall, McDonald Terrace, Rose Terrace, Treacy House, and the theme house).

1. If a member of the campus community has reason to believe that a student who lives on campus is missing, it should be reported to Campus Safety and Security immediately at 608-796-3911.
2. Upon receiving the report, Campus Safety and Security and/or other appropriate personnel will make reasonable efforts to investigate the report and locate the student to determine his or her health, well-being and safety. Efforts may include, but are not limited to, any one or more of these actions: (a) attempting contact by phone, email, etc., (b) checking resident student's room, (c) checking ID card access points, (d) contacting roommates, friends, family, etc., to determine possible location and/or companion(s), (e) reviewing class schedule, (f) contacting instructors, coach, etc., (g) obtaining description of student and apparel, (h) obtaining vehicle description and license number, and (i) searching facilities and/or parking lots. The university reserves the right to contact family members or emergency contacts as a part of the investigation and to help determine the whereabouts of the student.
3. All students residing in Viterbo housing facilities are required to provide the Office of Student Life with the names and phone numbers of a primary and secondary contact to be notified in the event of an emergency, such as the student is reported missing. Viterbo student contact information will be registered confidentially, that this information will be accessible only to authorized campus officials and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. In the event that the resident is under the age of 18 or is not yet emancipated, the university is required to have the primary emergency contact be a custodial parent or guardian.
4. The university will follow this notification procedure for a missing student who resides in on-campus housing.
  - a. Any reports of missing students are to be referred immediately to Campus Safety and Security.
  - b. After Campus Safety and Security or other appropriate university personnel investigate the report, if it is determined that the resident student has been missing for 24 hours:
    - i. Campus Safety and Security will notify the appropriate law enforcement agency. (Investigation will continue in collaboration with law enforcement officers as deemed appropriate.)
    - ii. The custodial parent or guardian will be contacted if the student has not yet reached 18 years of age or is not emancipated.
    - iii. If the student has a designated contact person, Viterbo officials within 24 hours of that student missing, will contact the designated person.
5. Procedures may vary if the student does not reside in on-campus housing.
6. Resident students will be informed of the Missing Student Notification Policy via its publication in the Viterbo University Student Handbook and a shortened version in the Viterbo University Emergency Response Plan.

### **DAILY CRIME LOG**

The Director of Campus Safety and Security maintains a daily campus crime log that shows all crimes and other serious incidents reported to Campus Safety and Security. The campus crime log includes the nature, date, time and general location of each crime reported to the department, as well as the disposition of the complaint, if known at the time of publication. The department updates the campus crime log daily, as crimes are reported. The campus crime log is available for public inspection 24 hours a day at the Director of Campus Safety and Security's Office in 5 Student Development Center and the Security Outpost at the Student Union.

### **ANNUAL CAMPUS CRIME STATISTICS**

This report is prepared to comply with the Jeanne Clery Disclosure of Campus Policy and Crime Statistics Act. The full text of this report can be located on the Viterbo University Web site at this link: <http://www.viterbo.edu/aboutviterbo/annual-security-report-including->

[safety-related-policies](#). The Vice President for Student Affairs and the Director of Campus Safety prepare this report in collaboration with Viterbo's Office of Student Life and local law enforcement agencies. The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law and local laws.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the university community obtained from the following sources. Campus crime, arrest, and referral statistics include those reported to Viterbo University Campus Safety, designated campus security authorities (including, but not limited to directors, deans, department heads, Residence Life, Student Affairs, advisors to students/student organizations, athletic coaches) and local law enforcement agencies. The Director of Counseling Services, the Director of Health Services, and the University Chaplain may inform clients of the procedures to report a crime to Campus Safety and Security or the La Crosse Police Department on a voluntary and confidential basis. A procedure is in place to capture crime statistics disclosed confidentially during such a session.

An email notification, made to all employees and enrolled students, provides the Web site access to this report. Copies of this report may also be obtained from the Director of Campus Safety and Security or the Vice President for Student Affairs. All prospective employees may obtain a copy from Human Resources and all prospective students may access the Annual Security Report through the admissions office.

### **CRIME DEFINITIONS USED FOR CAMPUS CRIME STATISTICS**

The definitions listed below are taken from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook and are used to classify the criminal offenses listed in the statistics.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Dating Violence:** An act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For this purpose 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 without limitation sexual or physical abuse or the threat of such abuse, but excludes acts covered under the definition of 'domestic violence.'

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Disciplinary Referrals:** Individuals referred to the Office of Student Life for liquor law, drug law, and illegal weapons violations. The numbers include incidents that are reported via weapon incident reports and reports provided directly to Campus Safety Life from other members of the Viterbo community.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, 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

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Fondling:** 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.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny/Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle, including cases where automobiles are taken by persons not

having lawful access even though the vehicles are later abandoned, including ‘joyriding.’

**Murder and Non-negligent Manslaughter:** The willful (nonnegligent)killing of one human being by another.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Stalking:** Engaging in a course of conduct directed at a specific person, including without limitation by means of following, monitoring, observing, surveilling, threatening, or communicating to or about a person or interfering with a person’s property, that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Weapons Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### DEFINITIONS OF LOCATIONS

As specified in Clery regulations, the following property descriptions are used to identify the location of crimes on and around Viterbo’s campus.

1. **On-campus Buildings or Property:** (a) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purpose, including residence halls, and (b) Any building or property that is within or reasonably contiguous to the area defined above, that is owned by the institution but controlled by another person which is frequently used by students and supports institutional purposes (such as a food or other retail vendor).
2. **On-Campus Residential Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered a student housing facility.
3. **Non-Campus Building Or Property:** (a) Any building or property owned or controlled by a student organization that is officially recognized by the institution, or (b) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
4. **Public Buildings or Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## 2018 VITERBO UNIVERSITY ANNUAL SECURITY REPORT CAMPUS CRIME STATISTICS

The following table presents a summary of criminal acts committed between January 1 and December 31, 2017, on Viterbo campus properties, in the residence halls, in non-campus classrooms rented at off-site locations and on public property adjacent to Viterbo campus properties. The offenses were reported to Campus Safety and Student Development administrators and were found to be substantiated. The Viterbo University campus traditionally has been relatively free of criminal threat.

## 2017 LA CROSSE CAMPUS CRIME STATISTICS

OFFENSE	ON-CAMPUS*			ON-CAMPUS RESIDENTIAL FACILITY*			NON-CAMPUS			PUBLIC PROPERTY		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder/non-negligent man slaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent man slaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	1
Aggravated assault	1	0	0	0	0	0	0	0	0	0	0	1
Burglary	0	1	2	0	0	2	0	0	0	0	0	0



**LA CROSSE CAMPUS 2016 TOTALS FOR HATE CRIMES  
ON CAMPUS, ON-CAMPUS STUDENT HOUSING FACILITIES, NONCAMPUS, PUBLIC PROPERTY**

<b>Criminal Offense</b>	<b>2016 Total</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Gender Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>
Murder/non-negligent man slaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0	0	0	0	0	0	0

**LA CROSSE CAMPUS 2015 TOTALS FOR HATE CRIMES  
ON CAMPUS, ON-CAMPUS STUDENT HOUSING FACILITIES, NONCAMPUS, PUBLIC PROPERTY**

<b>Criminal Offense</b>	<b>2015 Total</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Gender Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>
Murder/non-negligent man slaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0	0	0	0	0	0	0

**LA CROSSE CAMPUS CLERY GEOGRAPHY**

<b>NO.</b>	<b>BUILDING OR LOT</b>	<b>PHYSICAL ADDRESS</b>	<b>MAILING ADDRESS</b>	<b>CLERY CATEGORY</b>
1.	Amie Mathy Center (AMC)	811 8 <sup>th</sup> Street South, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus

2.	Brophy Center (BRC) Dahl School of Business	816 10 <sup>th</sup> Street South, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
3.	Bonaventure Hall (BONA)	700 Franciscan Way, La Crosse, WI 54601	702 Franciscan Way, La Crosse, WI 54601	On-Campus Residential Facility
4.	Canticle House (CANT)	814/820 8 <sup>th</sup> Street South, La Crosse, WI 54601	702 Franciscan Way, La Crosse, WI 54601	On-Campus Residential Facility
5.	Clare Apartments (CLAR)	710 8 <sup>th</sup> Street South, La Crosse, WI 54601	710 8 <sup>th</sup> Street South, La Crosse, WI 54601	On-Campus Residential Facility
6.	Fine Arts Center (FAC)	929 Jackson Street South, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
7.	Marian Hall (MAHS)	704 Franciscan Way, La Crosse, WI 54601	702 Franciscan Way, La Crosse, WI 54601	On-Campus Residential Facility
8.	McDonald Terrace (MCDT)	715 8 <sup>th</sup> Street South, La Crosse, WI 54601	702 Franciscan Way, La Crosse, WI 54601	On-Campus Residential Facility
9.	Murphy Center (MRC)	815 Viterbo Court, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
10.	Nursing Center (NRC)	916 10 <sup>th</sup> Street South, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
11.	Outdoor Athletic Complex (OAC)	N3175 State Road 16, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	Non-Campus
12.	Parking Lot A, C, D, F, G, H, I, J, K, L, M, N, O, P, Q, R	No Address/ Shown on Campus Map	No Address/ Shown on Campus Map	On-Campus
13.	Physical Plant Building (PLT)	727 Winnebago Street, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
14.	Reinhart Center (RCE)	900 Viterbo Drive, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
15.	Rose Terrace (ROSE)	801 V-Hawk Court, La Crosse, WI 54601	702 Franciscan Way, La Crosse, WI 54601	On-Campus Residential Facility
16.	San Damiano Chapel (CHP)	940 Franciscan Way, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
17.	Student Development Center (SDC)	936 Franciscan Way, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
18.	Student Union Building (SUB)	702 Franciscan Way, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
19.	Treacy House (TREH)	825 Market Street, La Crosse, WI 54601	702 Franciscan Way, La Crosse, WI 54601	On-Campus Residential Facility
20.	Varsity Athletics Center (VAC)	814 Viterbo Court, La Crosse, WI 54601	900 Viterbo Drive, La Crosse, WI 54601	On-Campus
21.	821 and 823 Theme House (H821/823)	821/823 7 <sup>th</sup> Street South, La Crosse, WI 54601	702 Franciscan Way, La Crosse, WI 54601	On-Campus Residential Facility
22.	Weber Center For Performing Arts	428 Front St, La Crosse, WI 54601	428 Front St, La Crosse, WI 54601	Non-Campus
23.	Green Bay Viterbo	3061 Allied Street Green Bay, WI	3061 Allied Street Green Bay, WI	Non-Campus
24.	Eau Claire Regis High School	2100 Fenwick Avenue Eau Claire, WI	2100 Fenwick Avenue Eau Claire, WI	Non-Campus
25.	Middleton High School	2100 Bristol Street Middleton, WI 53562	2100 Bristol Street Middleton, WI 53562	Non-Campus



Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0	0	0	0	0	0	0

**WEST ALLIS CLERY GEOGRAPHY**

1.	Viterbo University West Allis	2323 S 109 <sup>th</sup> St #375 Milwaukee, WI 53227	2323 S 109 <sup>th</sup> St #375 Milwaukee, WI 53227	On-Campus
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## 2017 WEST DES MOINES CAMPUS CRIME STATISTICS

OFFENSE	ON-CAMPUS*			ON-CAMPUS RESIDENTIAL FACILITY*			NON-CAMPUS			PUBLIC PROPERTY		
	2017			2017			2017			2017		
Murder/non-negligent man slaughter	0			0			0			0		
Negligent man slaughter	0			0			0			0		
Robbery	0			0			0			0		
Aggravated assault	0			0			0			0		
Burglary	0			0			0			0		
Motor vehicle theft	0			0			0			0		
Arson	0			0			0			0		
Liquor law arrests	0			0			0			0		
Liquor law violation referred for disciplinary action	0			0			0			0		
Drug law arrests	0			0			0			0		
Drug law violations referred for disciplinary action	0			0			0			0		
Weapons Law Arrests	0			0			0			0		
Weapons Law violations referred for disciplinary action	0			0			0			0		
Hate crimes**	0			0			0			0		
Sex offenses												
Rape	0			0			0			0		
Fondling	0			0			0			0		
Incest	0			0			0			0		
Statutory Rape	0			0			0			0		
VAWA Offenses												
Domestic violence	0			0	0		0			0		
Dating violence	0			0	0		0			0		
Stalking (online or in person)	0			0	0		0			0		

Notes:

- \*On-campus residential facility crimes are also reported in the on-campus crimes.
- \*\*Hate crime category of bias is national origin; category of crime is intimidation.
- The West Allis Campus only has one year of statistics. This is the first year the campus is included in the Clery geography.

**WEST DES MOINES CAMPUS 2017 TOTALS FOR HATE CRIMES  
ON CAMPUS, ON-CAMPUS STUDENT HOUSING FACILITIES, NONCAMPUS, PUBLIC PROPERTY**

<b>Criminal Offense</b>	<b>2017 Total</b>	<b>Race</b>	<b>Religion</b>	<b>Sexual Orientation</b>	<b>Gender</b>	<b>Gender Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	<b>National Origin</b>
Murder/non-negligent man slaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0	0	0	0	0	0	0

**WEST DES MOINES CLERY GEOGRAPHY**

1.	Viterbo University West Des Moines	4949 Westown Parkway, Suite 195 West Des Moines, IA 53227	4949 Westown Parkway, Suite 195 West Des Moines, IA 53227	On-Campus
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# POLICY ON ALCOHOL, TOBACCO, AND OTHER DRUGS

## POLICY INTRODUCTION

<http://www.viterbo.edu/about-viterbo/policy-alcohol-tobacco-and-other-drugs>

Viterbo University is committed to providing a safe and healthy learning environment free of illicit drugs, the unlawful use or abuse of alcohol, smoking and tobacco. The University recognizes that the use or consumption of alcohol, tobacco products, and other drugs can adversely impact academic achievement, personal development, health and safety. Individuals who violate university policy, local, state or federal regulations are subject to arrest and/or disciplinary sanctions including, but not limited to, required assessment, treatment, restrictions or expulsion.

