

University of Wisconsin-Madison
Secretary of the Faculty
133 Bascom Hall

**FACULTY SENATE MEETING AGENDA
MATERIALS
for**

6 November 2017

*The University Committee encourages senators to discuss
the agenda with their departmental faculty prior to meeting.*



WISCONSIN
UNIVERSITY OF WISCONSIN-MADISON

**FACULTY SENATE AGENDAS, MINUTES, RECORDINGS,
TRANSCRIPTIONS AND FACULTY DOCUMENTS, INCLUDING FACULTY
POLICIES AND PROCEDURES, ARE AVAILABLE:**

secfac.wisc.edu/governance/faculty-senate.htm

FACULTY SENATE MEETING
Monday, 6 November 2017 - 3:30 p.m.
272 Bascom Hall

A G E N D A

1. Memorial Resolutions for
Professor Emeritus Lloyd Bitzer. (Fac doc 2701)
Professor Emeritus Norbert Schmitz. (Fac doc 2702)
2. Announcements/Information Items.
3. Question period.
4. Minutes of October 2. (*consent*)
5. University Lectures Committee Annual Report for 2016-2017. (Fac doc 2703)
6. University Curriculum Committee Annual Report for 2016-2017. (Fac doc 2704)
7. Graduate Faculty Executive Committee (GFEC) Annual Report for 2016-2017. (Fac doc 2705)
8. Resolution calling for the Creation and Implementation of a Campus-wide Climate Action Plan. (Fac doc 2699, Revised). (*vote*)
9. Proposal to clarify *Faculty Policies and Procedures* 3.05.H. regarding the policy on academic staff as advisors. (Fac doc 2700, Revised) (*vote*)
10. Proposal to edit *Faculty Policies and Procedures* Chapters 1 (“The University Faculty”) and 2 (“University Faculty Senate”). (Fac doc 2706) (*vote*)
11. Proposal to update *Faculty Policies and Procedures* Chapter 11 (“Summer Session”). (Fac doc 2707) (*first reading*)
12. Sexual Harassment and Sexual Violence policy (endorsement and change to II-303). (Fac doc 2708) (*first reading*)

Upcoming faculty senate meetings: **December 4, 2017; February 5, March 5, April 2, May 7, October 1, November 4, December 3, 2018**

**Memorial Resolution of the Faculty of the University of Wisconsin-Madison
On the Death of Professor Emeritus Lloyd F. Bitzer**

Lloyd Bitzer, professor emeritus of Communication Arts at the University of Wisconsin-Madison, died October 13, 2016, at his family home in Verona, Wisconsin. He was born in Ohio, attended high school in Illinois, received his B.A. from Southern Illinois University, and his PhD from the University of Iowa. He came to the University of Wisconsin in 1961, where he taught until his retirement in 1994.

His scholarship was marked by a series of influential works, beginning with his 1959 essay revisiting Aristotle's enthymeme. His critical introduction to the 1963 edition of George Campbell's *Philosophy of Rhetoric* remains a touchstone in scholarship on eighteenth-century rhetorical theory. His editorship, with Edwin Black, of *The Prospect of Rhetoric*, published in 1971, set forth the proceedings of the Wingspread Conference that expanded traditional notions of rhetoric in newer, more interdisciplinary directions that reverberate to this day. His work in the 1970s on rhetoric and public knowledge adumbrated later scholarship on rhetoric and the public sphere, while his book on the 1976 presidential debates between Gerald Ford and Jimmy Carter demonstrated that a student of classical rhetorical theory had no shortage of insight about contemporary public address.

Above all these works, however, stands Lloyd's classic, "The Rhetorical Situation." Published in 1968, it was arguably the single most influential essay by a rhetorical scholar in the communication discipline during the second half of the twentieth century. Honored with National Communication Association's James A. Winans Award in 1969 and subsequently reprinted so often as to constitute a respectable curriculum vitae in and of itself, it occupies a central place in the intellectual history of rhetorical studies, composition, and philosophy.

Lloyd's other National Communication Association honors included the Golden Anniversary Award for his 1978 essay "Rhetoric and Public Knowledge," and selection in 1997 as a Distinguished Scholar. He served as president of the National Communication Association in 1976, as chair of the Department of Communication Arts at the University of Wisconsin-Madison from 1981 to 1986, and on major campus-wide committees throughout his career including the Bitzer Committee, which generated a report that led to the establishment of general education requirements in 1994. On seven occasions he received grants from the National Endowment for the Humanities to lead summer seminars on rhetorical theory for teachers across the United States.

Many people, in many contexts, have echoed Isaac Newton's observation that later generations stand on the shoulders of giants. Lloyd Bitzer is one of those giants upon whose shoulders we stand as scholars of rhetoric and public address.

Memorial Resolution Committee

Sue Zaeske

Steve Lucas

Rob Asen

Mike Xenos

**Memorial Resolution of the Faculty of the University of Wisconsin-Madison
On the Death of Professor Emeritus Norbert Lewis Schmitz**

Dr. Norbert Lewis Schmitz, Professor Emeritus of Electrical and Computer Engineering, died on April 3, 2017 at age 95. In his life, he wore many hats, electrical engineer, inventor, consultant, educator, sailor, conservationist, husband and father. He was most often referred to as “Norb” by his friends.

He was born on May 18, 1921 and lived most of his early life in Green Bay, Wisconsin. He earned all of his degrees, BS (1942), MS (1948) and Ph.D. (1951), in Electrical Engineering from the University of Wisconsin-Madison.

As an Electrical Engineer he contributed to the World War II US effort with his work at Cutler Hammer Company in Milwaukee, developing military control systems and components for the Navy and Air Force. While in Milwaukee he also taught electrical engineering at Marquette University and Milwaukee Vocational School. After he received his Ph.D., he joined the Department of Electrical Engineering in 1951 as an Assistant Professor and retired as Professor Emeritus in 1983.

Professor Schmitz was an expert on almost all aspects of electrical machinery, motors and generators, and controls for this equipment. He was responsible for several undergraduate and graduate courses and developed the control systems laboratory. Most of his research focused on electric machine operation and control. Norb was one of the first academics to carry out research involving power electronic devices for control of electric machines; technology that now dominates the field of motor control. He cofounded an industrial consortium, WEMPEC, (Wisconsin Electric Machines and Power Electronics Consortium) that currently supports a major program in this technical area and is a living legacy of his influence on the evolution of the power electronics area at Wisconsin. Norb served as Major Professor and guided the research of many students, including 11 who earned the Ph.D. from the University of Wisconsin-Madison. Most of his Ph.D. students became Professors at major schools. He also coauthored a textbook on electrical machinery with one of his Ph.D. students, who was also a UW-Madison Professor.

Norb loved sailing and owned several sailboats and ice boats. He raced his 19-foot Lightning Class sailboat, the “Coed”, at the Milwaukee Yacht Club, where he won the 1946 Lightning Class Season Championship. He returned to Madison in 1947, with “Coed” in tow, to pursue graduate studies. As a member of the UW Hoofers Sailing Club, he taught aspiring sailors the rudiments of sailing. As luck would have it, Ruth Yates, a fellow graduate student was among them. He persuaded Ruth to become his sailing partner, and they were married in 1950. They both completed their respective Ph.D. studies in 1951.

They later acquired a 30-foot sloop “Spray” and spent 18 idyllic summers in the beloved “Spray” sailing Green Bay, Lake Michigan, Lake Superior, and Lake Huron. In 2003, “Spray” was donated to the UW Hoofers Sailing Club where she still sails as a teaching craft for aspiring keelboat sailors. Norb was also no stranger to sailing among the Caribbean islands and off the coasts of Nova Scotia and Newfoundland provinces of Canada. For 25 years, Norb taught US Power Squadron navigation courses and was awarded a lifetime membership in recognition of his service.

In 1960 Norb and Ruth bought a woodland farm in the Baraboo Hills. Their love of the area inspired them to become active conservationists and led to their Founding Directorship of the Baraboo Range Preservation Association.

Norb and Ruth and their growing family lived for many years in a lakefront house on the south shore of Lake Monona, and in later years in a lakefront house on the northwest shore of Lake Mendota. He loved to take people (Landlubbers), particularly those who had never heard of iceboats, sailing on the ice of Lake Mendota and Lake Monona.

His wife, Dr. Ruth (Yates) Schmitz, died on May 23, 2015. Norb is survived by a son, Lawrence, and three daughters, Karen, Kathleen, and Wendy; eight grandchildren and five great grandchildren.

Memorial Resolution Committee
Donald Novotny
Ted Bernstein
James Skiles

**FACULTY SENATE
MINUTES
02 October 2017**

Chancellor Rebecca Blank called the meeting to order at 3:30 p.m. with 152 voting members present (109 needed for quorum). Memorial resolutions were offered for Professor Emeritus Charles R. Bentley (Faculty Document 2691), Professor Emerita Birutė Cipijauskaitė (Faculty Document 2692), Professor Emeritus Donn D'Alessio (Faculty Document 2693), Professor Emeritus Jack Fowler (Faculty Document 2694), and Professor Emeritus Milton Sunde (Faculty Document 2695).

Chancellor Blank presented her annual State of the University address. After welcoming new senators and introducing new leadership, she reviewed recent accomplishments and laid out four strategic priorities: enhance the educational experience, improve access for all students, maintain and grow faculty excellence, and expand and improve our research portfolio. Blank outlined a number of entrepreneurial strategies to bring in new dollars to invest; reported on campus impact of state and federal budgets; outlined work on sustainability (Faculty Document 2696); described ongoing efforts to improve campus climate; and addressed changes concerning DACA students. *[The entirety of the address is available as both audio file and written transcript at secfac.wisc.edu/governance/faculty-senate/.]* The chair of the University Committee, Professor Anja Wanner (University Committee, District 120), also welcomed senators to a new year, explained some of the mechanics and logistics of the Senate, provided an overview of expectations for the coming year, reported on Board of Regents and UW System items, and encouraged faculty to join PROFS. There were questions about Badger Promise, state changes to domestic partnerships, student mix, and the relationship between sustainability and equity.