### MEDICAL AMNESTY/GOOD SAMARITAN PROCEDURES:

It is of utmost importance that one calls for medical assistance when a student(s) is severely intoxicated or seriously injured after consuming alcohol or drugs. Because these emergencies can be life threatening, Viterbo works to reduce barriers to seeking assistance.

The University recognizes that sometimes concern about Viterbo disciplinary action may deter students from seeking medical assistance for themselves or others in drug- or alcohol-related emergencies. Therefore, Viterbo University will not take disciplinary action for a violation of Viterbo's Code of Student Conduct, Alcohol, Tobacco, and Other Drug Policy, or other university policies, against those students who seek emergency medical assistance for themselves or other students. This protection is not available to those students who also violate some other University policy that warrants disciplinary action (e.g., students who are disruptive or combative, refuse treatment, possess a false identification, commit assault, or do property damage).

The university also recognizes the significant threat to health and safety that a repetition of ingesting dangerous amounts of alcohol or drugs represents and will work to ensure the involved student receives appropriate education and evaluation in order to mitigate this risk. As a result, any student for whom assistance is sought under this policy will be required to complete motivational interviewing, education, assessment, and/or possible referral for treatment. The student will be responsible for any associated costs. Parents of students may also be notified. In the event the student incurs any alcohol violation during the twelve-month

period following the Good Samaritan report, the prior assistance file may be reviewed as part of the sanctioning process but will not be counted as a prior alcohol offense for the purpose of imposing mandatory minimum sanctions.

It is Viterbo's expectation that a student will avoid disciplinary action under this Good Samaritan Policy only once; it is an opportunity to learn from a serious mistake and take healthy steps to avoid such mistakes in the future. The policy does not prevent action by police, or other legal authorities nor does it protect a reporting student from potential criminal or civil liability.

**MEDICAL AMNESTY/GOOD SAMARITAN PROCEDURES:**

<p>When a person's health and/or safety is threatened or appears to be at risk from alcohol or drug consumption, the best course of action is to:</p>	<ul style="list-style-type: none"><li>• Call 911.</li><li>• Call Viterbo Campus Safety and Security at 3911 from a Viterbo phone; 608-780-1582 from a non-Viterbo phone.</li></ul> <p>Visit Mayo Franciscan Healthcare Emergency Room at 710 West Avenue. Visit Gundersen Health System Emergency Care at 1900 South Avenue.</p>
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Medical emergencies: Alcohol and drug consumption can result in a medical emergency. Students and staff should request help with such an emergency immediately by visiting a hospital emergency room or by contacting 911, Campus Safety and Security, Health Services or a member of the Residence Life staff.

Voluntary Seeking Assistance: When a student recognizes that she or he has difficulty with substance abuse and agrees to voluntary withdrawal to participate in a comprehensive substance abuse treatment program at his or her own expense, penalties incurred for disruptive behavior resulting from the use of alcohol or a controlled substance may be waived.

## **SMOKING AND TOBACCO POLICY**

Viterbo University is a smoke and tobacco free campus. Viterbo University helps ensure a healthy campus environment by prohibiting the use, sale, advertisement and distribution of smoking and tobacco products including, but not limited to cigarettes, chewing tobacco, cigars, e-cigarettes, vaping devices, etc. Smoking and tobacco products are prohibited in University facilities, on University grounds, on sidewalks on and adjacent to university property, in university parking lots, at University-sponsored events, and in University vehicles. Policy violations may be reported in writing to Campus Safety and Security, the Fine Arts Center staff, Human Resources, or Student Life. Persons violating this policy may be subject to disciplinary action.

Students and employees interested in smoking cessation are encouraged to contact Wisconsin Quit Line at 1-800- QUIT NOW. The Wisconsin Quit Line is available 24/7 and provides free medications, live coaching and web forums. Viterbo Health Services is also available for assistance. 608-796-3806

## **POLICY ON ALCOHOL AND OTHER DRUGS**

The Viterbo University Code of Student Conduct includes the following as proscribed (prohibited) behaviors:

Use, possession, sale, manufacturing or distribution of alcoholic beverages, tobacco products, marijuana, prescribed drugs, synthetics, heroin, narcotics, or other un-prescribed controlled substances.

Alcohol and/or other drug intoxication regardless of age. Indicators of alcohol and/or other drug intoxication may be blood/breath alcohol concentration above the legal limit of 0.08, bloodshot or glassy eyes, blurred vision, confusion, chills or sweating, irrational conversation, mood swings, rapid eye movement, slurred speech, strong odor of alcohol or other drugs, unsteady walk or gait, or other actions that signify poor judgment.

Inability to exercise care for one's own safety and/or the safety of others due to intoxication.

Behavior that encourages or contributes to excessive alcohol consumption by any student.

Alcoholic beverages may not, in any circumstances, be used by, possessed by or distributed to any person under twenty-one (21) years of age.

In on-campus housing facilities, alcoholic beverages are permitted only when all occupants of an apartment are twenty-one and when all present are age twenty-one or older. No alcohol is allowed in an on-campus housing room or apartment unless all assigned residents or guests present are 21 or older and may be confiscated by Student Life and/or Campus Safety and Security.

Cigarettes may be possessed, but not smoked on university property. E-cigarettes, cigars, chewing tobacco and other tobacco products are not permitted on university property.

The person to whom the prescription is written permits prescription drugs on university property only for use.

Violation of any federal (USA), state (Wisconsin) or local law (City of La Crosse or La Crosse County). When off-campus incidents come to the attention of University officials, the officials may follow up with disciplinary action.

Use, sale, advertisement or distribution of tobacco products (i.e. cigarettes, chewing tobacco, cigars, e-cigarettes, vaping devices, etc.) in university facilities, on university grounds, at university events, and in university fleet vehicle.

These stipulations are also University policy.

Serving alcohol to an individual who has not reached 21 years of age is prohibited on Viterbo property and at university-sponsored events.

Moderate amounts of alcohol are permitted and may be consumed in the privacy of on-campus housing facilities when all occupants and/or guests present in the room are 21 years of age or older. In such cases, the doors should be closed and all other policies governing noise and other common courtesies must be followed.

Individuals and groups are responsible for and will be held accountable for their choices and behaviors related to alcohol and other drugs. If an individual or group exhibits alcohol and/or drug intoxication and unruly behavior, the individual and/or group may be sanctioned for both the intoxication and the disruptive behavior.

When off-campus incidents come to the attention of university officials, the officials may follow up with disciplinary action. This may occur following parties, study abroad, travel for university-sponsored events, team travel, etc.

All assigned occupants of a residence hall room or apartment are subject to disciplinary action if a guest or someone in the unit is violating alcohol, tobacco and other drug policies.

Alcohol, controlled substances, and/or related paraphernalia are not permitted in the corridors, stairwells, or floor lounges of any campus facility.

Alcohol, controlled substances and/or related paraphernalia are not permitted in these facilities: Bonaventure Hall, Marian Hall, the Hawk's Nest, the Port, or the Student Union.

No large quantities of alcohol will be permitted in university housing facilities or on travel associated with the university. Providing alcohol to others puts the community and its members at risk.

Common source containers of alcohol (i.e. punch bowls, trashcans, water coolers, etc.) and/or containers holding more than 1.75 liters of alcohol whether empty or full, tapped or untapped (i.e. beer balls, kegs, party balls, pony kegs, etc.) are not permitted on university property, at university-sponsored events or on travel associated with the university. Jell-O shots containing alcohol, pre-mixed punches, spiked punch, "garbage can punch" and other mixtures are considered to be excessive and are prohibited on university property, at university-sponsored events or on travel associated with the university regardless of alcohol content.

Drinking games and other activities which promote excessive consumption of alcoholic beverages are prohibited on university property, at university-sponsored events and on travel associated with the university. Any paraphernalia associated with such activities, including but not limited to beer pong tables, funnels, and shot glasses may be confiscated and not returned.

Display of beer cans, wine and liquor bottles, and/or other alcohol or drug paraphernalia is prohibited on university property.

The possession or use of alcohol paraphernalia, tobacco paraphernalia, or drug paraphernalia is prohibited in campus housing. For the purpose of this policy, paraphernalia is defined as items typically used to dispense alcohol, or to dispense or ingest tobacco or illegal drugs (i.e. bongos/funnels, e-cigarettes, hookahs, kegs, pipes, hookah pens, roach clips, shot glasses, vaping devices, etc.).

Any person found in violation of these policies will have alcohol and/or drugs and related paraphernalia confiscated. Such confiscated items will not be returned.

Alcoholic beverages are not permitted at events planned for students and/or students' families (such as athletic team banquets, club parties/dances, receptions associated with student art shows and/or student recitals, and events planned for adult learning, graduate, and/or non-traditional students, etc.) unless approved by the Director of the Fine Arts Center and/or the Vice President for Student Affairs. Use of alcoholic beverages is prohibited at all other university-sponsored events unless approved by the President of the university.

The service and/or sale of alcoholic beverages is not permitted on university premises or at university-sponsored functions during the working day from 8 am to 5 pm.

University employees may not store alcohol in offices or use alcoholic beverages on university property.

Alcoholic beverages are prohibited at university-sponsored athletic events on and off-campus.

Alcohol or other drug impaired driving on university property is strictly prohibited and may result in disciplinary action.

Drivers or passengers in university fleet vehicles or vehicles rented/utilized for university travel may not possess or consume alcohol beverages.

Grain alcohol (also known as ethanol or ethyl alcohol) is prohibited on university property, at university-sponsored events or on travel associated with the university except when used in a supervised classroom laboratory.

On-campus advertisements that indicate alcohol as the primary focus of the event are not permitted.

Viterbo Campus Safety and Security and Security personnel may request that the LCPD perform a voluntary breathalyzer test of: (a) individuals who are visibly intoxicated to help assess the need for medical treatment, and

(b) individuals to demonstrate that they have not been drinking. Persons may request the breathalyzer test to demonstrate that they have not been drinking. When a breathalyzer is requested by Campus Safety and Security and Security, persons have the right to refuse it. Individuals may not refuse being transported to the hospital when incapacitated. At Viterbo, breathalyzers are used only by members of the La Crosse Police Department.

#### Application For Service Of Alcoholic Beverages At Events Planned For Students And/Or Students' Families

To serve alcoholic beverages at a university-sponsored event planned for Viterbo students or with Viterbo students in attendance, one must complete an application. Examples of such events are: athletic team banquets, club parties/dances, receptions associated with student art shows and/or student recitals, and events planned for adult learning, graduate, and/or non-traditional students, etc.

Only Viterbo students who are members of a registered Viterbo student organization or Viterbo employees may apply for service of alcoholic beverages at an event planned for Viterbo students and/or students' families.

Completion of the application is required at least two weeks in advance of the event.

Upon completion, the application will be approved or denied by the Director of the Fine Arts Center or the Vice President for Student Affairs.

The applicant will agree to abide by the following stipulations when completing the application form.

Alcohol is not the main focus of the event.

The majority of those present at the event will be 21 years of age or older.

The event will be no longer than 3 hours in duration.

No alcoholic beverages will be served during the last half hour of the event.

One full-time staff or faculty member will be present for the duration of the event.

There will be no reference to the availability of alcohol in invitations to or advertisement of the event.

Alcoholic beverages and servers at on-campus events will be supplied by Aramark or the current food service provider. Service of alcoholic beverages at Viterbo University-sponsored events held off-campus and attended by students is permitted only at banquet facilities with licensed servers.

Student consumption of alcoholic beverages for on-campus events will be monitored with an ID check by the licensed servers provided through Aramark or the current food service provider. Said monitoring will be provided by the banquet facilities' licensed servers at university-sponsored events held off-campus. (The event planner must inform banquet facility personnel of this monitoring responsibility when negotiating facility arrangements or contract.)

The only alcoholic beverages that will be served at the event are beer and wine.

Sufficient quantities of non-alcoholic beverages must be available.

Sufficient quantities of food must be served.

Violations of university policy including the Viterbo University Alcohol, Tobacco and Other Drugs policy, the Code of Student Conduct, and/or local, state or federal law may result in disciplinary action.

Series performances (such as the Bright Star and NexStar) with refreshments available for sale in the Fine Arts Center lobby are exempt from this policy. Departmental events with only a few students present are exempt from this policy.

Alcoholic beverages will not be served to students at off-campus events or when traveling off-campus.

### *STUDENT ATHLETES*

Student athletes are responsible for adherence to policy outlined in the Code of Student Conduct; the Viterbo University Policy on Alcohol, Tobacco and Other Drugs; local, state and federal regulations; and standards imposed by the coach. In addition, all Viterbo student athletes regardless of age are required:

To refrain from the consumption of alcoholic beverages for 48 hours prior to any University-sponsored competitive event.

To report their own on-and-off-campus alcohol or drug violations to the team coach and the Director of Athletics.

Typically, these sanctions are imposed by the team coach and the Director of Athletics in addition to the sanctions imposed by University personnel responsible for the enforcement of the Code of Student Conduct. These sanctions may carry forward to the following year.

First Violation – Suspended 10 percent of team's NAIA allowable contests or dates.

Second Violation – Suspended an additional 20 percent of team's NAIA allowable contests or dates.

Third Violation – Suspended one calendar year of athletics competition.

Fourth Violation – Permanently suspended from all further athletic participation at Viterbo University.

Should a student athlete seek medical assistance for themselves, or others, the medical amnesty/good Samaritan policy applies.

### **SANCTIONS**

Viterbo University Sanctions: Disciplinary sanctions for violation of University regulations

may include warning, disciplinary probation, discretionary or educational assignments, fines, motivational interview, parental notification, referrals, restitution, restrictions or loss of privileges, residence unit suspension, residence unit expulsion, temporary suspension, suspension from the University, or expulsion from the University. Under federal law, the University will notify the parents of alcohol and drug violations if the student is under the age of 21 at the time of

notification. While the sanction imposed depends upon the severity of the offense and the history of offenses (if any), disciplinary sanctions typically follow this pattern; but may vary based on situation.