The minutes of the meeting of May 1, 2017, were approved. Chancellor Blank called attention to Faculty Document 2697, "Highlights of Faculty Legislation, 2016-2017." Professor Chad Goldberg (Sociology, District 71) provided an update to Faculty Document 2677, "Resolution Calling for Fair and Equitable Pay for Faculty Assistants," passed by the Senate in Spring 2017. Professor Wanner moved to confirm the appointment of Jo Ellen Fair (African Cultural Studies) to serve on the Committee on Committees for the spring semester 2018, replacing Ivy Corfis (Spanish & Portuguese), who will be on sabbatical. The motion passed unanimously by voice vote. Professor Wanner moved to confirm the appointment of Lisa Bratzke (Nursing) to serve on the University Library Committee for three years, replacing Leema Berland (Curriculum & Instruction), who resigned from the committee. The motion passed unanimously by voice vote.

Provost Sarah Mangelsdorf presented the annual report of the University Academic Planning Council (Faculty Document 2698). There were no questions or comments. Associate Professor Kurt Paulsen (Planning & Landscape Architecture, District 76) presented Faculty Document 2699, "Resolution Calling for the Creation and Implementation of a Campuswide Climate Action Plan," for a first reading. There was one comment regarding related legislation previously passed. Professor Wanner presented for a first reading a change to *Faculty Policies and Procedures* to clarify the role of academic staff as graduate student advisors (Faculty Document 2700). There were two comments pointing to the need for the policy to recognize the role of federal scientists. Chancellor Blank adjourned the meeting at 4:39 p.m.



Steven K. Smith
Secretary of the Faculty

Lectures Committee Annual Report for 2016-2017

Statement of Committee Function

The University Lectures Committee considers requests for lectures of general interest that are not primarily supplementary to or extensions of programs of instruction provided by colleges, schools, or departments, recommends annually to the chancellor a budget for its activities, and exercises such control over the announcement of lectures as it deems necessary and desirable. It supports departments, academic programs and student organizations that bring distinguished lecturers to the UW-Madison campus. These university-wide lectures are intended to enrich the general intellectual and cultural life of the university community. The committee itself does not initiate lecture arrangements. Rather, it receives and acts on requests from eligible university groups that are interested in inviting outstanding speakers to the campus.

Past Years' Activities

During the 2016-2017 academic year the committee received a total of 56 applications for lecture support, 53 of which were supported and occurred and three were cancelled. The attached report presents information for each supported lecture; lectures are listed chronologically by the lecture's date.

In 2016-2017, the 53 supported lectures that occurred drew a combined reported attendance of 4,247 persons, a decrease in attendance by 973 from 2015-2016, and an average of 81 attendees per supported application. Lectures were sponsored by a total of 44 different campus units. Lectures had 124 co-sponsoring units, in addition to the primary sponsor.

The committee's total expenditures for the 2016-2017 year were \$51,151. Of this sum, \$26,654 (52%) was paid directly to lecturers as an honorarium, \$23,569 (46%) was paid to sponsors to reimburse travel and hotel and meal allowance expenses, and \$928 (2%) was paid for lecture administrative costs (i.e., student hourly, postage, printing and poster distribution).

The table below compares committee activity from the most recent five years. Fifteen fewer applications were received and supported from 2014-2015 to 2016-2017, but the committee received more applications (three) than the previous year (2015-2016). The total expenditures increased and then stayed consistent over the past three years, as the committee made significant efforts to follow up with units regarding attendance reports and transferring of lecture funds after the event. Sponsors have also been limited to supporting only one lecture for each spring and fall semester during recent years.

	2016-17	2015-16	2014-15	2013-14	2012-13
Number of applications received	56	53	71	72	74
Number of applications supported	53	51	65	70	70
Average reported lecture attendance	81	82	84	86	86
Number of different sponsors	44	42	52	61	63
Average number of co-sponsors	2.3	2.0	3.0	3.0	3.6
Average lecture cost	\$1,007	\$1,070	\$1,066	\$704	\$947

Current Issues or Concerns

The committee has piloted funds for live captioning services and an online application system (fall 2015) as well as an online balloting system (fall 2016). No lectures took advantage of the live captioning service in 2016-2017. The committee is also collecting lecture videos from units and creating a repository of past university lectures on the lecture committee's website. The committee looks forward to extending their visibility to the university and local community.

The committee welcomes suggestions regarding use of the William K. Fitch Fund, which is available "to bring to Madison prominent business people to give lectures on the American free-enterprise system." This past year, the committee performed extensive promotion and outreach to the general campus community and to a targeted audience in various schools, colleges and departments. It was a primary goal to increase awareness and availability of the Fitch Funds. One lecture by Adam Sachs was approved for funding in 2016-2017 by the William K. Fitch Fund; with another to be presented by Curt Culver in spring 2018. The committee will continue to promote the availability of Fitch Funds, as the fund continues to grow. A memo publicizing the Fitch Funds was distributed to all faculty in September.

Summary/Recommendations

We gratefully acknowledge sources of financial support for university-wide lectures. For direct funding of lectures in 2016-2017, the Anonymous Fund provided \$19,200 (\$12,000 directly from the Anonymous Fund and an additional \$7,200 from the Jay & Ruth Halls Visiting Scholars Fund), the Kemper K. Knapp Bequest provided \$35,000 and the Chancellor's Office (General University Fund) provided \$30,000.

2016-17 Committee Membership

Elena D'Onghia, Astronomy
Thomas DuBois, Scandinavian Studies
William Karpus, Academic Dean Representative
Antje Petty, Max Kade Institute
Jessica Rainbow, Student Representative
Timothy Smeeding, Lafollette School of Public Affairs (Chair)
John Svaren, Comparative Biosciences

University Curriculum Committee Annual Report for 2016-2017

I. Functions and Meetings

The functions of the University Curriculum Committee are specified in Chapter 6.53 of FPP as follows:

APPROVAL OF COURSES. Proposals for new credit courses, or for modifications of or discontinuation of existing credit courses, shall be approved by the department (or department-like body), then by the school or college, and finally by the University Curriculum Committee.

REVIEW OF COURSE OFFERINGS. The University Curriculum Committee may review and recommend the alteration or discontinuance of existing credit courses, and the establishment of new courses.

ADVICE ON EDUCATIONAL POLICY AND PLANNING. On its own initiative or on request, the University Curriculum Committee may advise the chancellor, provost, deans, or other administrative officers of the university on educational policy and planning and their implementation.

In 2016-2017 the committee met 16 times on the second and fourth Fridays of the month on the following dates: September 9, September 23, October 14, October 28, November 11, December 9, 2016, January 13, January 27, February 10, February 24, March 10, March 24, April 14, April 28, May 12, May 26, 2017.

Agendas and minutes for UCC meetings are available from the Office of Academic Planning and Institutional Research and are posted on-line at <http://apir.wisc.edu/uccmeetings.htm>.

II. Approval of Courses

One of the major functions of the UCC is to review proposals to create new, change existing or discontinue courses. In 2016-2017, the UCC reviewed 501 course proposals. Overall, the number of proposals was down from recent years. This is likely due to two major initiatives: the implementation of the obsolete course policy and the course requisite clean-up project (described below, section III).

Of the proposals submitted:

- 215 were new course proposals
- 237 were course change proposals
- 49 were course discontinuation proposals

	Change	Discontinue	New	Total
Accounting and Info Systems	2			2
Actuarial Science			1	1
African Languages & Literature	1		6	7
Agricultural and Applied Econ	2		2	4
Agroecology	1		1	2
Agronomy	1			1
American Indian Studies			1	1
Anthropology	1		1	2
Art Department	1			1
Art History	3		1	4
Atmospheric & Oceanic Sciences			1	1

	Change	Discontinue	New	Total
Biochemistry	1		1	2
Biological Systems Engineering	2			2
Biology	5			5
Biomedical Engineering			1	1
Biostatistics & Med Informatic			6	6
Botany	1			1
Cell and Regenerative Biology			4	4
Chicana/o & Latina/o Studies	1			1
Civil and Environmental Engr	4		3	7
Civil Soc & Community Studies	4		2	6
Classics			2	2
Collaborative Nursing Prgm	2			2
Communication Arts	7	1	4	12
Communication Sci. & Disorders	9			9
Community & Environmental Soc	1			1
Computer Sciences	7	2	6	11
Consumer Science	2			2
Counseling Psychology			1	1
Curriculum and Instruction	5	1	6	12
Dairy Science			2	2
Dance			1	1
Design Studies	5		4	9
Economics	1		1	2
Ed Leadershp & Policy Analysis	1		3	4
Educational Policy Studies	1		3	4
Educational Psychology	2		2	4
Electrical and Computer Engr	1	6	2	9
Emergency Medicine			4	4
Engineering Physics			1	1
English	2		1	3
English as a Second Language			1	1
Engr Mechanics & Astronautics	8			8
Envir St - Gaylord Nelson Inst	2		1	3
Family Medicine	1	1		2
Farm & Industry Short Course	1		1	2
Folklore	1			1
Gender And Womens Studies	1		1	2
Genetics	9	1	2	12
Geography	2		2	4
Geoscience			2	2
German	1			1
Greek (Classics)			1	1
Hebrew - Biblical			1	1

	Change	Discontinue	New	Total
History	7		2	9
History of Science			2	2
Horticulture		1	1	2
Human Devel & Family Studies	4		1	5
Human Oncology		1		1
Industrial & Systems Engr	2			2
Integrated Arts			7	7
Integrated Science			11	11
Interdis Courses (Sohe)		2	3	5
Italian (French And Italian)			1	1
Journ And Mass Communication	6		4	10
Kinesiology			4	4
La Follette School Pub Affairs			1	1
Languages & Cultures Of Asia	1			1
Legal Studies	2			2
Library & Information Studies	5		7	12
Life Sciences Communication	8			8
Literature In Translation		1	4	5
Management And Human Resources	2		1	3
Marketing	1		1	2
Materials Sci and Engineering			3	3
Mathematics	18			18
Mechanical Engineering			1	1
Medical Genetics	1			1
Medical History and Bioethics			1	1
Medical Microbiol & Immunology	1			1
Medical Physics			1	1
Medical Sciences - Med School			6	6
Medicine		5	2	7
Microbiology	2		1	3
Music			1	1
Music-Performance	2			2
Neuroscience Training Program	2		1	3
Nuclear Engineering	1			1
Nursing	2		10	12
Nutritional Sciences	1		4	5
Obstetrics And Gynecology			1	1
Occupational Ther (Dept-Kines)			7	7
Oncology			1	1
Pediatrics	1	2	2	5
Pharmaceutical Sciences	5	1		6
Pharmacy			2	2
Pharmacy Practice	2	2	4	8

	Change	Discontinue	New	Total
Philosophy	2			2
Physical Therapy	1			1
Political Science	6	1	6	13
Population Health Sciences	4	2	4	10
Psychology	25	17	1	43
Real Estate & Urban Land Econ			2	2
Rehab Psych & Special Educ	1		1	2
Religious Studies	1		7	8
Social & Administrative Pharm	3	1	1	5
Social Work	8		1	9
Sociology			1	1
Soil Science	2			2
Spanish (Spanish And Portug)	2		2	4
Surgery		1	2	3
Zoology	4		3	7
Grand Total	237	49	215	501

III. Policy and Initiatives

Expanding Communication about Curricular Matters

The committee met with Provost Sarah Mangelsdorf in October to discuss the committee's work and challenges related to credit hour requirements. In the absence of new policy, there is no clear way to make comparisons with traditional, lecture-based courses and apply the credit hour rules in a consistent way across a range of pedagogical formats. The committee is trying to figure out how to get in front of these issues. Provost Mangelsdorf observed that the UCC is fairly new and that the UCC should reasonably be expected to offer policy recommendations to fill such gaps.

In December, Steve Cramer, Vice Provost for Teaching and Learning, and Mo Bischof, Associate Vice Provost for Assessment, met with the committee to discuss best practices, standards, and policy related to teaching, learning, and courses. Higher education generally and UW-Madison specifically are moving to a more student-centric learning environment and increased active learning. The discussion focused on the credit hour issues and expectations of substantive interaction between instructors and students.

The first of what will be regular Fall and Spring semester meetings of the chairs and coordinators of the school/college curriculum committees and the members of the UCC was held in April. The group discussed the status of the new course proposal system, the creation of a campus credit hour policy and ways to improve communication among curriculum committees. It was decided that getting together each fall and spring semester to discuss common issues and concerns would foster better communication among the committees.

Evaluating Student Participation

The committee discussed at length and circulated to the school and college curriculum committee new guidelines for evaluating student participation and attendance as part of determining grades. Since its inception the UCC has had concerns about how course syllabi are constructed and what is included (and often what is not included). The committee discussion focused on the importance of providing students all of the information they need in order to understand how they will be graded in a course. Discussions on this topic will continue in 2017-2018.

Course Attributes Approved

The committee approved policies to support the creation of several new course attributes.

- The workplace experience attribute would allow undergraduates to easily identify courses with immersive workplace experience (e.g. internships, clinical work, cooperatives, practica, student teaching) in the course guide and Guide. Information about the workplace attribute is available at: <https://kb.wisc.edu/vesta/page.php?id=70849>
- Honors course designations have existed for a very long time, but a governance body had not approved them. The UCC approved a policy on Honors Course Designations to codify long standing practices. As of Fall 2017, use of the middle digit 8 will no longer signify honors. Three attributes will identify courses that are honors only, honors optional and honors accelerated. Information about the honors course designations are available at: <https://kb.wisc.edu/vesta/page.php?id=70850>
- A provisional policy for a foreign language course attribute that would identify language learning courses at the first through fourth semesters was approved and will be affirmed in 2017-2018. Information about the foreign language attribute is available at: <https://kb.wisc.edu/vesta/page.php?id=73418>

Obsolete Course Policy

Over 1700 courses were inactivated during the first year full year of the obsolete course process.

Approved by the UCC in May 2015, the Obsolete Course Policy establishes automatic course discontinuation for courses not taught in eight or more years with a two year extension available by request. This process has proved to be an efficient way of removing dormant courses from course publications in order to provide a clear, accurate representation of curricular offerings. It has also contributed to shrinking the number of discontinuation proposals the curriculum committees must review.

The obsolete course policy is available at: <https://kb.wisc.edu/vesta/page.php?id=53623>

Course Requisite Clean-Up Project

The course requisite clean-up project is well underway. The School of Human Ecology and the School of Pharmacy have completed the review process for all of their courses and are consistently enforcing requisites. A number of large subject listings in the College of Letters and Science (Math, Computer Science, Political Science and Statistics among others) and the College of Agricultural and Life Sciences (Microbiology, Biochemistry, Soil Science) are in the process of completing their review and will have consistently stated and enforced requisites shortly.

Credit Hour Policy

In May, the committee approved a credit hour policy for the campus. The credit hour assignment is a feature of the course; it is established with a course proposal and is maintained across all offerings of the course. Formats and modes of instruction are evolving and the credit hour policy is intended to provide enough flexibility to serve the University as circumstances change and new formats emerge, while also providing sufficient structure to establish academic standards and communicate to all stakeholders how the credit hour standards are met.

The credit hour policy states:

Generally, UW-Madison will follow the federal credit hour definition: one hour (i.e. 50 minutes) of classroom or direct faculty/qualified instructor instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks, or the equivalent engagement over a different time-period.

Alternatively, a credit hour will be defined as the learning that takes place in at least 45 hours of learning activities, which include time in lectures or class meetings, in-person or online, laboratories, examinations, presentations, tutorials, preparation, reading, studying, hands-on experiences, and other learning activities; or a demonstration by the student of learning equivalent to that established as the expected product of such a period of study.

In all cases, learning in for-credit courses is guided by a qualified instructor and includes regular and substantive student-instructor interaction.

The University Academic Planning Council also approved the policy. The full policy text is available at: <https://kb.wisc.edu/vesta/page.php?id=24558>

New Course Proposal System

The UCC was heavily involved in the content and design of the new course proposal form that will be implemented as part of the MARC/Lumen project. Committee members reviewed and made recommendations regarding the questions that will be a part of the new proposal form. The proposal form is currently being developed and will be in use beginning on September 1, 2017.

IV. Future Issues

In the next year the UCC has plans to take up several issues:

- Policy related to variable credit courses
- Use of special topics courses
- Transition from the old to the new course proposal system
- Additional discussion related to grading

V. Summary

The University Curriculum Committee was able to make progress in several policy areas this year. This progress was facilitated by the drop in the number of proposals that needed to be reviewed. The drop in volume is attributable in part to the implementation of policies and procedures that were put in place by the committee over the last few years. The committee looks forward to continuing this trend and devoting more time to its communication outreach efforts with those on campus who are involved with curricular matters. The implementation of a new course proposal process in the upcoming year will likely also improve the efficiency and effectiveness of the UCC.

VI. Curriculum Committee Membership 2016-2017 (term expires)

Each of the four divisions has three representatives who are appointed to staggered 3 year terms.

Ivy Corfis, Spanish and Portuguese (2019)
Ricardo Court, Political Science (2017)
Lee DeBaillie, Engineering Professional Development (2019)
Robert Glenn Howard, Communication Arts (2017)
Barbara Ingham, Food Science (2017)
Daniel Kapust, Political Science (2018)
Amy Moser, Human Oncology (2016)
Leslie Smith, Mathematics (2017) – chair
Mary Thompson, Division of Continuing Studies (2018)
Susan Wenker, Physical Therapy (2017)
Doug Wiegmann, Industrial Engineering (2018) – vice chair
David Wiemer, LaFollette School of Public Affairs (2017)

Michelle Young, Academic Planning and Institutional Research, consultant to the UCC

Graduate Faculty Executive Committee (GFEC) Annual Report, 2016-2017**Graduate School**

UNIVERSITY OF WISCONSIN-MADISON

DATE: 14 September 2017
TO: University Committee
FROM: William J. Karpus Dean *WJK*
Chair, GFEC
RE: Report of GFEC AY2016-17

I am pleased to report on the actions of the Graduate Faculty Executive Committee (GFEC) for academic year 2016-2017. This is a brief summary of all actions broken out into three categories of approvals, reviews and policy changes. More details appear in the subsequent pages.

Approvals. GFEC approved the creation of 1 new PhD program, 1 doctoral minor, 11 named options and 2 capstone certificates. Additionally, 4 programs and 1 named option were renamed and 1 program was restructured. GFEC approved admissions suspensions for 2 programs, 2 named options, 1 graduate certificate and 1 capstone certificate. Two programs, 10 doctoral minors and 1 named option were discontinued.

Reviews. GFEC conducted 9 3-year program check-ins and 39 program reviews and review updates.

Policy changes. The co-advisor/co-chair role was formalized. The minimum number of members serving on doctoral committees was reduced from five to four and the number of readers was formalized at three. Finally, graduate students are required to provide a written acknowledgement contributions received from other individuals, including co-authors of published work that appears in the dissertation, such as in designing the research, executing the research, analyzing the data, interpreting the data/research, or writing, proofing, or copyediting the manuscript.

Office of the Dean

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217 Bascom Hall 500 Lincoln Drive Madison, WI 53706-1380 www.grad.wisc.edu

Graduate Faculty Executive Committee **Actions**
Academic Year 2016-2017

Established

Doctoral/Master's Degrees

- Biomedical Data Science Ph.D. from the Department of Biostatistics and Medical Informatics. Planned effective Fall 2018. (GFEC April 2017)

Doctoral Minors

- Quantitative Biology Doctoral Minor. Effective Fall 2017. (GFEC April 2017)

Named Options

- Civil and Environmental Engineering M.S. Named Option "Construction Engineering and Management". Effective Fall 2017. (GFEC December 2016)
- Civil and Environmental Engineering M.S. Named Option "Environmental Science and Engineering". Effective Fall 2017. (GFEC December 2016)
- Civil and Environmental Engineering M.S. Named Option "Geological/Geotechnical Engineering". Effective Fall 2017. (GFEC December 2016)
- Civil and Environmental Engineering M.S. Named Option "Structural Engineering". Effective Fall 2017. (GFEC December 2016)
- Civil and Environmental Engineering M.S. Named Option "Transportation Engineering". Effective Fall 2017. (GFEC December 2016)
- Civil and Environmental Engineering M.S. Named Option "Water Resources Engineering". Effective Fall 2017. (GFEC December 2016)
- Electrical Engineering M.S. Named Option "Signal Processing and Machine Learning". Effective Fall 2017. (GFEC December 2016)
- Environmental Conservation M.S. Named Options "Environmental Observation and Informatics" and "Environmental Conservation". Effective Summer 2018. (GFEC Feb 2017)
- Industrial Engineering M.S. Named Option "Human Factors and Health Systems Engineering". Effective Fall 2017. (GFEC December 2016)
- Industrial Engineering M.S. Named Option "Systems Engineering and Analytics". Effective Fall 2017. (GFEC December 2016)
- Mechanical Engineering M.S. Named Option "Automotive Engineering". Effective Fall 2017. (GFEC December 2016)