First Offense – \$75 fine, mandatory education program, and/or parental notification.

Second Offense – \$150 fine, discretionary assignment, payment for and completion of and compliance with a chemical dependency assessment, candidate for residence unit expulsion, and/or parental notification.

Third Offense – \$225 fine, discretionary assignment, payment for and completion of and compliance with a chemical dependency assessment, candidate for residence unit expulsion, and/or parental notification.

Illegal substances including marijuana, prescribed academic performance enhancing drugs and the like, Cocaine and Heroin, hashish and synthetic derivatives are prohibited in university facilities, on university property and/or at university-sponsored events. Any student found responsible for the use or possession of marijuana or other illegal substance may face possible criminal charges. Violations of the drug policy may result in disciplinary action. In addition, the university may require a student who possesses or uses illicit drugs or is found with drug paraphernalia to participate in an approved drug rehabilitation program (at the expense of the student) and to provide the university satisfactory evidence of successful completion of the program and of being drug free.

When it is not possible to determine who within a group of students is responsible for the use, possession, manufacture, sale or distribution of drugs, responsibility for the offense will fall on the occupant in whose room, vehicle or social gathering the violation occurs unless another individual within the group accepts responsibility.

While the sanctions imposed depend upon the severity of the marijuana offense and the history of offenses (if any), disciplinary measures typically follow this pattern; but may vary.

First Offense – a \$100 minimum penalty, a mandatory education program, a warning that another violation may result in suspension or eviction from university housing facilities, and parental notification.

Second Offense – a \$200 penalty, a mandatory alcohol and drug assessment, compliance with treatment outlined in the assessment (if any), and a warning of probable suspension or eviction from university housing facilities with another violation, and/or parental notification.

Third Offense – \$300 penalty, referral to Director of Student Life for additional penalties that may include suspension or removal from housing facilities, and/or parental notification.

Offenses involving other drugs will be reviewed and sanctioned on a case-by-case basis.

Community Sanctions: Viterbo students are subject to sanctions imposed by officials in their local and/or home communities as well as those imposed by the University. Fines typically imposed on those found to be drinking alcoholic beverages under the age of 21 are shown below. Sanctions usually involve payment for and the completion of an alcohol assessment in addition to the prescribed fines.

### City of La Crosse

#### Underage Possession or Consumption, Underage Attempt or Procurement, Attempt or Entering Tavern, Possession of False ID

First Offense	Second Offense	Third Offense
\$250 Fine	\$407.50 Fine	\$565 Fine (\$691– 4th Offense, \$817 for 5th and up offense)

#### Other Penalties

Public Alcohol Consumption	\$124 Fine
Disorderly Conduct	\$187 Fine
Selling Alcohol to a Minor	\$313 Fine
Public Intoxication	First Offense – Warning; Second Offense – Citation, \$250 Fine, and possible assessment; Third Offense – Citation,

	\$552 Fine and assessment;
Selling Alcohol without License	\$1,636 Fine
Social Host Ordinance	\$300
First Offense – Operating Motor Vehicle while Intoxicated	\$731 Fine and 6 month revocation, plus \$400 alcohol assessment
Unregistered keg in the City of La Crosse	\$1,321 Fine

The Uniform Controlled Substances Act, Chapter 961, of the Wisconsin Statutes regulates controlled substances and details the penalties for violations. An individual convicted for first-time possession of a controlled substance may receive a sentence of up to \$5,000 and one year in prison. A person convicted for manufacturing, delivering or possessing a controlled substance with the intent to manufacture or deliver may be imprisoned for up to 30 years and be fined up to \$100,000.

Federal legal sanctions for other drug violations include imprisonment for up to six (6) years for possession of a small amount including less than 250 grams of marijuana. Possession of more than five (5) grams of cocaine with the intent to deliver may result in the penalty of 10 to 16 years imprisonment. A life sentence may be the result of conviction of possession of a controlled substance that results in bodily injury or death. Other sanctions for possession of a controlled substance include fines up to \$ 250,000, forfeiture of property, confiscation of property, community service, denial of federal benefits including student loans and financial aid, fines, imprisonment, mandatory assessment, suspension of driver's license, and/or probation. The severity of the disciplinary action depends upon the amount and type of controlled substance, the number of previous offenses, and the site and nature of the criminal activity.

## Drug-Free Workplace Policy Statement

Viterbo University is committed to maintaining a drug-free workplace in compliance with applicable state and federal laws. The unlawful possession, use, distribution, dispensation, sale or manufacture of controlled substances is prohibited on University premises and at University work sites. Use of alcoholic beverages at University events is prohibited except when approved by the director of the Fine Arts Center, the Vice President for Student Affairs or by the President as appropriate.

Employee violation of this policy may be cause for action including, but not limited to, referral to appropriate agency or agencies for evaluation and to determine the appropriate treatment or rehabilitation, participation in a drug rehabilitation program, separation from University duty, termination of employment, and/or referral for prosecution. Participation in a treatment program will not affect future employment or career advancement, nor will participation protect employees from disciplinary action for substandard job performance. Students who violate this policy will be governed by the University's Code of Student Conduct and subject to disciplinary action up to and including suspension, expulsion and referral for prosecution.

Under the requirements of the Drug Free Workplace Act of 1988, an employee who is convicted of any criminal drug offense must notify his or her supervisor within 5 days. When notified of an employee conviction for an offense occurring in the workplace by an employee working on a federal grant or contract, the University will inform the granting or contracting federal agency within 10 days.

### RESOURCES FOR PREVENTION, TREATMENT AND ASSISTANCE

Viterbo Counseling Services	<a href="http://www.viterbo.edu/counseling-services">www.viterbo.edu/counseling-services</a>	4 Student Development Center	608-796-3808
Viterbo Health Services	<a href="http://www.viterbo.edu/health-services">www.viterbo.edu/health-services</a>	3 Student Development Center	608-796-3806
24/7 Crisis Line	<a href="http://www.greatrivers211.org/home">http://www.greatrivers211.org/home</a>	Text "Hello" 741-741	Dial 211 or 800-362-8255
Coulee Council on Addiction	<a href="http://www.couleecouncil.org">www.couleecouncil.org</a>	933 Ferry St., La Crosse	608-784-4177
Driftless Recovery Services	<a href="http://www.driftlessrecovery.com">www.driftlessrecovery.com</a>	441 Main St., Suite 301, La Crosse	608-519-5906
Gundersen Behavioral Health	<a href="http://www.gundersenhealth.org/behavioral-health">http://www.gundersenhealth.org/behavioral-health</a>	1900 South Ave., La Crosse	608-775-2287
Jed Foundation	<a href="http://www.jedfoundation.org">www.jedfoundation.org</a>		800-273-8255
Mayo Franciscan Behavioral Health	<a href="http://mayoclinichealthsystem.org/medical-services/behavioral-health">http://mayoclinichealthsystem.org/medical-services/behavioral-health</a>	212 S. 11th St., La Crosse	608-791-9555
Wisconsin Tobacco Quit Line	<a href="http://ctri.wisc.edu/quitline.html">ctri.wisc.edu/quitline.html</a>		1-800-784-8669
<a href="http://www.alcoholscreening.org">www.alcoholscreening.org</a>	<a href="http://www.zeroinwisconsin.gov">www.zeroinwisconsin.gov</a>	<a href="http://www.smokefree.gov">www.smokefree.gov</a>	<a href="http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm">www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm</a>

### HEALTH RISKS ASSOCIATED WITH USE OF DRUGS AND ALCOHOL

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgement and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver.

A chart accompanying this policy listing the possible effects and health risks associated with the use of illicit drugs and controlled substances may be found on the ATOD webpage: <http://www.viterbo.edu/alcoholtobacco-and-other-drugs>

## **CHART: Health Risks Associated with Use of Drugs and Alcohol**

This is a partial list of drugs and the results of their usage. The evidence is clear that alcohol and drugs are harmful to one's health and one's learning environment. Drugs can obstruct learning processes and cause disruption for the user and others. Early diagnosis of and treatment for alcohol and drug abuse is in the best interest of the student and the campus community.

### **Alcohol**

Is a mind-altering drug because it contains ethanol and the chemical ability to depress the nervous system.

As a depressant, alcohol affects motor coordination, speech and vision even at low levels of blood alcohol.

Great amounts can affect respiration and heart rate. Death may result when blood alcohol exceeds 0.40 %.

Prolonged use can lead to alcoholism, malnutrition, cirrhosis, and increased risk of cancer of the esophagus, stomach, pancreas, liver and heart.

### **Tobacco**

Smoking is addictive and is the cause of bad breath, yellowed fingers, foul smelling clothing, shortness of breath, and decreased athletic performance.

Smoking is associated with coronary heart disease, stroke, ulcers, respiratory infections, lung cancer (as well as cancer of the larynx, esophagus, pancreas, stomach and uterine cervix), bronchitis, emphysema, early menopause and stillborn and premature children. Tobacco causes 30% of all cancer deaths. One in three smokers will die prematurely from tobacco use.

Exposure to secondhand smoke causes respiratory diseases in children, including pneumonia, asthma exacerbation, and middle ear infections.

Smokeless tobacco is the cause of addiction to nicotine, bad breath, unhealthy eating habits, stained teeth, inflamed gums, receding gums leading to tooth loss, tooth decay, frequent sores and precancerous patches in the mouth.

### **Marijuana and Hashish**

Are harmful to health and impair short-term memory and the comprehension of the user.

Alter the sense of time and reduce the ability to perform tasks requiring concentration and coordination.

Increases heart rate and appetite. Users risk chronic bronchitis, lung cancer, paranoia and psychosis.

Cannabis products are usually inhaled as unfiltered smoke and have more cancer-causing agents than tobacco.

### **Methamphetamine – Meth, Crank, Crystal and Speed**

Is a powerfully addictive central nervous system stimulant.

Immediate effects may be agitation or violent behavior, insomnia, decreased appetite, irritability, anxiety, nervousness, convulsions or heart attack.

Chronic use can cause paranoia, hallucinations, repetitive behavior, delusions of parasites crawling under skin, psychosis, aggressive behavior, stroke and death.

### **Cocaine or Crack**

Stimulate the central nervous system and are extremely and rapidly addictive.

Can cause physical and psychological dependency that may lead to dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, paranoia and seizures.

Can cause death by disturbing the brain's ability to control heart functions and respiration.

### **Ecstasy**

Is a stimulant and a hallucinogen.

Side effects include memory or coordination loss, dizziness, fainting, depression, sleep problems, chills or sweating, slurred speech, dehydration, hypertension, loss of control over voluntary body movements, tremors, reduced appetite, kidney failure, heart attack, stroke, seizure, an increase in body temperature.

Ecstasy use can be fatal, especially when combined with alcohol and other drugs.

### **Hallucinogens – LSD, PCP, Mescaline, Psilocybin and Peyote**

Interrupt brain messages that control the intellect and keep instincts in check.

Because the brain's pain sensors are stopped, hallucinogens may result in self-inflicted injury.

Large doses can cause convulsions, coma and death.

Prolonged users report memory and speech difficulties up to a year after usage.

### **Inhalants – Gas, Aerosols, Glue, Nitrates, White-Out**

Use of inhalants is a very high risk activity.

Permanent brain, liver and kidney damage, bronchitis, heart arrhythmia, seizures, coma and death can occur even with the first usage.

### **Narcotics**

Drugs such as morphine, codeine or heroin, are very addictive. Their usage leads to loss of appetite, extreme drowsiness, mental impairment and slowing of reflexes.

An overdose of narcotics may lead to convulsions, coma or death.

### **Steroids**

Steroids are injected or taken orally. Some common names of steroids are testosterone, nandrolone and oxymetholone.

Use of steroids is associated with liver disease, cancer, growth problems, bone fusion, sexual dysfunction and aggressive behavior.

### **Stimulants and Amphetamine**

Can have the same effect as cocaine and cause increased heart rate and blood pressure that can result in a stroke or heart failure.

Symptoms include dizziness, sleeplessness and anxiety.

Use can also lead to psychosis, hallucinations, paranoia, and even physical collapse.

# **PREVENTING AND RESPONDING TO SEX DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL MISCONDUCT**

The entire policy and procedures are available at:

<http://www.viterbo.edu/sex-discrimination-sexual-harassment-and-sexual-misconduct>

## **SEXUAL DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL MISCONDUCT POLICY STATEMENT**

Viterbo University is committed to establishing and maintaining an environment free from all forms of harassment and discrimination. The University does not discriminate on the basis of age, color, disability, gender, gender identity, marital status, national and ethnic origin, race, religion, sexual orientation, veteran status, or any other protected class in administration of its educational policies, programs, or activities; admission policies; scholarship or loan awards; athletics, or other university-administered programs or employment. The Office of Human Resources has been designated to handle inquiries regarding the non-discrimination policy and may be contacted at: Viterbo University, 900 Viterbo Drive, La Crosse, WI 54601; 608-796-3930.

The University does not discriminate on the basis of sex in its educational, extracurricular, athletic or other programs or in the context of employment. **Sexual harassment and sexual misconduct are forms of sex discrimination prohibited by Title IX of the Education Amendments of 1972**, a federal law which provides: *No 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.* Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and Wisconsin law.

**This policy prohibits sexual harassment or misconduct against all Viterbo University community members of any gender, sexual orientation, gender identity, or gender expression. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.**

**Viterbo University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for the purposes of the Clery Act.**

Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. Viterbo utilizes procedures that provide prompt, fair, and impartial investigation and resolution in

cases involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by officials who receive specific annual training.

Viterbo University officials will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by Viterbo University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Sexual violence is a form of sexual harassment and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking. In these situations, Viterbo is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The University's process does not preclude adjudication under state law.

Viterbo prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision federal or state law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), or this policy.