Capstone Certificates

- Clinical Nurse Specialist-Adult/Gerontology Capstone Certificate from the School of Nursing. Effective Fall 2017. (GFEC March 2017)
- User Experience Design Capstone Certificate from the Information School. Effective Fall 2017. (GFEC December 2016)

Renamed

Doctoral/Master's Degrees/Doctoral Minors

- "African Languages and Literature" to "African Cultural Studies" M.A./Ph.D./Doctoral Minor. Effective Fall 2018. (GFEC November 2016)
- "Languages and Cultures of Asia" to "Asian Languages and Cultures" M.A./Ph.D./Doctoral Minor, which were also unsuspended. Effective Fall 2018. (GFEC February 2017)
- "Medical Microbiology and Immunology" to "Microbiology" M.S.; this was unsuspended, renamed, and then made the non-admitting terminal degree for the Ph.D. in Microbiology. Effective Fall 2017. (GFEC January 2017)
- "Rehabilitation Psychology" to "Rehabilitation Counselor Education" Ph.D./Doctoral Minor from the Department of Rehabilitation Psychology and Special Education. Effective Summer 2017 for new students, with students currently enrolled under "Rehabilitation Psychology" having the option to switch until August 2018 conferral of degrees, after which the Rehabilitation Psychology Ph.D. will be unavailable for enrollment and degree clearance. (GFEC December 2016)

Named Options

- Engineering M.Eng Named Option “Applied Computing and Engineering Data Analytics” to “Engineering Data Analytics”. Effective Fall 2016. (GFEC October 2016)

Restructured

Doctoral/Master’s Degrees/Doctoral Minors

- History of Science, Medicine and Technology M.A./Ph.D./Doctoral Minor change in academic home from the Department of History of Science to the Department of History within the College of Letters and Science. Effective July 1, 2017. (GFEC April 2017)

Admissions Suspended

Doctoral/Master’s Degrees/Doctoral Minors

- Art Education M.A./Doctoral Minor. Effective Spring 2017. (GFEC January 2017)
- Theatre and Drama M.F.A. Effective Fall 2017. (GFEC June 2017)

Named Options

- Art History Ph.D. Named Option “Architectural History”. Effective Fall 2018. (GFEC Feb 2017)
- Engineering M.Eng. Named Option “Technical Japanese.” Effective Fall 2017. (GFEC May 2017)

Graduate/Professional Certificates

- Material Culture Studies Graduate/Professional Certificate. Effective Fall 2017. (GFEC June 2017)

Capstone Certificates

- French Studies Capstone Certificate. Effective Fall 2016. (GFEC October 2016)

Discontinued

Doctoral/Master’s Degrees

- Hebrew and Semitic Studies M.A./Ph.D. from the Department of Classical and Ancient Near Eastern Studies. Effective Spring 2017. (GFEC December 2016)
- Landscape Architecture M.A. Effective Summer 2017. (GFEC May 2017)

Doctoral Minors

- Bacteriology Doctoral Minor. Effective Spring 2017. (GFEC April 2017)
- Biological Systems Engineering Doctoral Minor. Effective Spring 2017. (GFEC March 2017)
- Business, Environmental and Social Responsibility Doctoral Minor. Effective Spring 2017. (GFEC March 2017)
- Cancer Biology Doctoral Minor. Effective Spring 2017. (GFEC September 2016)
- Cellular and Molecular Biology Doctoral Minor. Effective Spring 2017. (GFEC April 2017)
- Comparative Biomedical Sciences Doctoral Minor. Effective Spring 2017. (GFEC Mar 2017)
- Medical Genetics Doctoral Minor. Effective Spring 2017. (GFEC September 2016)
- Social and Administrative Sciences Doctoral Minor. Effective Spring 2017. (GFEC Mar 2017)
- Social Work Doctoral Minor. Effective Spring 2017. (GFEC January 2017)
- Theatre and Drama Doctoral Minor. Effective Fall 2017. (GFEC June 2017)

Named Options

- Languages and Cultures of Asia Ph.D. Named Options “Languages and Literature”, “Civilizations and Cultures”, and “Religious Studies”. Effective Fall 2018. (GFEC Feb 2017)

Three-Year Check-Ins and Updates

Named Options

- Economics M.S. Named Option “Graduate Foundations” Update. (GFEC April 2017)
- Economics M.S. Named Option “Graduate Foundations”. (GFEC March 2017)
- Educational Leadership and Policy Analysis M.S. Named Option “Global Higher Education”. (GFEC January 2017)
 - Educational Leadership and Policy Analysis M.S. Named Option “Global Higher Education” Update. (GFEC April 2017)

- Educational Leadership and Policy Analysis Ph.D. Named Option “Wisconsin Idea Executive Ph.D. Cohort”. (GFEC January 2017)

Capstone Certificates

- Communication Sciences and Disorders Capstone Certificate Update. (GFEC Nov 2016)
- Leadership for Population Health Improvement Capstone Certificate. (GFEC May 2017)
- Post-Graduate Psychiatric Nursing Capstone Certificate. (GFEC September 2016)
- Post-Graduate Psychiatric Nursing Capstone Certificate Update. (GFEC November 2016)

Policy Changes

Graduate School Policy “Advisor”

- Formalize the co-advisor/co-chair role by including the following statement in advisor policy: “The coadvisor/co-chair will be designated on dissertation documentation.” (GFEC February 2017)

Graduate School Policy “Committees (Doctoral/Master’s)”

- Reduce the minimum number of members serving on doctoral committees/final oral examination committees from 5 to 4. (GFEC February 2017)
- Adopt a minimum requirement for “at least three committee members of all doctoral/final oral examination committees must be designated as readers.” (GFEC February 2017)

Graduate School Policy “Dissertation”

- Dissertations must acknowledge contributions received from other individuals, including co-authors of published work that appears in the document, such as in designing the research, executing the research, analyzing the data, interpreting the data/research, or writing, proofing, or copyediting the manuscript. (GFEC Feb 2017)

Graduate Faculty Executive Committee Program *Reviews*, Academic Year 2016-2017

- **African Languages and Literature** M.A./Ph.D./Doctoral Minor (10-Year Review; GFEC Feb 2017)
- **African Languages and Literature** M.A./Ph.D./Doctoral Minor (Review Update; GFEC May 2017)
- **Art Education** M.A./Doctoral Minor (10-Year Review; GFEC March 2017)
- **Art** M.A./MFA/Doctoral Minor (10-Year Review; GFEC March 2017)
- **Astronomy** M.S./Ph.D./Doctoral Minor (10-Year Review; GFEC May 2017)
- **Biophysics** M.S./Ph.D./Doctoral Minor (10-Year Review; GFEC April 2017)
- **Cancer Biology** M.S./Ph.D. (10-Year Review; GFEC December 2016)
- **Cellular and Molecular Biology** M.S./Ph.D./Doctoral Minor (10-Year Review; GFEC December 2016)
- **Chemistry** M.S./Ph.D./Doctoral Minor (Review Update; GFEC March 2017)
- **Chinese** M.A./Ph.D. (Review Update; GFEC October 2016)
- **Consumer Health Advocacy** Graduate/Professional and Capstone Certificates (10-Year Review; GFEC January 2017)
- **Counseling Psychology** Ph.D./Doctoral Minor (10-Year Review; GFEC June 2017)
- **Culture, History, and Environment** Graduate/Professional Certificate/Doctoral Minor (5-Year Review; GFEC September 2016)
- **Dairy Science** M.S./Ph.D. (Review Update; GFEC March 2017)
- **Development** Ph.D./Doctoral Minor (10-Year Review; GFEC June 2017)
- **Educational Psychology** M.S./Ph.D./Doctoral Minor and “Professional Educator” (MSPE) Named Option (10-Year Review; GFEC January 2017)
- **Educational Psychology** M.S./Ph.D./Doctoral Minor and “Professional Educator” (MSPE) Named Option (Review Update; GFEC May 2017)
- **Entrepreneurship** Graduate/Professional Certificate in the School of Business (10-Year Review; GFEC October 2016)
- **Fundamentals of Clinical Research** Graduate/Professional and Capstone Certificates (5-Year Review; GFEC April 2017)

- **Gender and Women's Studies** M.A./Doctoral Minor/Graduate/Professional Certificate (10-Year Review; GFEC September 2016)
- **German** M.A./Ph.D./Doctoral Minor (10-Year Review; GFEC May 2017)
- **Global Health** Graduate/Professional and Capstone Certificates (Review Update; GFEC October 2016)
- **"Global Real Estate" Named Option in the Real Estate and Urban Land Economics** M.S. (5-Year Review; GFEC June 2017)
- **Japanese** M.A./Ph.D. (Review Update; GFEC October 2016)
- **Journalism and Mass Communications** M.A. (10-Year Review; GFEC November 2016)
- **Journalism and Mass Communication** M.A. (Review Update; GFEC March 2017)
- **Library and Information Studies** Ph.D./Doctoral Minors (10-Year Review; GFEC November 2016)
- **Music** M.A./Ph.D./Doctoral Minor; Music: Education M.M.; Music: Performance M.M./DMA (10-Year Review; GFEC September 2016)
- **Music** M.A./Ph.D./Doctoral Minor; Music: Education M.M.; Music: Performance M.M./DMA (Review Update; GFEC March 2017)
- **Population Health** M.S./Ph.D./Doctoral Minor and "Epidemiology" Named Option (10-Year Review; GFEC June 2017)
- **Scandinavian Studies** M.A./Ph.D./Doctoral Minor (10-Year Review; GFEC May 2017)
- **Slavic Languages and Literature** M.A./Ph.D./Doctoral Minor and Doctoral Minor in Russian (10-Year Review; GFEC May 2017)
- **Social Welfare** Ph.D./Doctoral Minor (10-Year Review; GFEC November 2016)
- **Social Welfare** Ph.D./Doctoral Minor (Review Update; GFEC March 2017)
- **Strategic Innovation: Technology, Organizations and Society** Graduate/Professional Certificate in the School of Business (10-Year Review; GFEC October 2016)
- **Theatre and Drama** M.F.A./Doctoral Minor (10-Year Review; GFEC April 2017)
- **Theatre and Drama** M.F.A. (Review Update; GFEC June 2017)
- **Urban and Regional Planning** M.S./Ph.D./Doctoral Minor (10-Year Review; GFEC May 2017)
- **Zoology** M.A./M.S./Ph.D./Doctoral Minor (10-Year Review; GFEC March 2017)

Faculty Senate Resolution Calling for the Creation and Implementation of a Campus-wide Climate Action Plan

WHEREAS The University of Wisconsin-Madison has always been a leader in teaching, research, and outreach regarding the conservation of natural resources, environmental protection, and sustainable living patterns;

WHEREAS UW-Madison has already made significant progress in recent years in conservation and reduction of carbon emissions; has created the Office of Sustainability and the We Conserve Program, and has made significant investments in conservation and energy reduction;

WHEREAS we recognize that reducing UW-Madison's carbon emissions will require shared effort among faculty, students, academic staff, university staff, and the administration;

WHEREAS UW-Madison will soon adopt an updated Campus Master Plan that includes many goals regarding sustainability and energy, such as:

- “Extend our educational mission to Wisconsin and the world with new technology and partnerships.” (p. 27)
- “Promote environmental sustainability through our own campus operations, integrated with research and education.” (p. 28)
- “The master planning process is used to accommodate and direct future growth of the campus in a responsible and efficient manner utilizing funding to assure that facilities development supports the institution's mission of teaching, research and outreach.” (p. 30)
- “We are committed to being responsible stewards of our human, intellectual, cultural, financial, and environmental resources.” (p. 14)
- “It is the policy of the Board of Regents that the following principles shall guide the physical planning and development of UW System institutions and stewardship of physical assets controlled by the Board of Regents...
 - 9. Sustainable design through: ...
 - d. High-performance and energy-efficient design;
 - f. Appropriate use of renewable energy. (p. 31)
- “Demonstrate leadership in environmental sustainability both on- and off-campus.” (p. 139)
- “As we maximize opportunities for generating and using renewable energy, we will continue to reduce our carbon footprint.” (p. 17);

WHEREAS UW-Madison, along with the City of Madison and 10 other municipalities that are home to over 70% of the population of Dane County, was a partner in the federally-funded Capital Region Sustainable Communities, which by consensus in 2013 endorsed the Framework & Goals of a county-wide, all-sector climate action plan for the municipalities of Dane County;

WHEREAS the UW-Madison faculty senate voted on February 3, 2014, to accept the report Faculty Document 2472 from the Ad Hoc Committee on Fossil Fuel Use and Climate Change which included the recommendation #3 to “Commit our Campus to Significant Emission Reduction Targets”.

WHEREAS hundreds of universities across the country are signatories to the American College and University Presidents' Climate Commitment and are preparing or have prepared climate action plans to become carbon neutral by 2050;

WHEREAS the Chancellors of eight UW System schools have signed the American College and University Presidents' Climate Commitment (Eau Claire, Green Bay, Milwaukee, Oshkosh, River Falls, Stevens Point, Stout, and Whitewater);

WHEREAS development of a campus climate action plan will draw on faculty and staff expertise and further enhance UW-Madison's research, education, and outreach missions;

Therefore, be it RESOLVED by the UW-Madison Faculty Senate that the faculty endorses and fully supports the goal that UW-Madison should eliminate its contributions to climate disruption by becoming carbon neutral by 2050 or sooner, and that we encourage our shared governance partners (students, academic staff, and university staff) to adopt similar goals;

Be it FURTHER RESOLVED that the UW-Madison Faculty Senate encourages the Administration to endorse or adopt the goal that UW-Madison would eliminate its contributions to climate disruption by becoming carbon neutral by 2050 or sooner;

Be it FURTHER RESOLVED that the UW-Madison Faculty Senate encourages the Administration to fund, create, and implement a campus-wide climate action plan with specific and measurable targets and implementation actions to move UW-Madison to become carbon neutral by 2050 or sooner;

Be it FURTHER RESOLVED that the UW-Madison Faculty Senate recommends that this campus climate action plan:

- **begin with the City of Madison's formally adopted or endorsed climate and energy goals as well as the framework and goals of the forthcoming climate action plan of the Dane County Climate Council;**
- **contain procedures for UW-Madison to report progress on climate goals to the American College and University Presidents' Climate Commitment and/or the AASHE STARS (American Association for Sustainability in Higher Education - Sustainability Tracking, Assessment & Rating System) or other similar system;**
- **contain procedures for regular reports to the campus community on progress and actions taken in furtherance of these goals;**
- **address adaptation and resilience of campus facilities and processes within the context of a changing climate;**
- **and (to the maximum extent practicable) coordinate goals and implementation strategies with climate action plans in Dane County and the City of Madison;**

Be it FURTHER RESOLVED that the UW-Madison Faculty Senate encourages the Chancellor to sign the American Colleges and University Presidents' Climate Commitment as a symbol of UW-Madison's commitment to these goals.

Proposal to Clarify *Faculty Policies and Procedures*
3.05.H. Regarding the Policy on Academic Staff as Advisors

Recent requests made of the Graduate School, and subsequent conversations between the University Committee and the Dean of the Graduate School, have revealed a need for clarification of a section of *FPP* relating to the role of academic staff. Section 3.05.H. (below) consists of a single sentence that could be interpreted to allow the dean of the Graduate School to grant academic staff authority equivalent to that of the graduate faculty with regard to the advising of graduate students. After discussion and analysis of other sections of *FPP*, as well as historical campus practice, the University Committee proposed a revision that it believed clarified the original intent of this section as granting academic staff the same rights as faculty members with regard to graduate training programs, but not with regard to advising graduate students. However, the first Senate reading of that revision made it clear that some departments do grant major advisor status to certain academic staff, notably federal scientists. At the same time, some departments do not want academic staff to take on the role of major advisors, for a variety of reasons. After consultation with both kinds of departments, the UC proposes the language below to accommodate both scenarios. If this revision is approved, the Graduate School will develop policies for the executive committees of departments requesting an exception under the new language to justify the need, identify the relevant credentials, and supply appropriate documentation (including the memorandum of understanding governing the appointment and the associated departmental procedures).

Current

Upon the affirmative recommendation of the departmental executive committee, and approval by the dean of the Graduate School or other person or body designated by the graduate faculty, academic staff may advise graduate students and participate in graduate training programs on a basis similar to that of faculty members of the faculty of the Graduate School.

Clarification (with markup)

Upon the affirmative recommendation of the departmental executive committee, and approval by the dean of the Graduate School or other person or body designated by the graduate faculty, academic staff may advise graduate students as a committee member or co-chair, but not as sole major advisor, and they may participate in graduate training programs on a basis similar to that of ~~faculty members~~ of the faculty of the Graduate School. Exceptions may be granted in departments with written policies that allow certain federally employed scientists with academic staff appointments to serve as sole major advisor when their primary job responsibilities include graduate education.

Clarification (no markup)

Upon the affirmative recommendation of the departmental executive committee, and approval by the dean of the Graduate School or other person or body designated by the graduate faculty, academic staff may advise graduate students as a committee member or co-chair, but not as sole major advisor, and they may participate in graduate training programs on a basis similar to that of the faculty of the Graduate School. Exceptions may be granted in departments with written policies that allow certain federally employed scientists with academic staff appointments to serve as sole major advisor when their primary job responsibilities include graduate education.

Proposed updates to *Faculty Policies and Procedures*:
Chapters 1 (“The University Faculty” and 2 (“University Faculty Senate”))

Summary:

Edits related to the revisions to Wis. Stat. § 36.09(4).

- 1.20.C.

New language to reflect current practice

- 2.03.D. [schedule senate reapportionment to be more in line with senate terms]
- 2.04.D. and 2.04.G [Senator elections are very inconsistent across districts; proposed rules allow for local culture and encourage best practices]
- 2.12.A. Question period

Clarifying language

- 1.20.C. [source of responsibility cited]
- 1.30.A. [unlinked Robert’s Rules to a specific number edition]
- 1.32. Required Majority [unlinked it to a specific number of faculty members]
- 2.04.B. and 2.04.E. and 2.04.G. [terms and elections of senators]

CHAPTER 1: THE UNIVERSITY FACULTY

1.20.C. Matters within the authority of the faculty include, but are not limited to the following:

1. Educational interests or educational policies.
2. Establishment of faculty committees.
3. Establishment of the academic calendar.
4. Establishment of requirements for admission.
5. Establishment of requirements for graduation and the title of the degree to be conferred upon completion of any course of study.
6. Recommendation of candidates for honorary degrees.
7. Conduct of commencement exercises and honors convocations.
8. Establishment of policies for the regulation of intercollegiate athletics.
9. Establishment of policies concerning investigation of student misconduct and administration of student discipline, subject to the provisions of UWS 17.
10. Adoption of rules and procedures for recruitment, appointment, and review of performance of members of the faculty [~~36.09(4), Wisconsin Statutes~~], subject to the provisions of UWS 3 and RPD 20-9.
11. Provision of a standing faculty committee charged with hearing dismissal cases (UWS 4.03).
12. Creation of a standing faculty consultative committee to consult with the chancellor if at any time a declaration of financial emergency is to be considered (UWS 5.04); provision for a hearing committee to consider layoff and termination under a financial emergency (UWS 5.11).
13. Adoption of rules and procedures to deal with allegations of misconduct or violation of university rules or policies on the part of the faculty (UWS 6.02).
14. Designation of a committee or other appropriate faculty body and development of rules and procedures to hear grievances of the faculty (UWS 6.02).
15. Adoption of rules and procedures to govern the performance by a faculty member of activities of an extensive, recurring, or continuing nature outside his/her institutional responsibilities (UWS 8.025).
16. Adoption of rules and regulations for the conduct of its proceedings.

1.30. MEETINGS OF THE FACULTY.

A. **CALLING OF MEETINGS.** Meetings of the faculty shall be held at the call of the chancellor; or at the request of the University Committee; or on the written petition, to the secretary of the faculty, or of any hundred members of the university faculty, and shall be consistent with the provisions of the state’s Open Meetings Law. Robert’s Rules of Order ~~Newly Revised, 11th most recent~~ edition shall be the parliamentary manual for all meetings of the university faculty.

1.32. REQUIRED MAJORITY.

Legislation passed at a meeting of the faculty shall be valid faculty legislation if it receives a majority vote of at least ~~25~~ 10% of the faculty. Legislation passed at a meeting of the faculty, but receiving fewer than ~~25~~ 10% affirmative votes, shall require ratification by a majority vote of the senate in order to become valid faculty legislation.