### **DEFINITIONS OF PROHIBITED CONDUCT**

Under Viterbo's Sexual Discrimination, Sexual Harassment, and Sexual Misconduct Policy the following conduct is prohibited. Prohibited sexual misconduct at Viterbo includes, but is not limited to dating violence, domestic violence, sexual assault, and stalking.

**Coercion related to Sexual Misconduct or Relationship Violence:** Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Complicity related to Sexual Misconduct or Relationship Violence:** The act of contributing to, assisting with, or facilitating behavior in violation of this Policy.

**Consent in Romantic and/or Sexual Relationships of Unequal Status:** Students, faculty and staff members should understand that "consensual sexual relationships," particularly those among persons of unequal status, may be or become a violation of this Policy. Anyone who engages in a sexual relationship with a person over whom he or she has any degree of power or authority must understand that the validity of the consent involved can and may be questioned.

Such a relationship may also be in violation of this University policy, Prohibition on Consensual Relationships with Students: *Viterbo University seeks to maintain a professional and ethical educational environment. Actions of University employees (faculty members, including adjuncts, staff members, and administrators) that are unprofessional are inconsistent with the University's educational mission. A consensual dating or sexual relationship between any University employee and a student is deemed unprofessional and is therefore prohibited, unless the two persons are married. A violation of this policy may result in disciplinary action including dismissal for unprofessional conduct. In the event that a prohibited consensual relationship between an employee and a student is in existence at the time this policy is adopted, the employee must disclose the relationship to his/her supervisor or the Vice President for Academic Affairs and initiate arrangements to address any conflict of interest issues.* Approved 9/7/11.

**Dating Violence:** 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 complainant; and where the existence of such a relationship shall be determined based on the reporting party's statement and a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Domestic Violence:** Domestic violence includes, but is not limited to felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the

Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws. While not exhaustive, the following are examples of conduct that can constitute domestic violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.

**False Reporting:** False reporting and/or falsely accusing an individual of any of the behaviors prohibited by this policy is a serious violation of policy. Intentionally providing false and/or inaccurate information regarding an allegation of prohibited conduct under this policy is considered serious misconduct. Good faith reports for which a Respondent is not found to be responsible is not considered false reporting.

**Force related to Sexual Misconduct or Relationship Violence:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion to overcome resistance or produce consent. There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance.

**Gender-Based Harassment:** Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes; sex-based harassment.

**Hostile Environment Caused by Sexual Harassment:** A hostile environment exists when sex-based harassment is sufficiently serious to deny or limit an individual's ability to participate in or benefit from the University's programs or activities.

1. A hostile environment can be created by anyone involved in a University's program or activity (e.g., employees, students, and campus visitors).
2. In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the individual who was harassed. The University will also need to find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.
3. To make the ultimate determination of whether a hostile environment exists for an individual(s), the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more individual's environment or education.
4. The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.
5. First Amendment Considerations: This policy does not impair the exercise of rights protected under the First Amendment. The University's sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the University applies and enforces this policy in a manner that respects the First Amendment rights of students, employees, and others.

**Incapacitation related to Sexual Misconduct or Relationship Violence:** Incapacitation includes sexual activity with someone who one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout). The question of incapacitation is determined on a case-by-case basis that will include an analysis of whether the accused knew, or a sober, reasonable person in the position of the accused should have known, that the Complainant was incapacitated.

1. When alcohol or other drugs are being used, a person will be considered to be incapacitated and unable to give effective consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation.
2. Consumption of alcohol or drugs alone is insufficient to establish incapacitation.
3. Possession, use, and/or distribution of any of these substances, including but not limited to, Rohypnl, Ketamine, GHB, etc., is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at [http:// www.911rape.org](http://www.911rape.org).

**Intimidation related to Sexual Misconduct or Relationship Violence:** Intimidation is implied threats or acts that cause an unreasonable fear of physical or emotional harm to another person. **Relationship Violence:** Refers to domestic violence and/or dating violence.

**Retaliation:** Retaliation means adverse action taken against an individual for making a good faith report of a violation of this Policy, for supporting another person's report, or participating in an investigation or other proceedings based on the report.

**Sex Discrimination:** Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of, an individual's employment, education, living environment or participation in a program or activity. Sex discrimination encompasses all forms of sexual harassment, sexual misconduct, differential treatment, and gender-based harassment.

**Sex-based Harassment:** Sex-based harassment includes sexual harassment and gender-based harassment.

**Sexual Assault:** Sexual assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

1. Intentional touching of another person's intimate parts without that person's consent; or
2. Other intentional sexual contact with another person without that person's consent; or
3. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
4. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

**Sexual Harassment:** Sexual harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

**Sexual Exploitation:** Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

1. Prostituting another person;
2. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
3. Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
4. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

**Sexual Misconduct:** Sexual misconduct is a severe form of sexual harassment and includes sexual exploitation, sexual assault or other sexual violence, domestic violence, dating violence, and stalking. Many types of sexual misconduct may include nonconsensual sexual contact, but nonconsensual sexual contact is not a necessary component.

**Stalking:** Stalking means engaging in conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress, and/or creates a hostile environment. Examples include 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. Stalking can be a form of sexual harassment. Stalking behavior includes, but is not limited to:

1. Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email and/or social media;
2. Repeatedly leaving or sending Complainant unwanted items, presents, or flowers;
3. Following or lying in wait for the Complainant at places such as home, school, work, or recreation place;
4. Making direct or indirect threats to harm the Complainant, the Complainant's children, relatives, friends, or pets;

5. Damaging or threatening to damage the Complainant's property;
6. Posting information or spreading rumors about the Complainant on the internet, in a Campus place, or by word of mouth; or
7. Unreasonably obtaining personal information about the Complainant by accessing Campus records, using internet search services, hiring private investigators, going through the Complainant's garbage, following the Complainant, contacting Complainant's friends, family, work, or neighbors, etc.

**Unwelcome Conduct related Sexual Misconduct or Relationship Violence:** Conduct of a sexual nature is considered unwelcome if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

1. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.
2. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that an individual may have welcomed some conduct does not necessarily mean that an individual welcomed other conduct. Also, the fact that an individual requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

#### **DEFINITION OF CONSENT**

Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

1. Silence or absence of resistance does not imply consent.
2. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.
3. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

#### **VITERBO'S EDUCATIONAL PROGRAMS AND CAMPAIGNS TO PROMOTE AWARENESS OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**

Viterbo offers these educational programs and campaigns to all students and employees as primary and ongoing prevention awareness programs to promote awareness of dating violence, domestic violence, sexual assault, and stalking.

1. Trainings:
  - a. All employees are urged to complete an annual online training program designed for employees by Workplace Answers.
  - b. All students are urged to complete an annual online training program designed for students by Workplace Answers.
  - c. Sexual Discrimination, Sexual Harassment, and Sexual Misconduct Policy Presentations conducted by the Director of Campus Safety and the Vice President for Student Affairs have been presented to faculty, coaches and Athletic department members, Dining Services staff members, Resident Assistants and Orientation Leaders. Presentations are available upon request for classes and groups.
  - d. Included in new student orientation, The Hook Up: What's Hot and What's Not presentation covers information on sex stereotypes, the definition of consent, rape, force, coercion, rape trauma, and campus resources.
  - e. The Title IX Coordinator, the Deputy Title IX Coordinator, investigators and adjudicators of incidents of sexual misconduct and relationship violence complete required VAWA and Title IX trainings annually.
2. Brochures: Paper copies of a brochure outlining the Sex Discrimination, Sexual Harassment, and Sexual Misconduct Policy are distributed annually in mailboxes to employees and students living on campus.
3. Bystander Intervention Training: Bystander Intervention Training is available to classes and student groups upon request by contacting the Director of Recreational Sports.

4. Circle of 6: Students are encouraged to use the Circle of 6 cell phone app.
5. Classroom Posters: Posters with information on resources and procedures to resolve incidents of sexual assault, sex discrimination, sexual harassment, dating violence, domestic violence, sexual exploitation, and stalking are hung in classrooms and on campus bulletin boards.
6. Email Communication: An email communication to all students and employees with a link to the Sex Discrimination, Sexual Harassment, and Sexual Misconduct Policy is sent out each semester by the Vice President for Student Development.
7. Syllabus Statement: A prepared syllabus statement on confidentiality and faculty obligation to report sexual misconduct, confidentiality, and confidential resources, is available to faculty. The syllabus statement also provides a link to the Sex Discrimination, Sexual Harassment, and Sexual Misconduct Policy.
8. Sex Discrimination, Sexual Harassment, and Sexual Misconduct Web Page: Information on policies, procedures, and resources for sex discrimination, sexual harassment, and sexual misconduct are made available at this web site: <http://www.viterbo.edu/sex-discrimination-sexual-harassment-and-sexual-misconduct>
9. 360 Stay Safe Videos: Three of the informative 360 Stay Safe videos available to Viterbo campus community members on the Campus address topics related to sexual violence. The videos provide helpful prevention tips and data for university students. Links are provided here:
  - a. Sexual Assault Video (10:39 minutes): <http://www.viterbo.edu/campus-safety-and-security/360sexual-assault-video>
  - b. Stalking Video (6:39 minutes): <http://www.viterbo.edu/campus-safety-and-security/360-stalkingvideo>
  - c. Controlling Behavior (7:39 minutes): <http://www.viterbo.edu/campus-safety-and-security/360controlling-behavior-video>.
10. Additional Programs for Incoming Students and New Employees: These educational programs and campaigns are available to incoming students and new employees as primary and prevention awareness programs to promote awareness of dating violence, domestic violence, sexual assault, and stalking.
  - a. Communication to Parents of Incoming Students: Research indicates that parents are very effective in influencing college student behavior when they speak with the student before he or she leaves for the freshman year of college. With a letter to parents, the Vice President for Student Affairs includes tips on discussing sexual assault, dating violence, domestic violence, and stalking with a student. Also included with the letter is a brochure outlining resources and procedures for resolving incidents of sexual misconduct.
  - b. New Student Orientation: The presentation, *The Hook Up: What's Hot and What's Not*, is included in new student orientation. The presentation covers information on sex stereotypes, the definition of consent, rape, force, coercion, rape trauma, and campus resources. 89% of new students completing an evaluation of orientation indicated that new student orientation increased their knowledge of dating violence and consent.

### **SEXUAL VIOLENCE RISK REDUCTION**

Those who commit sexual violence are responsible for their actions. The following information is provided without minimizing the attacker's responsibility. These suggestions are provided to help reduce the risk of experiencing a non-consensual sexual act.

You owe respect to a potential partner, if you are the initiator. These suggestions may help you to reduce your risk for being accused of sexual misconduct.

1. Pre-plan and limit your alcohol intake or drug usage. Acknowledge that alcohol/drugs may lower sexual inhibitions and/or may increase vulnerability to another person who views an intoxicated or high person as a sexual opportunity.
2. Go out together. Go out as a group and come home as a group. Never separate and never leave your friend(s) behind. Being with others is a good idea when a situation looks dangerous.
3. Take care of your friends and ask that they watch and take care of you. A real friend will challenge you if you are about to risk your safety and/or make a mistake. When this occurs, respect the friend trying to help you.
4. Make your limits known as early as possible.
5. Tell a sexual aggressor "NO" clearly and firmly.
6. Remove yourself from the physical presence of a sexual aggressor if possible.

7. Find someone nearby and ask for help.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk of being accused of sexual misconduct:

1. Understand and respect personal boundaries.
2. Clearly communicate your intentions to your sexual partner and give them a chance to clearly state their intentions to you.
3. Mixed messages from a partner or potential partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading the other person.
4. Ask permission. Do not make assumptions about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.

**SAFE AND POSITIVE OPTIONS FOR BYSTANDER INTERVENTION**

Bystanders can play a critical role in the prevention of sexual assault, harassment, dating violence, or domestic violence. To achieve this, one can learn effective intervention. Intervening might be done through direct or indirect methods of active bystander intervention shown on the chart.

Direct Method of Active Bystander Intervention	Indirect Method of Active Bystander Intervention
<ol style="list-style-type: none"> <li>1. Say something directly to the person:               <ol style="list-style-type: none"> <li>a. “Are you okay?”</li> <li>b. “Can I call a cab?”</li> <li>c. “Who did you come here with? Let’s find your friends.”</li> </ol> </li> <li>2. Say something to the perpetrator. Let him or her know that you recognize what is taking place and you will not stand for it.               <ol style="list-style-type: none"> <li>a. “Is everything okay here?”</li> <li>b. “He/she is pretty drunk; you should probably just get the phone number and call him/her tomorrow.”</li> <li>c. “I don’t like what you just did/said.”</li> <li>d. “What you just said is not cool.”</li> </ol> </li> <li>3. Remove the person from the situation.</li> <li>4. If you suspect, you or a friend has been drugged, call the police immediately and let someone in charge know like a bouncer, bartender, or manager.</li> <li>5. Always make sure you are safe before intervening.</li> </ol>	<ol style="list-style-type: none"> <li>1. Don’t intervene, if you feel uncomfortable or unsafe, doing it.               <ol style="list-style-type: none"> <li>a. However you can enlist others to help you – the bouncer, bartender, other friends or bystanders, etc.</li> <li>b. Don’t be afraid to call the police or 911 if you feel like anyone is in immediate danger.</li> </ol> </li> <li>2. Distract the perpetrator.               <ol style="list-style-type: none"> <li>a. “Hey, Man, I think your car is being towed!”</li> <li>b. “Someone called the cops! We need to get out of here!”</li> </ol> </li> <li>3. Distract the person.               <ol style="list-style-type: none"> <li>a. Hey, will you come to the bathroom with me?</li> <li>b. “Can you help me find (enter mutual friend’s name).”</li> <li>c. “I think your friend is looking for you.”</li> </ol> </li> <li>4. Have a code word/text with your friends or family if you feel uncomfortable saying something directly.</li> <li>5. Talk to a campus official in a non-emergency situation.</li> </ol>

Other ways to effectively intervene as a bystander are:

- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Refer people to on or off-campus resources listed in this document for support in health, counseling, or legal assistance.