CHAPTER 2: UNIVERSITY FACULTY SENATE

2.03. ELECTORAL DISTRICTS

D. Every ~~two~~ three years, the secretary of the faculty shall provide the University Committee with data on the basis of which the committee shall review the apportionment of the faculty into districts, including the appropriateness of combinations of departments into districts, and recommend to the senate any reapportionment which it deems necessary or desirable. Such recommendations shall be presented to the senate at the first meeting of the spring semester.

2.04. SELECTION AND TERMS OF SENATORS.

B. Elections of senators shall be held in the various districts, usually in April or May. All university faculty members shall be eligible for election, except that the persons designated as ex officio members (2.02.A.2. and 3.) shall be ineligible. No senator shall be eligible for re-election or for appointment as an alternate before the lapse of two years after six consecutive years of service; ~~unless the number of other nominees is less than the number of senate seats.~~

C. Each district shall establish its own procedures for conducting its elections. In establishing these procedures, each unit must adhere to the following principles and must provide notice of these principles to all individuals eligible to vote:

1. everyone in the district eligible to serve in the Faculty Senate must be provided the opportunity to nominate individuals in the unit to be candidates for the Faculty Senate (including nominating themselves);

2. everyone in the district eligible to serve in the Faculty Senate must be provided the opportunity to vote in the elections; and

3. write-in candidates must be permitted, and notice of that option must appear on any ballot.

~~Each district shall have a chair for each election. The chair of the largest department within a district shall be the district chair. (If the district does not include a largest department, the secretary of the faculty shall name on advice of the University Committee a member of the district to be chair.) The chair shall supervise the election and shall promptly certify the results to the secretary of the faculty.~~

~~D. Procedures for nomination and election of senators in each district shall be as follows:~~

~~1. The district chair shall designate a date in April or May for the election and shall notify the voters of the election date in writing at least three weeks in advance of the date chosen. The notification shall state that nominations signed by the candidate and one other voter within the district may be submitted to the district chair at any time during the two weeks following the distribution of the notice. The final date on which nominations may be accepted shall be stated in the notice.~~

~~2. After all nominations have been received, the district chair shall prepare a ballot on which the names of all candidates shall be listed alphabetically. At the top of the ballot the following shall appear:~~

Ballot for the Election of Faculty Senators

District

~~Each voter is entitled to —* votes, which he/she may cast for any candidate or allocate among various candidates in any manner.~~

~~Ballots cast for more than —* candidates cannot be counted.~~

~~[* Insert the number of senators to be elected.]~~

~~3. Each member of the district shall be entitled to one vote for each senate seat to be filled in the election and may cast all the votes to which he/she is entitled for one candidate, or may allocate them among some or all of the several candidates.~~

~~4. Voting shall be by secret ballot.~~

~~E D.~~ The term of office of each elected senator shall start ~~at the beginning of the academic year following his/her election~~ immediately for special elections, or at the beginning of the academic year following a general election. The term of office of senators elected under subsection A. shall be three years, except when the year in which the district elects senators is changed, as provided in 2.03.D.

~~F E.~~ Each senator elected under subsection A. shall name an alternate from his/her district. The name of the alternate shall be reported in writing to the district chair and to the secretary of the faculty within fifteen days after the election of the senator. Subsequent changes in alternates may occur at any time except in the week preceding a senate meeting, and shall be reported immediately to the district chair and to the secretary of the faculty. The alternate shall exercise the functions of the senator whenever the senator shall for any reason be unable to do so. In the event an alternate is unable to exercise this function, another named alternate from the same district may do so.

~~G F.~~ The office of senator shall become vacant on incapacity or resignation, or the absence of a senator from four consecutive regular meetings of the senate. The district chair shall call a special election to fill an existing vacancy. Members who decline to serve, or are unable to attend regularly, will be replaced in the same manner as approved by district rules.

2.06. MEETINGS OF THE SENATE.

A. The senate shall hold regular meetings on the first Monday of each month during the academic year. If the first Monday of the month falls on a holiday, the meeting ~~is held on the first subsequent Monday that is not a holiday.~~ shall be scheduled at a date as close to the original date as possible. The announced time and place of the meeting may be changed at the discretion of the chancellor with consent of the Executive Committee. Regular meetings may be cancelled by the chancellor with the consent of the Executive Committee if there is no significant business to be transacted.

2.07. NOTICE TO THE FACULTY OF SENATE MEETINGS.

A. The secretary shall send to every member of the faculty, at least five days before the meeting, ~~copies of the notice of every regular or special meeting of the senate; and to every senator, alternate, department chair and dean and every faculty member specifically requesting all senate materials,~~ all documents pertaining to the agenda of the meeting, including the text of any proposed legislation.

B. If the Executive Committee finds that it is impracticable to give written notice of special meetings in the manner described above, ~~because of emergency, the committee shall prescribe another form of notice~~ notice shall be provided according to state statute.

2.08. AGENDA FOR SENATE MEETINGS.

A. The agenda for meetings of the senate shall be prepared by the chancellor in conjunction with the Executive Committee and shall be distributed by the secretary to all members of the faculty. On written request of any senator, or of ten members of the faculty, the secretary shall include additional items on the agenda. The deadline for submitting such items shall be ten working days before the senate meeting. ~~A matter not on the agenda of a meeting may be added to the agenda of the meeting by a two-thirds vote of the senators present and voting.~~

2.10. PROCEEDINGS OF THE SENATE.

K. Unless otherwise provided for in Faculty Policies and Procedures, Robert's Rules of Order ~~Newly Revised, 11th most recent~~ edition, shall be the parliamentary manual of the senate, and the chancellor shall appoint a parliamentarian to advise him/her.

2.12. QUESTION PERIOD

A. Up to twenty minutes of every meeting of the senate shall be scheduled as a question period, during which members of the senate, or other members of the faculty present, may address questions to the chancellor or executive committee.

~~B. The chair of the executive committee shall preside over the senate during the question period.~~

~~C.~~ B. Members of the senate, or other members of the faculty, may file questions with secretary of the faculty at least three days prior to the senate meeting. A document containing these questions, listed in order of their delivery to the secretary, shall be given to each member of the senate at the beginning of the meeting.

~~D.~~ C. Questions may be addressed to the presiding officer without prior notice but priority shall be given to questions filed in advance, and questions without notice shall be presented only after questions on notice have been put.

~~E.~~ D. Any member of the senate, or any other member of the faculty present, may ask supplementary questions growing out of the reply of the presiding officer to the principal question, but it shall be the duty of the ~~chair of the Executive Committee~~ presiding officer to prevent the presentation of supplementary questions from becoming a debate.

~~F.~~ E. At the discretion of the ~~chair of the Executive Committee~~ presiding officer, the question period may be extended beyond the allotted twenty minutes.

~~G. At the conclusion of the question period, it shall be in order for members of the senate, or any other member of the faculty present, to address questions to the chair of the Executive Committee.~~

No mark-up

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9. Establishment of policies concerning investigation of student misconduct and administration of student discipline, subject to the provisions of UWS 17.
10. Adoption of rules and procedures for recruitment, appointment, and review of performance of members of the faculty subject to the provisions of UWS 3 and RPD 20-9.
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12. Creation of a standing faculty consultative committee to consult with the chancellor if at any time a declaration of financial emergency is to be considered (UWS 5.04); provision for a hearing committee to consider layoff and termination under a financial emergency (UWS 5.11).
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A. **CALLING OF MEETINGS.** Meetings of the faculty shall be held at the call of the chancellor; or at the request of the University Committee; or on the written petition, to the secretary of the faculty, or of any hundred members of the university faculty, and shall be consistent with the provisions of the state's Open Meetings Law. Robert's Rules of Order most recent edition shall be the parliamentary manual for all meetings of the university faculty.

1.32. REQUIRED MAJORITY.

Legislation passed at a meeting of the faculty shall be valid faculty legislation if it receives a majority vote of at least 10% of the faculty. Legislation passed at a meeting of the faculty, but receiving fewer than 10% affirmative votes, shall require ratification by a majority vote of the senate in order to become valid faculty legislation.

CHAPTER 2: UNIVERSITY FACULTY SENATE

2.03. ELECTORAL DISTRICTS

D. Every three years, the secretary of the faculty shall provide the University Committee with data on the basis of which the committee shall review the apportionment of the faculty into districts, including the appropriateness of combinations of departments into districts, and recommend to the senate any reapportionment which it deems necessary or desirable. Such recommendations shall be presented to the senate at the first meeting of the spring semester.

2.04. SELECTION AND TERMS OF SENATORS.

B. Elections of senators shall be held in the various districts, usually in April or May. All university faculty members shall be eligible for election, except that the persons designated as ex officio members (2.02.A.2. and 3.) shall be ineligible. No senator shall be eligible for re-election or for appointment as an alternate before the lapse of two years after six consecutive years of service.

C. Each district shall establish its own procedures for conducting its elections. In establishing these procedures, each unit must adhere to the following principles and must provide notice of these principles to all individuals eligible to vote:

1. everyone in the district eligible to serve in the Faculty Senate must be provided the opportunity to nominate individuals in the unit to be candidates for the Faculty Senate (including nominating themselves);
2. everyone in the district eligible to serve in the Faculty Senate must be provided the opportunity to vote in the elections; and
3. write-in candidates must be permitted, and notice of that option must appear on any ballot.
4. Voting shall be by secret ballot.

D. The term of office of each elected senator shall start immediately for special elections, or at the beginning of the academic year following a general election. The term of office of senators elected under subsection A. shall be three years, except when the year in which the district elects senators is changed, as provided in 2.03.D.

E. Each senator elected under subsection A. shall name an alternate from his/her district. The name of the alternate shall be reported in writing to the district chair and to the secretary of the faculty within fifteen days after the election of the senator. Subsequent changes in alternates may occur at any time except in the week preceding a senate meeting, and shall be reported immediately to the district chair and to the secretary of the faculty. The alternate shall exercise the functions of the senator whenever the senator shall for any reason be unable to do so. In the event an alternate is unable to exercise this function, another named alternate from the same district may do so.

F. The office of senator shall become vacant on incapacity or resignation, or the absence of a senator from four consecutive regular meetings of the senate. The district chair shall call a special election to fill an existing vacancy. Members who decline to serve, or are unable to attend regularly, will be replaced in the same manner as approved by district rules.

2.06. MEETINGS OF THE SENATE.

A. The senate shall hold regular meetings on the first Monday of each month during the academic year. If the first Monday of the month falls on a holiday, the meeting shall be scheduled at a date as close to the original date as possible. The announced time and place of the meeting may be changed at the discretion of the chancellor with consent of the Executive Committee. Regular meetings may be cancelled by the chancellor with the consent of the Executive Committee if there is no significant business to be transacted.