## IF YOU EXPERIENCE SEXUAL VIOLENCE

1. Be safe and go to a safe place. Get medical care (if needed). If you are physically injured, medical care is vital. You can get medical care at any hospital emergency room. If you are 18 years or older, you can get treatment for your immediate injuries without filing a police report.
2. To get support and assistance with the assault process, you should consider calling as soon as possible one of these 24 hour services: Mayo Safe Path Domestic Abuse and Sexual Assault Services, 608-392-7804 or 1-800-362-5454, extension 27804; Mayo Sexual Assault Nurse Examiner (SANE) Program, 608-392-7000 or 1-800-362-5454, extension 27000; or Gundersen Sexual Assault Services Crisis Line, 608-775-5950 or 1-800-362-9567, extension 55950.
3. Tell someone you can trust: a counselor, a friend, a relative, a medical provider, a minister, the police, a Student Assistant, or a Student Life Community Coordinator.
4. If you intend to report the sexual assault, or leave this option open in the future, physical specimens collected soon after the assault/rape will be valuable evidence. Do not shower, bathe, wash your hands, eat, drink or brush your teeth. Place each item of clothing in a separate paper bag (no plastic). Leave the area where the assault occurred undisturbed.
5. You make the decision when and how to utilize law enforcement. However, the longer you wait to report the assault, the greater the likelihood that valuable evidence (e.g., DNA, collaborative interviews from witnesses) may be lost. Evidence collection is usually done in the county where the assault occurred, usually within the first 72 hours following the assault (the earlier, the better). You have three ways to contact law enforcement:
6. You have the right to decline law enforcement assistance.
7. Call 911 if an emergency, or if not emergent,
  - A. Call the police department dispatch where the crime occurred,
  - B. Go to the police station in the jurisdiction where the assault occurred to file a police report, or
  - C. If you go to the hospital, ask that they notify the police.
  - D. Report the incident to Campus Safety by calling 608 796 3911. Campus Safety can assist you with contacting the police.

## STEPS FOR RESOLVING SEX DISCRIMINATION, SEXUAL HARASSMENT OR SEXUAL MISCONDUCT

### GET HELP OR ASSISTANCE

1. EMERGENCY RESPONSE  911  La Crosse Police Department 608-785-5942, Viterbo Campus Safety 608-796-3911 or 608-780-1582 on a non-Viterbo phone.
2. CONFIDENTIAL RESOURCES AND SUPPORT FOR STUDENTS  Viterbo Counseling Services 608-796-3808  Viterbo Health Services 608-796-3806  Viterbo University Chaplain 608-796-3804  Gundersen Domestic Abuse and Sexual Assault Program 608-775-5950 (24 hours)  Mayo Safe Path Domestic Abuse and Sexual Assault Services 608-392-7804 (24 hours)  New Horizon Shelter and Outreach Services 608-791-2600 (24 hours)
3. CONFIDENTIAL RESOURCES AND SUPPORT FOR EMPLOYEES  Franciscan Health Solutions Employee Assistance Center 608-392-9530  Gundersen Domestic Abuse and Sexual Assault Program 608-775-5950 (24 hours)  Mayo Safe Path Domestic Abuse and Sexual Assault Services 608-392-7804 (24 hours)  New Horizon Shelter and Outreach Services 608-791-2600 (24 hours)

### MAKE A REPORT

1. ON-CAMPUS REPORTING OPTIONS  Title IX Coordinator 608-796-3856  Deputy Title IX Coordinator 608-796-3930  Vice President for Student Affairs 608-796-3801  Dean of the College of Business and Leadership, 608-796-3376  Director of Campus Safety 608-796-3911 OFF-CAMPUS REPORTING OPTIONS  La Crosse Police Department 608-785-5942  Mayo Franciscan Healthcare Main Switchboard 608-785-0940  Mayo Franciscan Healthcare Urgent Care 608-392-7000

### REVIEW AND INTERIM MEASURES

REVIEW AND INTERIM MEASURES  The University may assist any Complainant or Respondent in navigating the process of filing a complaint, preliminary Title IX review, and accessing interim measures.  When a

report is filed, a preliminary review is conducted by the Title IX Coordinator or designee to determine the safety of the individual and campus community, the nature of the report, and what process will be used to resolve the complaint. The Title IX Coordinator or designee may assist with interim measures such as adjustments to academic, housing, transportation or work schedules, referrals, and no contact directives.

## **INVESTIGATION AND PROCESSES FOR RESOLUTION**

**INVESTIGATION AND PROCESSES FOR RESOLUTION** The University may assist any Complainant or Respondent in navigating the process of investigation and resolution to the complaint. Options for resolution of a complaint of sexual harassment, sexual misconduct, or violence include both formal and informal processes. Typically, for Respondents who are Viterbo students, the preliminary review is followed by informal resolution or investigation and formal resolution. Typically, for Respondents who are Viterbo employees, the preliminary review is followed by informal resolution, investigation and formal resolution, and/or procedures outlined in the Viterbo Personnel Policies Handbook. Mediation or other forms of informal resolution are never permissible in cases involving allegations of sexual assault.

Title IX Coordinator -Todd Ericson, 608-796-3856. Deputy Title IX Coordinator - Heather Butterfield, 608-796-3930

### **IF YOU EXPERIENCE DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING**

Call 911 if an emergency, or if not emergent,

- A. Call the police department dispatch where the crime occurred,
- B. Go to the police station in the jurisdiction where the incident occurred to file a police report, or
- C. If you go to the hospital, ask that they notify the police.
- D. Contact Campus Safety at 608 796 3911 after contacting the police. Campus Safety can assist you with contacting the police.
  1. Get medical care (if needed). If you are physically injured, medical care is vital. You can get medical care at any hospital emergency room. If you are 18 years or older, you can get treatment for your immediate injuries without filing a police report.

### **ON-CAMPUS CONFIDENTIAL HELP**

Students seeking a confidential source of support on-campus should contact one of these confidential employees:

- Director of Counseling Services at 4 Student Development Center, 608-796-3808 or 608-796-3825
- Director of Health Services at 3 Student Development Center, 608-796-3806
- University Chaplain at 370 Murphy Center or 608-796-3804

Full-time Viterbo employees are entitled to free service from Franciscan Health Solutions at 608-392-9530 or toll-free at 800-493-3960.

### **OFF-CAMPUS CONFIDENTIAL HELP**

Individuals seeking a confidential source of support off-campus should contact one of these agencies:

**Gundersen Domestic Abuse and Sexual Assault Program**, 1900 South Avenue, La Crosse, (608) 775-5950 or (800) 362-9567, ext. 55950 (24 hours toll-free)

**Mayo Franciscan Healthcare Safe Path Domestic Abuse and Sexual Assault Services**: 700 West Avenue, La Crosse, 608-392-7804 (24 hours) or 1-800-362-5454, extension 27804 (24 hours toll-free)

**New Horizons Shelter and Outreach Centers**: Outreach Center at 1223 Main Street, La Crosse. 608-791-2610. Crisis Line and Shelter (24 hours), 608-791-2600 (TTY available), 1-888-231-0066 (TTY available).

**Franciscan Health Solutions Employee Assistance Center**: The Franciscan Health Solutions Employee Assistance Center offers confidential counseling services to all Viterbo employees and their family members **at no cost**. Contact the Employee Assistance Center at 608-392-9530 or toll-free at 800-493-3960.

Complete policy available at [viterbo.edu/sex-discrimination-sexual-harassment-and-sexual-misconduct](http://viterbo.edu/sex-discrimination-sexual-harassment-and-sexual-misconduct)

### **FILING A REPORT ON-CAMPUS**

Reports of sex discrimination, sexual harassment, and sexual misconduct made to the University should include as much information as possible, including the names of those involved, and the date, time, place, and circumstances of the incident(s). You can make a report by contacting one of the following Title IX team members:

- Todd Ericson, Title IX Coordinator, 214 Murphy Center, 608-796-3856, [tmericson@viterbo.edu](mailto:tmericson@viterbo.edu)
- Heather Butterfield, Deputy Title IX Coordinator/Director of Human Resources, 200 Murphy Center, 608-796-3930, [hmbutterfield@viterbo.edu](mailto:hmbutterfield@viterbo.edu).
- Richard Trietley, Vice President for Student Affairs, 2 Student Development Center, 608-796-3801, [rctrietley@viterbo.edu](mailto:rctrietley@viterbo.edu).
- Dr. Tracy Stewart Vice President for Academic Affairs, 230 Murphy Center, 608-796-3080, [tmstewart@viterbo.edu](mailto:tmstewart@viterbo.edu)
- Adam Malin, Director of Campus Safety, 5 Student Development, 3911 if using a Viterbo phone, or 608-7963911 if using a non-Viterbo phone, [ammalin@viterbo.edu](mailto:ammalin@viterbo.edu).

### **FILING A REPORT WITH THE POLICE**

A Viterbo student or employee has the right to report sexual misconduct or relationship violence to the police and/or to the University. It is the individual's choice to report and there are good reasons to report to both, just the police, just the University, or to neither. Assistance from a university official with filing a report with the police is available to students who request it. There are three ways to contact law enforcement to file a report:

1. Call 911 if an emergency, or if not an emergency, call the police department dispatch where the crime occurred. In La Crosse, the non-emergency number is 608-785-5962.
2. Go to the police station in the jurisdiction where the assault occurred to file a police report. The La Crosse Police Department is located on the first floor of the City building at 400 La Crosse Street, La Crosse, WI 54601. Lobby hours are weekdays from 8:30 am to 5 pm.
3. If you go to the hospital, ask that the hospital notifies the police.

### **PROTECTIVE ORDERS**

Forms to request temporary, harassment, and domestic abuse restraining orders are available at and submitted to the County Clerk of Court office, 333 Vine Street, La Crosse.

### **CAMPUS PROCEDURES FOR INCIDENTS OF SEX DISCRIMINATION, SEXUAL HARASSMENT, AND/OR SEXUAL MISCONDUCT**

Reports of sex discrimination, sexual harassment, and sexual misconduct made to the University should include as much information as possible, including the names of those involved, and the date, time, place, and circumstances of the incident(s).

- Reports can be made by telephone, via email, verbally in person, or by providing a paper copy.

You can make a report by contacting one of the following Title IX team members:

- Todd Ericson, Title IX Coordinator, 214 Murphy Center, 608-796-3856, [tmericson@viterbo.edu](mailto:tmericson@viterbo.edu)
- Heather Butterfield, Deputy Title IX Coordinator/Director of Human Resources, 200 Murphy Center, 608-796-3930, [hmbutterfield@viterbo.edu](mailto:hmbutterfield@viterbo.edu).
- Richard Trietley, Vice President for Student Affairs, 2 Student Development Center, 608-796-3801, [rctrietley@viterbo.edu](mailto:rctrietley@viterbo.edu).
- Dr. Tracy Stewarts, Vice President for Academic Affairs, 230 Murphy Center, 608-796-3080, [tmstewart@viterbo.edu](mailto:tmstewart@viterbo.edu)
- Adam Malin, Director of Campus Safety, 5 Student Development, 3911 if using a Viterbo phone, or 608-7963911 if using a non-Viterbo phone, [ammalin@viterbo.edu](mailto:ammalin@viterbo.edu).

When reported, the individual reporting the sexual misconduct is provided with the option to report the incident to the police/law enforcement. Reporting to the police does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made later. The earlier an incident is reported, the easier it is to collect valuable evidence.

Assistance and support will be provided by a university official to the individual reporting sexual misconduct should he or she choose to report the incident(s) to law enforcement.

### **REVIEW, INVESTIGATION, AND RESOLUTION**

Typically, for respondents who are Viterbo students, the preliminary review is followed by informal resolution or investigation and formal resolution. Typically, for Respondents who are Viterbo employees, the preliminary review is followed by informal resolution, investigation and formal resolution, and/or procedures outlined in the Viterbo Personnel Policies Handbook. Mediation or other forms of informal resolution are never permissible in cases involving allegations of sexual assault. A complainant has the right to request changes to academic, living, transportation or working situations whether or not she or he files a report of sexual harassment, sexual misconduct or relationship violence with the University.

The complainant and the respondent are entitled to the same opportunities to an advisor and support person during investigative and adjudication meetings if requested. At the conclusion of the investigation, both parties are notified of the outcome. Sanctions imposed following a determination of an on-campus disciplinary procedure regarding sexual assault range include, but are not limited to restrictions, no contact directives, nonacademic disciplinary institutional probation, to suspension or expulsion. Those reporting incidents of sexual misconduct are notified of available services including written notification of existing campus and community counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance. Assistance and support will be provided to the individual filing the report as requested.

The complainant has the option of keeping the report confidential by making a report through Viterbo Counseling Services, unless the incident represents a threat to any member of the Viterbo community. Those who file reports with a Title IX team member are notified of available counseling as provided by Counseling Services. Further, Viterbo will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the institution and in the community.

### **CONFIDENTIALITY AND REPORTING OPTIONS/CONSIDERATIONS**

- A. Confidentiality: All complaints will be treated with consideration to their sensitive nature. 1. Complaints will be considered confidential to the extent requested by the Complainant, if possible. However, certain disclosures may be necessary for the University to conduct a thorough investigation, comply with state and federal law, and comply with its own procedures and regulations. Records pertaining to students may be subject to the Family Educational Rights and Privacy Act (FERPA).
2. Viterbo University completes publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of identifying information about the Complainant, to the extent permissible by law.
3. Viterbo University will maintain as confidential any accommodations or protective measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

### **GENERAL PROVISIONS FOR ALL COMPLAINT PROCEDURES**

The University is committed to ensuring that all reports are referred to the Title IX Coordinator, who will ensure prompt, fair, and impartial investigation and resolution, and consistent application of the policy. Generally, complaints involving a student Respondent will be processed by the Vice President for Student Affairs. Complaints involving a faculty Respondent will be processed by the Vice President for Academic Affairs and complaints involving a non-faculty employee respondent will be processed the Director of Human Resources.

A. Treatment of Parties: The University will strive to treat all parties involved in a complaint procedure with dignity and to provide nonjudgmental support to students, faculty, staff, and third parties who are engaged in a complaint procedure. Upon request, personal counseling services are available to students and the Employee Assistance Program is available to University employees.

B. Conflict of Interest: If a Complainant or Respondent has any concern that any individual acting for the University under this Policy has a conflict of interest, such concern should be reported to the Title IX Coordinator no later than two (2) business days after receiving the notice of the identity of the individual(s) assigned to the matter. The Title

IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or resolving a complaint under this Policy.

C. Complainant Request for Confidentiality or Not to Proceed:

1. The University will seek action consistent with the Complainant's request where possible. Where a Complainant makes a report but requests that a name or other identifiable information not be shared with the Respondent or that no formal action be taken, the University will balance this request with its obligation to provide a safe and non-discriminatory environment for all Viterbo University community members and to remain true to just procedures that require notice and an opportunity to respond before action is taken against a Respondent.

2. In the event that a Complainant does not wish to proceed with an investigation or possible sanctions, the Title IX Coordinator will determine, based on the available information, including any investigative report, whether the investigation or sanction proceedings should nonetheless go forward. In making this determination, the University will consider these, among other factors:

- a. The ability to conduct an investigation without revealing identifiable information.
- b. The seriousness of the alleged conduct.
- c. The extent of the threat to the University community.
- d. The Respondent is likely to commit additional acts of sexual or other violence.
- e. Whether there have been other discrimination, harassment, sexual misconduct or retaliation complaints about the same Respondent.
- f. Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence.
- g. Whether the Respondent threatened further sexual misconduct against the Complainant or others.
- h. Whether the sexual misconduct was committed by multiple Respondents.
  - i. Whether the sexual misconduct was perpetrated with a weapon.
- j. Whether the Complainant is a minor.
- k. The Respondent is a Viterbo University employee.

l. Whether the University possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence).

m. Knowledge of a pattern of perpetration (e.g. via illicit use of drugs or alcohol) at a given location or by a particular person or group.

3. If the Title IX Coordinator determines that Viterbo University cannot maintain that it will be able to honor a request that a name is not disclosed, a request for no investigation, and/or a request that disciplinary action is not pursued, the Title IX Coordinator will attempt to inform the Complainant and will, to the extent possible, only share information with those responsible for handling the University's response. In such a situation, Viterbo will remain mindful of Complainant's wellbeing, and will take ongoing steps to protect the Complainant from retaliation or harm.

D. Non-Participation and Silence: If, at any time during the complaint procedure, a party decides not to participate, the University will proceed with the complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the Complainant's allegations undisputed.

E. Reservation of Flexibility: The procedures set forth in this section reflect the University's desire to respond to complaints promptly and impartially. The University recognizes that each case is unique and that circumstances may arise which require that the University reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the University reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances. In addition, the University reserves the right to process complaints of sex discrimination or sexual harassment according to these procedures where the allegations, while not involving sexual misconduct, warrant treatment under these procedures under the circumstances.

F. Title IX Review: Upon receipt of a report, the Title IX Coordinator or designee will conduct a preliminary Title IX review. The goal of this review is to provide an integrated and coordinated response to reports of sexual and gender-based harassment and violence, intimate partner violence, and stalking. As described in greater detail below, the assessment may include, but is not limited to:

1. Assessing the nature and circumstances of the report and allegation.
2. Assessing the safety of the individual and of the campus community.
3. Addressing the immediate physical safety and emotional well-being of the individual.
4. Addressing the safety of the campus community.

5. Providing any interim measures, remedies or accommodations to protect the safety of the Complainant or the community.
6. Consideration of the Complainant's expressed preference for resolution.
7. Notifying the Complainant of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist the Complainant with notifying law enforcement.
8. Notifying the Complainant of the availability of medical treatment to address physical and mental health concerns and to preserve evidence.
9. Notifying the Complainant of the importance of preservation of evidence.
10. Assessing the reported conduct for any necessary actions under Clery, including inclusion in the daily crime log, annual security report, or an issuance of a timely warning.
11. Providing the Complainant and Respondent, if notified, with information about: on and off-campus resources, the range of interim accommodations and remedies, and an explanation of the procedural options.
12. Informing the Complainant and Respondent that each may have a support person of their choosing at their own expense, which may include a friend, colleague, attorney, or other person they identify, unless the support person is a witness in the investigation. The role of the support person is to support the student, not to speak on behalf of or for the student during any part of the process.
13. Assessing for pattern evidence or other similar conduct by Respondent.
14. Discussing the Complainant's expressed preference for manner of resolution and any barriers to proceeding.
15. Explaining the University's policy prohibiting retaliation.

**B. Time Frames:** The University will seek to resolve reports within sixty (60) days of receiving the initial report, but this time frame may be extended depending on the details of the case.

1. Once a report is made, the University will typically determine the appropriate procedure for resolution within five (5) business days of the submission of the report. The determination on procedure will be communicated to the Complainant and Respondent in writing.
2. Typically, and as appropriate, the investigator(s) will begin an investigation within ten (10) business days of submission of the report.
3. Investigation is typically completed within twenty (20) business days after it begins.
4. Notice of outcome is typically issued within ten (10) business days of the close of the investigation.
5. Time frames may vary depending on the details of the case and/or during certain times of the year (e.g. during breaks or final exams).
6. The University may extend any time frame for good cause, with a written explanation to the Complainant and Respondent.

### **SEXUAL MISCONDUCT COMPLAINT PROCEDURE**

The following process will generally apply to complaints of a violation of this Policy received by the University that involve allegations of sexual misconduct by a student, faculty, or staff member.

**A. Initiation of a Complaint:** Complaints are generally initiated by individuals who believe that their rights under this Policy have been violated. However, circumstances may arise in which a complaint may be initiated in the name of the University to protect the safety, integrity and welfare of the community as a whole. Generally, the Title IX Coordinator will make a determination of whether a complaint should be initiated in the name of the University. Normally, a complaint of sexual misconduct is made in writing. Individuals wishing to initiate a complaint should contact the Title IX Coordinator, the Deputy Title IX Coordinator, Vice President for Student Affairs, the Dean of the College of Business and Leadership, or Director of Campus Safety for the appropriate form and assistance in completing it.

**B. Support Person:** The Complainant and the Respondent have the right to be assisted by a support person of their choice as long as the support person is not a potential witness in the case. Guidelines for support persons are as follows:

1. The purpose of the support person is to support a Complainant or Respondent in the complaint process, not to speak on behalf of or for the student during any part of the process. Support persons should be chosen for their ability to assist the Complainant or Respondent with the process.

1. Support persons may confer with the person involved, but they may not actively participate in the process. The support person may accompany the Complainant or Respondent to all meetings relating to the complaint procedure. The support person may not appear in lieu of the Complainant or Respondent or speak on his or her behalf in either in-person or written communications to the University. The support person may not address the investigator,

adjudicator, witnesses (other than his or her own advisee), or appeal official, and may not interrupt or otherwise delay the complaint proceeding.

2. All information concerning any case may be made available to support persons with the written permission of the involved person who has chosen the support person, subject to the same limitations as those placed upon the parties and conditioned upon the support person's agreement to maintain the confidentiality of any student education records or other confidential information.

3. Violations of confidentiality or other forms of interference with the complaint procedure by the support person may result in disqualification of a support person.

4. The University will provide the parties with information regarding the selection of a support person by another party.

5. The Title IX Coordinator must be notified in writing that a support person will be present at least two (2) business days before any scheduled meeting or event during an informal or formal resolution process, unless circumstances call for an expedited meeting. Problems with a support person's schedule will not delay a meeting. A support person cannot serve in a different role during the process (e.g., witness). If a support person is an attorney, this must be disclosed to the Title IX Coordinator or designee, and the University reserves the right to have its own legal counsel present for the meeting.

6. The schedules of the student(s) involved and University personnel will be used to determine the time of related meetings; support person's schedules will not.

C. Availability of Informal and Formal Resolution Options: When a Complainant or the University decides to move forward with the complaint and resolution procedure set forth in this policy, there are two avenues for resolution of an alleged policy violation: informal resolution and formal resolution.

1. The Complainant or the University has the option to proceed with informal resolution as appropriate. If a complaint is processed using informal resolution, the Complainant, the Respondent, or the University has the option to move the complaint to the formal resolution process at any time. The Title IX Coordinator or designee is available to explain the informal resolution and formal resolution procedures.

2. The Title IX Coordinator may also direct the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of this policy, or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure.

#### **D. Informal Resolution**

1. If an informal resolution is pursued, the Title IX Coordinator (or her/his designee) will attempt to facilitate a resolution through an informal process involving both the Complainant and Respondent. (For example, a Complainant and Respondent may agree with the Title IX Coordinator or designee that education and training of the Respondent are an appropriate and sufficient response to a case.)

2. This type of informal resolution can take place during an investigation or after its conclusion.

3. If, based on the information known about the incident, the Title IX Coordinator or designee believes that such a resolution is possible, the Title IX Coordinator or designee will speak with the Complainant. If the Complainant agrees, the Title IX Coordinator or designee will speak with the Respondent.

4. Before starting these discussions, the Title IX Coordinator or designee will notify the Complainant and Respondent that each has the right to end the informal resolution process and proceed to the formal resolution process at any time.

5. If the Complainant, the Respondent and the University agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If the Complainant, the Respondent and the University do not agree in writing to the terms and conditions of the recommended resolution within (5) business days, the complaint will be referred to the formal resolution process.

6. Any informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the University to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, change in housing or office location, restrictions, loss of privileges, restitution, required attendance at educational programs, required assessment or counseling, the Respondent's education or employment record including a finding that this Policy was violated, and/or probation.

7. Mediation or other forms of informal resolution are never permissible in cases involving allegations of sexual assault.

**E. Formal Resolution:** If a complaint is not processed through the Informal Resolution, or is not resolved through the Informal Resolution outlined above, the complaint shall be processed according to the formal procedure including investigation outlined below. The Complainant and Respondent will be given timely notice of meetings at which the Complainant or Respondent or both will be present.

**F. Investigation:** The University will strive to complete a thorough and impartial investigation. The purpose of the investigation is to gather all relevant facts from involved parties and provide this information to the Adjudicator.

**G. Investigator(s):** The Title IX Coordinator will designate an investigator(s).

1. The investigator(s) is typically be an employee(s) of the University although the investigator may be any appropriately designated employee(s) of the University or an external investigator engaged to assist the University in its fact gathering.

2. Any investigator(s) chosen to conduct the investigation must be impartial and free of any actual conflict of interest and must have specific annual training and experience investigating allegations of sexual and gender-based harassment or violence.

3. The investigator(s) may receive counsel from University administrators, the University's attorneys, or other parties as needed.

**H. Complainant and Respondent:**

1. The Complainant and Respondent will be notified in writing of the investigator(s) assigned to the case.

2. The Complainant and Respondent may have a support person with them at any meeting associated with the investigation.

3. It is the responsibility of the University, not the parties, to gather relevant evidence, to the extent reasonably possible.

4. All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of University policy and can subject a student or employee to disciplinary action.

5. Medical and counseling records of a Complainant or Respondent are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily choose to share such records with the investigator. Any records provided by a party become part of the file and are available to review by the opposing party.

6. In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence during an investigation. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties.

a. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

b. Any prior sexual history of the Complainant with other individuals is typically not relevant and will only be permitted under very limited circumstances, for example, to explain an injury or physical finding. (Wisconsin Statute 972.11(2)).

c. Any party seeking to introduce information about prior sexual history of the Complainant or prior misconduct by the Respondent should bring this information to the attention of the investigator at the earliest opportunity. The University, through the investigator, may choose to consider this information, with appropriate notice to the parties. With respect to pattern evidence or prior sexual history of either party, the investigator, in consultation with the Title IX Coordinator, will assess the relevance, form, and reliability of the information (hearsay will not be permitted) and determine if it is appropriate for consideration in the determination of responsibility. Evidence regarding a pattern of behavior of the Respondent or the sexual history of either party will be allowed only if it is directly relevant to a disputed fact.

d. The Title IX Coordinator or designee have the discretion to consolidate multiple reports against a Respondent into one investigation and resolution if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

**I. Information Gathered:**

1. The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the determination.

2. The investigator(s) may request and review other evidence of relevance to the alleged misconduct, such as video recordings, photographs, text messages, documents, communications between the parties, and other artifacts.

3. In gathering the facts, the investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant.
4. The Complainant and Respondent will have an equal opportunity to be heard, to submit and review information, and to identify witnesses who may have relevant information.
5. Witnesses must have information relevant to the incident and cannot be participating solely to speak about an individual's character.
6. The investigator(s) will determine the relevancy of any offered information, and will not consider file of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty.
7. The investigator(s) will provide timely updates, as appropriate or requested, about the timing and status of the investigation.
8. At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has the authority to terminate the investigation and end resolution proceedings.

**J. Investigation Report:** The investigator(s) will prepare a written report (if applicable) to guide the adjudicator in his or her review of the information gathered during the investigation.

**K. Formal Resolution Procedures:** Formal Resolution is the process by which an adjudicator designated by the University determines responsibility and if warranted, administers sanctions and/or discipline against a Respondent.

**L. Adjudication:** The University will strive to complete a thorough, fair, impartial, and timely adjudication process.

**M. Appointment of Adjudicator(s):** The Title IX Coordinator, or his or her designee, will appoint an adjudicator to review the investigation file and make a determination as to whether it is more likely than not that a violation of this Policy occurred, and if so, what sanctions are warranted. The adjudicator appointed to a case may not also serve as an investigator for the same case. Normally, only a single adjudicator will be appointed; however, the University may appoint additional adjudicators to assist in making a determination in any given case. The Complainant and the Respondent will be notified in writing of the identity of the adjudicator(s) assigned to their case.