2.07. NOTICE TO THE FACULTY OF SENATE MEETINGS.

- A. The secretary shall send to every member of the faculty, at least five days before the meeting notice of every regular or special meeting of the senate all documents pertaining to the agenda of the meeting, including the text of any proposed legislation.
- B. If the Executive Committee finds that it is impracticable to give written notice of special meetings in the manner described above, notice shall be provided according to state statute.

2.08. AGENDA FOR SENATE MEETINGS.

- A. The agenda for meetings of the senate shall be prepared by the chancellor in conjunction with the Executive Committee and shall be distributed by the secretary to all members of the faculty. On written request of any senator, or of ten members of the faculty, the secretary shall include additional items on the agenda. The deadline for submitting such items shall be ten working days before the senate meeting.

2.10. PROCEEDINGS OF THE SENATE.

- K. Unless otherwise provided for in Faculty Policies and Procedures, Robert's Rules of Order most recent edition, shall be the parliamentary manual of the senate, and the chancellor shall appoint a parliamentarian to advise him/her.

2.12. QUESTION PERIOD

- A. Up to twenty minutes of every meeting of the senate shall be scheduled as a question period, during which members of the senate, or other members of the faculty present, may address questions to the chancellor or executive committee.
- B. Members of the senate, or other members of the faculty, may file questions with secretary of the faculty at least three days prior to the senate meeting. A document containing these questions, listed in order of their delivery to the secretary, shall be given to each member of the senate at the beginning of the meeting.
- C. Questions may be addressed to the presiding officer without prior notice but priority shall be given to questions filed in advance, and questions without notice shall be presented only after questions on notice have been put.
- D. Any member of the senate, or any other member of the faculty present, may ask supplementary questions growing out of the reply of the presiding officer to the principal question, but it shall be the duty of the presiding officer to prevent the presentation of supplementary questions from becoming a debate.
- E. At the discretion of the presiding officer, the question period may be extended beyond the allotted twenty minutes.

Proposal to update *Faculty Policies and Procedures* Chapter 11 (“Summer Session”)**CHAPTER 11: SUMMER SESSION TERM****11.01. SUMMER ~~SESSIONS~~ TERMS.**

There shall be summer ~~sessions~~ terms of such lengths as may be approved by the chancellor.

11.02. SUMMER ~~SESSION TERM~~ ADMINISTRATION.

A. The ~~director~~ Dean of the ~~Summer sessions~~ Term is appointed by the ~~chancellor~~ Provost and Vice Chancellor for Academic Affairs and acts as the general coordinating officer, ~~with specific responsibility for publications related to the summer sessions.~~ The Dean of the Summer Term may appoint a staff to provide campuswide support and coordination for summer term activity.

B. Each school and college shall appoint a summer dean to participate in campuswide planning for summer term.

~~B. C.~~ C. After academic departments and their respective college deans identify the appropriate array of the educational programming for summer term, has been effected by the departments and the college deans, the deans submit programs and budgets to the Dean of the Summer Term ~~chancellor through the director.~~ After the budget has been approved, appointments and payrolls are administered by the departments in the same manner as during the regular academic year.

11.03. SUMMER ~~SESSION TERM~~ COMPENSATION.

~~For full service in a summer session rendered by a member of the faculty, the compensation shall be at the rate of one ninth of the previous academic year’s salary for each four weeks of service.~~ All summer work performed by 9-month faculty, academic staff, and limited appointees requires prior approval by the individual’s appointing unit and dean or director office. For instructional service in summer term, divisions establish workload practices with their departments. Determining workload typically takes into account the length of the summer term and the number of credits taught. Compensation for part-time service ~~shall be appropriately~~ will be prorated. Cancellation clauses based on low enrollment can be included in appointment agreements.

11.04. ~~DEFERRAL OF SUMMER SESSION COMPENSATION~~.

~~A. By depositing salaries, earned by teaching in the summer sessions, in the Summer Sessions Deposits of the University Trust Funds, members of the university faculty (as defined in 1.02.) may defer compensation for that session(s) to a later academic term during which they have no other university compensation; however, deferred compensation under this program may not be taken in summer.~~

~~B. For full service in summer sessions, in lieu of money compensation, members of the university faculty may be paid full salary at some future time at the rate of one semester’s salary for teaching twelve weeks in summer sessions, and one academic year’s salary for teaching twenty four weeks in summer sessions.~~

~~C. Participation in the accumulated leave program is available only to university faculty on academic year appointments.~~

~~D. At the close of each summer session(s), those faculty members who are eligible to make deposits may endorse their checks and deliver them to the university trust officer for deposit in the Summer Sessions Account.~~

~~E. Twelve weeks of summer salary is the maximum that may be deposited in any one year. The maximum amount of summer salary deposits which may be accumulated at any one time by any one individual is twenty four weeks.~~

~~F. A semester's payment under this program may occur only once in three years; a year's payment only once in six years. The one year's deferred compensation earned under this plan must be utilized within five years.~~

~~G. Faculty members may, upon due notice in writing, withdraw their deposits in cash, thus canceling their deferred compensation credit. In the event that they have several deposits and desire to withdraw only a part of them, the deposits will be paid in the order of their age, the oldest deposit being paid first.~~

~~H. It is not the policy of the university to pay deferred compensation when the deferral period is to be used for teaching elsewhere or for engaging in other salaried occupations.~~

~~I. When faculty members retire, die, or withdraw their deposits before using accumulated credits, they or their estates shall receive the amount of salary deposited at the time the summer work was done, plus interest.~~

~~J. Deposits made prior to 1961 are subject to the rules as they appear in the 1960 Laws and Regulations Governing The University of Wisconsin. Deposits made between 1961 and June 30, 1967, are subject to the revised regulations approved by the Board of Regents December 9, 1960. Deposits made on or after July 1, 1968, are subject to the revised regulations approved by the Board of Regents on March 15, 1968, and deposits made after July 1, 1978, are subject to the provisions of these rules.~~

11.04. SUMMER TERM APPOINTMENTS.

To ensure appropriate staffing to support summer term instructional activities, departments and colleges may pursue a variety of staffing options.

- A. Overload – An employee may be asked to perform duties outside of their normal work assignments. In these circumstances, an overload request – identified as employment beyond 100 percent – may be approved if the need for additional compensation can be sufficiently demonstrated. Summer employment for 9-month employees is not considered an overload. In limited situations, 9-month employees may receive an overload in addition to the summer session or service payment.
- B. Dual role waiver – Schools and colleges may allow research scientists and researchers to work in a teaching capacity during summer term, so long as the employee and supervisor have considered and documented the funding implications and effort reporting requirements. Prior approval is also required if the dual role creates an overload.

No mark-up:

CHAPTER 11: SUMMER TERM

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- C. After academic departments and their respective college deans identify the appropriate array of educational programming for summer term, the deans submit programs and budgets to the Dean of the Summer Term. After the budget has been approved, appointments and payrolls are administered by the departments in the same manner as during the regular academic year.

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**Sexual Harassment and Sexual Violence Policy:
Faculty Senate Endorsement and Change to *Faculty Legislation II-303***

The UW-Madison Faculty Senate endorses the UW-Madison Policy on Sexual Harassment and Sexual Violence (SH-SV). On a directive from the UW Board of Regents, the UW-Madison Provost's Advisory Group on Sexual Assault and Misconduct (PAGSAM) constructed this policy (pp. 10-30).

SH-SV is based on the following laws, regulations and guidance:

- UW Regent Policy Document 14-2
- Title IX of the Education Amendments (1972)
- The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (1991)
- Violence Against Women Act (1994)
- The Violence Against Women Reauthorization Act of 2013
- UWS Chapter 17
- Wisconsin Statute § 36.11(22)(c)
- Governor's Executive Order #54

SH-SV includes:

- Definitions of conduct prohibited by the policy (sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking and related retaliation)
- Options for reporting violations
- List of those designated as Title IX Responsible Employees
- Various campus and community resources including confidential resources
- Investigatory and disciplinary processes for various members of the UW-Madison community

The adoption of SH-SV necessitates the modification of *Faculty Legislation II-303* "PROHIBITED HARASSMENT: DEFINITIONS AND RULES GOVERNING THE CONDUCT OF UW-MADISON FACULTY AND ACADEMIC STAFF." The proposed modified legislation is presented below.

II-303 PROHIBITED HARASSMENT: DEFINITIONS AND RULES GOVERNING THE CONDUCT OF UW-MADISON FACULTY AND ACADEMIC STAFF-PROTECTED AND UNPROTECTED EXPRESSION IN A WORK-RELATED SETTING

PART I: Sexual Favors as a Basis for Actions Affecting an Individual's Welfare as a Student or Employee

~~A member of the university faculty or academic staff is subject to discipline if he or she behaves, while engaged in official university business, toward another university employee, student, or recipient of university services in any of the following ways:~~

- ~~1. Uses, offers to use, or threatens to use one's status as a member of the university faculty or academic staff to bring about decisions or assessments affecting an individual's welfare on the basis of submission to, or rejection of, requests for sexual favors.~~
- ~~2. Accepts an offer of sexual favors in exchange for an agreement to use one's status as a member of the university faculty or academic staff to bring about favorable decisions or assessments affecting an individual.~~

PART II: Flagrant or Repeated Sexual Advances, Requests for Sexual Favors, and Physical Contacts Harmful to Another's Work or Study Performance or to the Work, Study, or Service Environment

~~A member of the university faculty or academic staff is subject to discipline if, in a work or learning-related setting, he or she makes sexual advances, requests sexual favors, or makes physical contacts commonly understood to be of a sexual nature, and if~~

- ~~1. the conduct is unwanted by the person(s) to whom it is directed, and~~
- ~~2. the actor knew or a reasonable person could clearly have understood that the conduct was unwanted, and~~
- ~~3. because of its flagrant or repetitious nature, the conduct either~~
 - ~~a. seriously interferes with work or learning performance of the person(s) to whom the conduct was directed, or~~
 - ~~b. makes the university work, learning, or service environment intimidating or hostile, or demeaning to a person of average sensibilities.~~

PART III I: Expression in Instructional Settings

The University of Wisconsin-Madison endeavors to maintain an environment that challenges students, faculty, and staff to develop their critical thinking capacities to their fullest potential—an environment in which controversial, provocative, and unpopular ideas can safely be introduced and discussed. The university is, therefore, unswervingly committed to freedom of speech as guaranteed under the First Amendment to the Constitution of the United States and to the principle of academic freedom adopted by the Board of Regents in 1894, which states in part: “whatever may be the limitations which trammel inquiry elsewhere, we believe that the great state University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone truth can be found.”