**N. Right to request removal of Adjudicator(s):** The Complainant or Respondent may request the removal of an adjudicator(s) on the grounds of personal bias or other conflict of interest. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the request no later than two (2) business days after receiving the notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the request. If the request is accepted, a replacement will be appointed and notice will be provided to the Complainant and Respondent. The decision of the Title IX Coordinator with regard to the request is final and is not appealable.

**O. Right of each party to submit written Response to the Investigation Report:** Both parties will have the opportunity to provide a written response to the investigation report and file. To do so, the party must submit an initial written statement, which shall not exceed 2,000 words in length, to the Title IX Coordinator. The initial written statement must be submitted by the conclusion of the review and response period described above. The initial written statement may be used as an opportunity to clarify points in the investigation report or identify information previously given to the investigator that is not included in the investigation report which the party believes should have been included. While the parties may be assisted by a support person in preparation of the initial written statement, the initial written statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The parties shall have an opportunity to review the initial written statement submitted by the other party and, if desired, may submit a rebuttal written statement not to exceed 1,500 words. The rebuttal written statement must be submitted within three (3) calendar days after being given access to the other party's initial written statement. The rebuttal written statement may only be used to respond to arguments made in the other party's initial written statement. While the parties may be assisted by a support person in preparation of the rebuttal written statement, the rebuttal written statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties shall have an opportunity to review the rebuttal written statement submitted by the other party. The Title IX Coordinator or the Title IX Coordinator's designee(s) will provide a three (3) calendar day period for the complainant and respondent to have access to review the other party's rebuttal written statement. The parties' access to the rebuttal written statement generally will be provided

during normal business hours in a designated on-campus location. The rebuttal written statement cannot be removed from that location, nor can copies be made or pictures taken of the contents.

P. The investigation report and file will be made available for review by the Complainant, Respondent, and a support person. Notes may be taken, but the investigation report and file are not to be copied or removed from the location provided by the University in which the report is reviewed. 1. Following review of the investigation report and file, each party may provide a written response to the investigation report and supporting documents or account containing any comments or additional information the party would like the adjudicator(s) to consider. 2. Each party's Response shall not exceed 2,000 words in length, and must be submitted within five (5) business days after the investigation report and file have been made available to the party. In addition, each party shall have an opportunity to review the other party's response to the investigation report and file.

**Q. Adjudicator's Review of Investigation Report:** The investigation report, file, and if applicable, the Complainant's and Respondent's written response to the investigation report will be reviewed by the adjudicator. The adjudicator(s) will ensure that the Complainant and Respondent have been given equivalent opportunities to present relevant information for consideration in the investigation and adjudication process. Upon review, the adjudicator(s) may, in his, her, or their discretion, request additional investigation by the investigator(s).

**R. Determination:** The adjudicator(s) will render a decision based upon the investigation report, file, and any response submitted by the Complainant and/or Respondent, and any other information the adjudicator(s) may deem appropriate and which is made available to both the Complainant and Respondent. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence (or "more likely than not") standard in determining whether a violation of this policy has occurred.

1. If the decision is made that there is not sufficient basis to believe that it is more likely than not that the Respondent violated this policy, the Complainant and Respondent will be notified of that determination and informed of other resources that may be available.

2. If the decision is made that it is more likely than not that the Respondent violated this policy, the adjudicator(s) or the adjudicator's designee shall determine appropriate sanction(s), except as provided below with respect to employees. The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the Complainant.

**S. Sanctions for Student Respondents:** Sanctions imposed upon students who are determined to have violated this policy may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, removal from campus housing, not being allowed to represent the University in volunteer or paid work, restitution, required attendance at educational programs, required assessment or counseling, restriction of privileges, probation, suspension and/or expulsion, and any other sanctions listed in the Code of Student Conduct or deemed appropriate under the circumstances.

**T. Sanctions for Employee Respondents:** Appropriate sanctions for Viterbo faculty, staff or administrators deemed to have violated this Policy include, but are not limited to a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, major fines, reduction in salary, suspension from service, suspension or withdrawal of privileges, demotion and/or termination of employment, or any other available sanctions as specified by the Viterbo Personnel Policies Handbook.

U. If the adjudicator(s) determines that it is more likely than not that a Viterbo employee has violated this Policy and that dismissal may be an appropriate sanction, the matter will be referred to the President, or the President's designee, for appropriate process and decision, which shall be determined and administered in a manner consistent with the Viterbo Personnel Policies Handbook.

V. In such cases, dismissal for cause may only be effectuated in accordance with Viterbo Personnel Policies Handbook, including use of the clear and convincing evidence standard. The adjudicator(s) or the adjudicator's designee may impose appropriate sanctions short of dismissal, in a manner consistent with the Viterbo Personnel Policies Handbook.

**W. Notification of Outcome:** The Complainant and Respondent shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of the adjudicator(s); where a violation is deemed to have occurred, the sanctions imposed; rationales for the determination and sanctions; procedures for appeal and the date by which the result becomes final as provided below; any other steps the University has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant.

1. University-issued email is the primary means of communication used by the University. The Title IX Coordinator may deliver notice by one or more of the following methods: (a) In person by the Title IX Coordinator or designee; (b) Mailed to the local or permanent address of the individual as indicated in official University records; or (c) Emailed to the individual's University-issued email account.

2. Notice sent via email will be presumed to have been received by the Respondent. In all other circumstances, the Respondent must make confirmation of receipt to the Title IX Coordinator within three (3) business days. If a Respondent fails to confirm receipt of the notice of outcome, the Title IX Coordinator may initiate a complaint for failure to comply with the directives of a university official and give notice of this violation.

**X. Appeal:** The determination of the adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.

1. Following the communication of the decision by the adjudicator(s), the Complainant or Respondent may request an appeal of the decision

2. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the notice of outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

3. The basis for an appeal will be limited to the following: New or newly-discovered evidence which may substantially affect the outcome of the adjudication; or a procedural error, which substantially affected the outcome of the adjudication.

4. Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. In an appeal, the burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.

5. If the Title IX Coordinator, or his or her designee, determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be returned for further review of the investigation report by a new adjudicator(s). If the grounds for appeal relate to the investigation, or warrant additional investigation, the new adjudicator(s) may refer the matter to further investigation before proceeding. Upon further review, the new adjudicator(s) shall utilize the same process as required for all adjudications under this Policy.

6. If there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the Title IX Coordinator, or his or her designee, may dismiss the appeal. This decision is final and is not appealable.

7. The Title IX Coordinator, or his or her designee, will notify the parties to the complaint in writing of his/her determination within ten (10) business days of the filing of the appeal.

### **INTERIM MEASURES**

At any time after a report of a potential violation of this Policy has been received by the University, the University may take immediate steps as it finds appropriate to protect a Complainant or to meet its obligations to maintain a safe, nondiscriminatory environment for students and employees. The University may take such steps even when a Complainant asks that the University keep a reported violation of this policy confidential and that it not investigate the matter, and regardless of whether the Complainant chooses to report to local law enforcement. In addition, the University will make accommodations and provide protective measures for the Complainant if requested and reasonably available. Such measures will vary based on the particular facts and circumstances and based on a complainant's confidentiality preferences, but may include:

1. Adjusting class, work, or other schedules, in consultation with appropriate administrator(s).

2. Adjusting housing or transportation arrangements, in consultation with appropriate administrator(s).

3. Adjusting a student's or employee's status, in consultation with appropriate administrator(s).

4. Establishing a no contact directive between individuals.

5. Providing escorts.

6. Restricting an individual from being on campus or at University events.

Academic accommodations may include:

1. Accessing academic support such as tutoring, testing in the Academic Resource Center, or extended time tests.

2. Adjusting academic requirements or providing assistance with academic issues.

3. Arranging for incompletes, a leave of absence, or withdrawal from campus.

4. Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or foreign student visas.

5. Rescheduling an academic assignment or test.

6. Transferring to another section of a lecture or laboratory.

To request an accommodation or protective measure, Complainants should contact the Title IX Coordinator or the Vice President for Student Affairs. The University will maintain as confidential any accommodations or protective measures provided to the Complainant, to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations or protective measures. The University will also solicit feedback from the Complainant as to the effectiveness of the accommodations or protective measures, and adjust the arrangements if necessary to enhance effectiveness.

## **WISCONSIN AND IOWA STATUTES ON DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CONSENT**

### **DOMESTIC VIOLENCE**

Under Wisconsin law, domestic abuse (Statutes 813.12(1)(am); 968.075(1)(a)) is 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 the state statute regarding sexual assault (Statute 940.225(1), (2) or (3)). 4. A violation of the state statute regarding stalking (Statute 940.32). 5. A violation of the state statute regarding damage to property (Statute 943.01), involving property that belongs to the individual. 6. A threat to engage in the conduct under 1, 2, 3, 4, or 5 listed above.

Under Iowa law, **domestic abuse** means committing assault as defined in section 708.1 under any of the following circumstances: "(a) The assault is between family or household members who resided together at the time of the assault. (b) The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault. (c) The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time. (d.) The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault. (e.1) The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors: (a) the duration of the relationship. (b) The frequency of interaction. (c) Whether the relationship has been terminated. (d) The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement. (2) A person may be involved in an intimate relationship with more than one person at a time." (Statute 236.1) Under Iowa law, "an assault as defined in this section is a general intent crime. A person commits an assault when, without justification, the person does any of the following: (1) Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act. (2) Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act. (3) Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another." (Statute 708.1).

**DATING VIOLENCE** Under Wisconsin law, dating violence is violence committed in a "dating relationship," which is 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 (Statute 813.12(1)).

**SEXUAL ASSAULT** Under Wisconsin law, sexual assault is sexual intercourse or sexual contact with a person without the consent of that person. (Statute 940.225(4)). (1) **FIRST DEGREE SEXUAL ASSAULT.** Whoever does any of the following is guilty of a Class B felony: (a) Has sexual contact or sexual intercourse with another person

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

Under Iowa law, **sexual abuse** is defined as: "Any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances: 1. The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in state of unconsciousness, the act is done against the will of the other. 2. Such other person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters. 3. Such other person is a child." (Statute 709.1).

## **SEXUAL HARASSMENT**

Under Wisconsin law, sexual harassment "means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. 'Sexual harassment' includes conduct directed by a person at another person of the same or opposite gender. 'Unwelcome verbal or physical conduct of a sexual nature' includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment." (Statute 111.32(13)).

## **STALKING**

Under Wisconsin law, **stalking** is intentionally engaging in a course of conduct directed at a specific person 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 household (Statute 940.32(2)).

Under Iowa Code Section 708.11, a person commits **stalking** when all of the following occur: 1. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person's immediate family. 2. The person has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person's immediate family by the course of conduct. 3. The person's course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person's immediate family.

## CONSENT

Under Wisconsin law, consent means 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: A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct; and/or a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.” (Statute 940.225(4)).

## SANCTIONS

Sanctions imposed upon students who are determined to have violated the Sex Discrimination, Sexual Harassment, and Sexual Misconduct Policy may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, removal from campus housing, not being allowed to represent the University in volunteer or paid work, restitution, required attendance at educational programs, required assessment or counseling, restriction of privileges, probation, suspension and/or expulsion, and any other sanctions listed in the Code of Student Conduct or deemed appropriate under the circumstances.

Appropriate sanctions for Viterbo faculty, staff or administrators deemed to have violated the Sex Discrimination, Sexual Harassment, and Sexual Misconduct Policy include, but are not limited to a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, reduction in salary, suspension from service, suspension or withdrawal of privileges, demotion and/or termination of employment, or any other available sanctions as specified by the Viterbo Personnel Policies Handbook.

## SEXUAL OFFENDER REGISTRATION

A list of registered sex offenders who are students or employees of Viterbo University will be made available to view upon request at the office of the Vice President of Student Affairs in the Student Development Center. In addition, a list of registered sex offenders in Wisconsin is available from the Wisconsin Department of Corrections at <http://offender.doc.state.wi.us/public/>. A list of registered sex offenders in Iowa is available for the Iowa Department of Corrections at <http://www.iowasexoffender.com>. Any Viterbo employee or student who is required by law to register as a sex offender is expected to comply with all reporting and registration requirements under applicable state and federal laws. Individuals are expected to self-report to the Vice President for Student Affairs.

# **2018 FIRE SAFETY REPORT**

## **INTRODUCTION**

The Higher Education Opportunity Act (HEOA) became Public Law 110–315 in August 2008, requiring all institutions of higher education that provide residential housing facilities for students to develop an annual fire safety report. Elements of the campus fire safety program consist of fire prevention policies and practices for on-campus housing, the emergency evacuation procedures for on-campus housing, and fire safety statistics for on-campus housing. This public disclosure is intended to inform current and prospective students and employees of the fire safety programs and policies in place at Viterbo, and Viterbo’s state of readiness to detect and respond appropriately to fire-related emergencies. Hard copies of the report are available for public review by calling 608796-3913 or by visiting the Director of Campus Safety at 5 Student Development Center. The Director of Campus Safety is available Monday through Friday, 8 am to 4:30 pm excluding holidays.

## **FIRE REPORTING**

If a fire occurs on any Viterbo University campus or at the Outdoor Athletic Complex, campus community members should call 911. Once 911 has been notified, the caller should contact Viterbo Campus Safety at 608-796-3911.

## **2017 MANDATORY SUPERVISED FIRE DRILLS**

Two fire drills are conducted annually at Viterbo. In 2017, one all-campus fire drill was conducted in the fall semester for all main campus buildings including housing facilities. Also in 2017, one fire drill was conducted in on-campus student housing facilities- one in the spring semester during evening hours

## **PROCEDURES FOR STUDENT HOUSING FIRE EVACUATION**

1. Each floor has 2 emergency evacuation maps posted on the end of each hallway, to guide occupants to primary and secondary exits.
2. When the building fire alarm is activated, residents are expected to:
  - a. Exit the building, closing the room door and windows on the way out.
  - b. Use the stairs, not elevators. Use the fire exit door at the bottom of the stairs that goes directly to the outside.
  - c. Once outside, go to the designated assembly area and wait for instruction from university officials or emergency management personnel.
  - d. Do not re-enter the building until instructed to do so by a university official(s) or emergency management personnel.
3. Residents who see fire or smoke are expected to pull the nearest building fire alarm and evacuate the building as described above. Residents with information about a fire or who are trapped will call 911. All fires, even those found extinguished, are to be reported.

## **FIRE SAFETY LOG**

The Director of Campus Safety and Security maintains a log of on-campus student housing facility fires. The US Department of Education requires that the fire log includes the date the fire is reported, nature of the fire, the date,

and the time and general location each fire on-campus housing facilities. A paper copy of the fire log is available upon written request to the Director of Campus Safety and Security. If Campus Safety and Security, Physical Plant or the Fire Department detects any technical problems with or within the emergency life safety systems, a fire watch patrol and fire log is instituted on each floor until the problem is rectified.

#### **DESCRIPTION OF ON-CAMPUS STUDENT HOUSING FACILITY FIRE SAFETY SYSTEMS**

<b>On-Campus Housing Facility</b>	<b>Fire Alarms</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection System</b>	<b>Fire Extinguisher Devices</b>	<b>Fire Service Elevators</b>	<b>Primary And Secondary Evacuation Exit Maps</b>	<b>Emergency Response Plan***</b>	<b>Number Of Evacuation Drills</b>
Bonaventure Hall**	Yes	Yes	Yes	Yes	Yes	2 sets per floor	1 per floor	2 per year
Canticle House*	Yes	No	Yes	Yes	No	2 sets per floor	1 per floor	2 per year
Clare Apartments	Yes	Yes	Yes	Yes	Yes	2 sets per floor	1 per floor	2 per year
Marian Hall**	Yes	Yes	Yes	Yes	No	2 sets per floor	1 per floor	2 per year
McDonald Terrace**	Yes	No	Yes	Yes	No	2 sets per floor	1 per floor	2 per year
Rose Terrace**	Yes	Yes	Yes	Yes	Yes	2 sets per floor	1 per floor	2 per year
Treacy House**	Yes	No	Yes	Yes	No	2 sets per floor	1 per floor	2 per year
821 and 823 7 <sup>th</sup> St. House*	Yes	No	Yes	Yes	No	1 set per apartment	1 set per apartment	2 per year

Notes:

\*Canticle house located at 810 Eighth Street and the theme houses at 821 and 823 Seventh Street South are equipped with hardwire smoke detector system and fire-alarm pull stations with a local alarm. These systems are in compliance with City of La Crosse fire codes.

\*\*Bonaventure Hall and Marian Hall, McDonald Terrace, Rose Terrace and Treacy House, are also equipped with a battery backup that will operate life safety systems including all fire safety equipment, sprinkler systems, hallway lighting, emergency lighting and lighting in all emergency exit stairwells.

\*\*\*Residents Assistants also have the Viterbo University Emergency Response Plan posted in their actual rooms. The plan includes information on fire safety and what appropriate action to take during a fire alarm or actual fire.

#### **FIRE SAFETY STIPULATIONS IN THE CODE OF STUDENT CONDUCT**

These are the stipulations from Code of Student Conduct related to fire safety in a student housing facility. Any student found to have committed one or more of the following acts or proscribed (impermissible) conduct may be subject to disciplinary sanctions. Attempts to commit acts that are not permitted by the Code may be subject to disciplinary action to the same extent as completed violations.

3. Use, sale, advertisement or distribution of tobacco products (i.e. cigarettes, chewing tobacco, cigars, etc.) in university facilities, on university grounds, at university events, and in university fleet vehicles.

5. Operating hover boards.

19F. Initiating or causing any false report, warning, threat of fire, explosion, false fire alarm, bomb threat, or other emergency.

23A. Intentionally or recklessly causing a fire, or unauthorized causing of, a fire or activating an alarm.

23B. Failure to evacuate a university-controlled building during a fire alarm or drill.

23C. Misusing, damaging or tampering with fire extinguishers, fire sprinklers, alarms, smoke detectors or safety equipment.

24. Possession, even if it is legally possessed, use, display or distribution of any weapon, combustible item, instrument, device, firearms, explosives, fireworks, gasoline, incendiary devices, or instrument which under the circumstances in which it is used, is readily capable of causing death, physical injury or property damage on University premises or at university-sponsored functions.

#### **FIRE STIPULATIONS IN RESIDENCE LIFE POLICIES AND PROCEDURES**

These are the stipulations in the *Residence Life Policies and Procedures* that are related to fire safety in a student housing facility. Residence Life policies and procedures are published in 2016-2017 *Viterbo University Student Handbook and Planner* on pages 152 to 162.

**Cooking and Microwave Ovens:** Due to sanitation, health, and safety laws, cooking is not permitted in student rooms in Bonaventure and Marian Halls. However, a stove, microwave, oven, and toaster are provided for use in lounges of these halls. (Students living in apartments may bring microwave ovens and toasters for use in their kitchens.)

**Decorating Rooms:** Students decorating their rooms, doors, or floors for any occasion must follow these guidelines:

- a. Use flame-resistant materials.
- b. Use lights that are UL-approved and are of low wattage. Halogen lamps may not be used.
- c. Do not decorate over fire alarm pull stations, fire extinguisher cabinets, smoke detectors, sprinkler heads, room numbers, and exit signs.

**Drills:** The University holds fire and other drills to prepare students for emergencies. Occupants should follow directions during the drills. In the event of an actual fire or a fire drill, occupants are required to evacuate the building according to the rules established in each building. Failure to do so may result in a fine.

Follow the instructions of the Student Life Staff, Campus Safety, and/or firefighting personnel. Keep the following items in mind:

1. Walk. Don't run. Be particularly careful in the staircases. Do not use the elevators.
2. Proceed to the designated outdoor rally point using the closest emergency exit. The designated outdoor rally point is Lot Q, between Canticle apartments and the Physical Plant.
3. Do not attempt to salvage personal belongings.
4. Close doors and windows when you leave.
5. Before opening a closed door, feel to see if it is hot. If it is hot, attempt to find another exit route.
5. A towel or blanket soaked in water can be helpful in combating smoke inhalation.
6. Follow the instruction of personnel authorized to take charge at the scene of the emergency.

**Fire Hazard:** Candles, incense, fireworks, hot plates, grills, halogen lamps, and portable space heaters are fire hazards and pose a danger to all students living on campus. These and related items are not permitted in residence halls, apartment buildings, and theme houses. Use or possession of items that are considered fire hazards may result in disciplinary action. Toasters are not permitted in Bonaventure and Marian Hall student rooms but are provided in floor lounges.

**Fire Safety Equipment:** Fire safety equipment is located on each floor of the residence halls and apartment buildings for safety and protection. Individuals tampering with such equipment are in violation of state law and are subject to disciplinary action.

**Health and Safety Inspections:** Staff members in the Office of Student Life inspect residence hall rooms, apartments and theme houses periodically for safety hazards, cleanliness and maintenance issues. Please assist by maintaining your living area and contacting your Resident Assistant with any health and/or safety concerns.

**Sprinklers:** Resident students and guests are asked to exercise caution in rooms and corridors with fire sprinkler systems. Any item touching a sprinkler may activate it. If a sprinkler is set off or if there are signs of water near one, contact Campus Safety immediately at 608-796-3911.

### **SMOKING AND TOBACCO POLICY**

Viterbo University is a smoke and tobacco free campus. Viterbo University helps ensure a healthy campus environment by prohibiting the use, sale, advertisement, and distribution of smoking and tobacco products including, but not limited to, cigarettes, chewing tobacco, cigars, e-cigarettes, etc. Smoking and tobacco products are prohibited in university facilities, on university grounds, on sidewalks on and adjacent to university property, in university parking lots, at university-sponsored events, and in university vehicles. Policy violations may be reported in writing to Campus Safety, the Fine Arts Center staff, Human Resources, or Residence Life. Persons violating this policy may be subject to disciplinary action.

Students and employees interested in smoking cessation are encouraged to contact the Wisconsin Quit Line at 1-800-QUITNOW or <http://ctri.wisc.edu/quitline.htm>. The Wisconsin Quit Line is available 24/7 and provides free medications, live coaching, and Web forums. Viterbo Health Services is also available for assistance.

### **OTHER VITERBO FIRE SAFETY POLICIES**

Viterbo University also adheres to stipulations outlined in the National Electric Code used by the local fire department during semi-annual (twice a year) fire inspections. Pertinent stipulations from the National Electric Code are shown here:

1. To minimize the potential for fires at Viterbo University, it is the policy of the University to prohibit or limit the use of the following items in any University owned or operated facility indoors (unless in accordance with other University policies and procedures, and/or by the Authority Having Jurisdiction): Portable space heaters, barbecue grills, hibachis, smokers (gas, electric, charcoal) and related accessories including lighter fluids and lighters, and other similar type products (for cooking/warming purposes), any open flame device or object including candles, incense sticks and related accessories, hot plates, slow cookers, deep fryers, electric skillets, electric woks, griddles, sandwich makers/grills and other similar type products (for cooking/warming purposes), toaster ovens (for cooking/warming purposes), flammable/ combustible liquids (for recreational/ personal use), fireworks, firecrackers, rockets. Flares, sparklers and other devices, halogen lamps, ceiling/wall tapestries, live holiday trees or non-fire retardant artificial holiday trees. The “cooking” and “warming” options exclude cooking and warming done in areas designated and built for such purposes and only while the use of these devices are under the direct supervision of a competent individual.
2. To minimize the potential for fires at Viterbo University, it is policy of the University to prohibit open burning and the use of combustible decorations at all times (unless in accordance with other University policies and procedures, and/or authorized by the Authority Having Jurisdiction.) Open burning as defined by the University is any open/exposed flame or combustion that produces heat, light or smoke, and has the potential to cause a fire. Examples of open burning are, but not limited to, candles, incense, bonfires, campfires, barbecue grills (except portables at least 50 feet from any building) and their related accessories such as: gasoline, propane, lighter fluid, charcoal, and pyrotechnics.
3. Electric lights or electrically operated ornaments shall not be used on metal, aluminum or any other similar metal, which could induce an electric shock.
4. Only heavy-duty extension cords and decorative lights in good condition (free from damage or exposed wiring) shall be used for decorations, must be unplugged at the end of each day, and removed after the event or holiday season.
5. All decorations and ornaments must be made of fire-resistant or non-combustible material, U.L. rated and approved for use. They shall not be hung or posted on any fire protection equipment (fire hose cabinets, fire extinguishers, sprinkler heads and piping, smoke detectors, fire alarm pull boxes, etc.), on or near exits, on or near exit or emergency lights, on or near any other protective or operating feature provided by the University, or in any manner that could present a fall or trip hazard, or impede egress.
6. Removal of all decorations, ornaments and displays are required immediately after the event.
7. Decorative lights (including holiday lights and floodlights), extension cords or electrically operated ornaments must be U.L. rated and approved for use.
8. Decorative lights shall not be hung or posted on any fire protection equipment (fire hoses cabinets, fire extinguishers, sprinkler heads and piping, smoke detectors, fire alarm pull boxes, smoke detectors, etc.), on or near exits, on or near exit or emergency lights, on or near any other protective or operating feature provided by the University, or in any manner that could present a fall or trip hazard, or impede egress.
9. Extension cords or decorative lights may not be routed under rugs or carpets, through doorways or in any manner that could present a fall or trip hazard, or impede egress.
10. It is the policy of the University that only artificial holiday trees will be used and shall be fire-retardant or noncombustible material. Indoor trees must be placed out of the way of traffic, must not block doorways, exits, exit signs or any of the fire protection equipment (fire hoses cabinets, fire extinguishers, sprinkler heads and piping, smoke detectors, fire alarm pull boxes, smoke detectors, etc.), and must not be placed in any manner that could present a fall or trip hazard, or impede egress.
11. Holiday tree lights must be unplugged at the end of each day, and must be removed after the event or holiday season.

12. Artificial snow and other decorative sprays should be used with extreme caution; they shall not be used in laboratory and/or clinical settings. Avoid spraying around exits, exit signs or any of the fire protection equipment (fire hoses cabinets, fire extinguishers, sprinkler heads and piping, smoke detectors, fire alarm pull boxes, smoke detectors, etc.)

**FIRE SAFETY EDUCATION AND TRAINING PROGRAMS FOR STUDENTS AND EMPLOYEES**

1. On-campus housing residents (include those with special needs) and residence hall staff receive fire safety training at the beginning of the academic year.
2. Basic fire safety instruction is provided annually to Physical Plant and Cafeteria employees. Additional training is available by request from a department or group of employees
3. Basic fire safety instruction is provided to all Student Life Staff on campus who attend training programs at the beginning of each academic year

**In the event of an actual fire or fire alarm, students and employees should follow these steps:**

1. Walk. Don't run. Be particularly careful in the staircases. Do not use the elevators.
2. Proceed to the designated outdoor rally point using the closest emergency exit. The designated outdoor rally point is Lot Q, between Canticle apartments and the Physical Plant.
3. Do not attempt to salvage personal belongings.
4. Close doors and windows when you leave.
5. Before opening a closed door, feel to see if it is hot. If it is hot, attempt to find another exit route.
5. A towel or blanket soaked in water can be helpful in combating smoke inhalation.
6. Follow the instruction of personnel authorized to take charge at the scene of the emergency.

Fire evacuation drills will be conducted as follows: (1) Administrative Buildings one per year, (2) Academic Buildings one per year, (3) Residence Halls and Apartments one per semester.

**2017 FIRE STATISTICS FOR ON-CAMPUS STUDENT HOUSING FACILITIES**

In accordance with US Department of Education requirements, Viterbo University collects and annually disclosed fire safety statistics for reported fires in on-campus student housing facilities including the number of fires, the cause of each fire, the number of fire related injuries for each fire, the number of fire related deaths for each fire, and the value of property damage caused by each fire.

All fires should be reported to Campus Safety at 608 796 3913.

Date	Location	Cause	Injuries	Death	Property Damage
			0	0	\$
			0	0	\$
			0	0	\$