Beneficial to students, academic staff and professors alike, academic freedom has special application to the classroom and has been described by U.S. Supreme Court Justice William Brennan as “...of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom....The classroom is peculiarly the marketplace of ideas.”

Adherence to the right of freedom of speech and to the principle of academic freedom requires that all thoughts presented as ideas or the advocacy of ideas in instructional settings, if they are germane to the subject matter of the course being taught, must be protected. This applies to the ideas of faculty and students alike. The maintenance of intellectual freedom through the open expression of ideas will sometimes be unavoidably hurtful. Some hurtful expressions, however, play no meaningful role in the free exchange of ideas; they may, indeed, inhibit that exchange, thereby denying some individuals full participation in the learning experience. These expressions are those that clearly derogate and debase a student or students in the class on the basis of gender, gender identity and expression, race, religion, ethnicity, sexual orientation, or disability.

Within the framework of academic freedom, the faculty and academic staff have a responsibility to foster an environment of tolerance, civility, awareness, and respect. The university community can thrive and serve its members equally only when the community recognizes the inherent worth and dignity of every human being and affirms the principle of mutual respect as an integral aspect of the pursuit of knowledge. The integrity of the University of Wisconsin-Madison rests upon its ability to guarantee freedom from intimidation or injury generated by intolerance or harassment. The freedom of all members of the university to express openly their ideas and opinions, however, must be maintained.

Accordingly, all expression germane to the instructional setting—including but not limited to information, the presentation or advocacy of ideas, assignment of course materials, and teaching techniques—is protected from disciplinary action.

A student who finds that an instructor uses expressions that are hurtful to him or her is strongly urged to discuss these concerns with the instructor. If for some reason this is not possible, or does not produce

results the student finds satisfactory, he or she is urged to contact his or her advisor, the instructor's department chair, or the Dean of Students, for mediation between the student and the academic staff or faculty member. If the student still believes the expressions were not germane to the instructional setting, he or she is referred to *Faculty Policies and Procedures* Chapter 9 or *Academic Staff Policies and Procedures* Chapter 6.

PART ~~IV~~ II: Protected and Unprotected Expression in Non-Instructional but Work-Related Settings
Faculty and academic staff are subject to discipline for using derogating and debasing expression in a non-instructional but work-related setting according to the following definitions and rules.

1. Definitions

- a. "Expression" is communication in any format-including but not limited to oral, visual, literary, recorded, or symbolic. Expression includes the presentation of factual information and opinion, and the advocacy of ideas.
- b. A "non-instructional but work-related setting" is any situation except those described in Definition 3 below in which a member of the faculty or academic staff, while engaged in a university-related task, communicates with students, university employees or recipients of university services. Non-instructional but work-related settings include, but are not limited to, such situations as discussion about what graduate school a student might attend or what career options a student might pursue, or comments to a staff member in the Department office.
- c. An "instructional setting" is any situation in which the instructor of a course communicates about course content with one or more students enrolled in the course, or in which an instructor who has partial responsibility for communicating course content but is not the individual delegated with particular authority to record student grades communicates with the student(s) about the course content (e.g., as a member of a thesis committee; as a lecturer in a team-taught course), or in which an instructor, acting as an advisor, discusses courses taught by other instructors. Instructional settings include, but are not limited to, lecture halls, seminar rooms, laboratories, field trips, and instructors' offices. Instructional settings do not include public lectures where attendance by students is not required, published scholarship, commentary advanced in or reported via any public medium, and the like.

2. Protected and Unprotected Expression

- a. Expression is protected if it involves the presentation or discussion of any material that is appropriate to non-instructional but work-related activities.
The use, in addressing a specific student, university employee, or recipient of university services, of an epithet or a comment concerning that student, employee or recipient of services that clearly derogates and debases him or her on the basis of his or her gender, gender identity and expression, race, religion, ethnicity, sexual orientation, or disability is not appropriate and therefore is not protected.
- b. Expression can be the basis for discipline only if all of the following conditions apply:
 - i. The expression is clearly and patently not protected under ~~IV.B.1~~ II.2.a; and
 - ii. one or more student(s), university employee(s), or recipient(s) of university services have asked on one or more previous occasions that the faculty or academic staff member stop using such expression; and
 - iii. the expression is, and is commonly considered by the university community-including individuals who belong to a group targeted by the faculty or academic staff member-to be, seriously derogating and debasing; and
 - iv. the expression is likely seriously to interfere with an individual's academic or professional performance, or receipt of university services.

PART ~~V~~ III: Procedures for the Implementation of Part ~~IV~~ II

The procedures below distinguish between (a) situations in which someone believes that a member of the faculty or academic staff has engaged in prohibited expression, but there could be no violation of Part ~~IV.B.1~~ II.2.a, because there had been no prior request not to engage in that expression, and (b) situations in which the claim is that Part ~~IV~~ II has been violated, because such a request had been made and the expression was subsequently repeated.

In the first situation, the procedures deal with communication between the person who engaged in the expression and the person who objects to it. This may lead to agreement on whether the expression is or is not protected. If no such agreement emerges, the procedures provide mechanisms for obtaining clarification on whether the expression is protected.

The second situation is one in which it is claimed that unprotected expression has been repeated and constitutes a violation of these rules. Experience demonstrates that most such claims can and should be dealt with through informal processes whose goal is to enhance the understanding of those concerned and to fashion a resolution that each of them will perceive as fair and reasonable. The procedures for seeking such a resolution are set forth below. In addition, the university's formal disciplinary processes are explained, as is the grievance process available to a faculty member who believes that his or her rights have been violated by proceedings under these rules. Whether a matter is being pursued informally or through formal disciplinary proceedings, expression cannot be deemed a violation of these rules unless all of the requirements of Part ~~IV.B.1~~ II.2.a are satisfied.

1. Procedure prior to a repetition of expression believed to be unprotected
 - a. A person who objects to expression and believes that, if repeated, it could be the basis for disciplinary action, should, either directly or through an intermediary of his/her choice, explain to the faculty or staff member in question why the expression is considered objectionable and request that the expression not be repeated. If the faculty or staff member considers the expression to be protected, he/she is encouraged to discuss the matter with the person who has complained. If such a discussion fails to produce agreement on whether the expression is protected, the faculty or staff member whose expression is in question, if he or she wishes, may ask, as appropriate, the secretary of the faculty to convene a panel of at least three former chairs of the Committee on Faculty Rights and Responsibilities and/or the University Committee, or the secretary of the academic staff to convene a panel of at least three former chairs of the Academic Staff Appeals Committee and/or the Academic Staff Executive Committee to provide advice on this question, or may ask his/her department to ask for such advice.
 - i. If requested by a student, the Dean of Students office shall facilitate communication between the student and the faculty or staff member, either by helping and advising a student who wishes to speak directly with the faculty or staff member or by acting as an intermediary between them.
 - ii. Oral and written communications occurring during this process between or among the person objecting to the expression of the faculty or staff member, that faculty or staff member, and an intermediary may not be used as evidence in any university disciplinary proceeding. This provision does not apply to a request that expression not be repeated.
2. Procedure following repetition of expression believed to be a violation of these rules
 - a. The Informal, Non-Disciplinary Process. A person who believes that these rules have been violated is encouraged, though not obliged, to discuss the matter with the faculty or staff member involved, either directly or through the intervention of an appropriate intermediary at the departmental, school/college, or campus level. Similarly, faculty or staff members are encouraged, though not obliged, to participate in efforts to resolve complaints in this informal manner.

Oral and written communications occurring during the informal process may not be used as evidence in any university disciplinary proceeding.

- i. When an individual believes that these rules have been violated and seeks to deal with the problem informally, he/she should be prepared to identify precisely the conduct believed to constitute the violation. Precision is often aided by expressing the complaint in writing. If the matter is not promptly resolved, and if the person complained against so requests, the complainant shall provide such a written statement.
 - ii. A complainant who believes that informal approaches are inappropriate, or that an informal process that has been invoked is not functioning satisfactorily, is entitled to invoke the formal disciplinary process.
 - iii. A faculty or staff member is entitled to refuse to participate, or cease participating, in informal processes and insist that the matter be dropped or handled through the disciplinary process.
 - iv. If a complaint about harassment is being handled informally, and there is a dispute about whether the alleged conduct constitutes a violation of these rules, the person or body handling the matter shall seek advice on this question from the Administrative Legal Services Office and inform those concerned of the advice received.
- b. The Disciplinary Process
 - i. Discipline can be imposed on faculty members for violation of these rules only in compliance with the requirements of the formal processes delineated in Chapter 9 of *FPP (Faculty Policies and Procedures)*. This process is instituted by the filing of a written complaint with the provost. If the faculty conduct in question does not constitute a violation of these rules, the complaint is dismissed. If the conduct would be a violation, an investigation is conducted, including a discussion with the faculty member, if he/she wishes. Depending on the outcome of the investigation, the provost will either dismiss the case, refer it to the faculty member's department, or proceed with disciplinary action. If discipline is proposed, the faculty member is entitled to have the matter fully heard and considered by CFRR (Committee on Faculty Rights and Responsibilities), a committee of nine faculty members elected by the faculty at large. CFRR makes specific findings of fact and forwards them to the chancellor together with its recommendation as to the disciplinary action it considers appropriate. A determination by CFRR that there is adequate cause for discipline requires a majority vote with no more than two dissenting votes. *FPP* Chapter 9 should be consulted for further information concerning the details of the formal disciplinary process.
 - ii. Discipline can be imposed on academic staff members for violation of these rules only in compliance with the requirements of the formal processes of Chapters 6, 8 and 9 of *ASPP (Academic Staff Policies and Procedures)*.
3. Grievances by Faculty Members. A faculty member who believes that he/she has been treated unfairly or that his/her rights have been violated by efforts to deal with a complaint of harassment is entitled to pursue a grievance under *FPP* 8.15. Such a grievance, if not otherwise resolved to the faculty member's satisfaction, can be brought to the University Committee, which has full power to consider it and take whatever actions it deems appropriate.
4. Grievances by Academic Staff Members. An academic staff member who believes that he/she has been treated unfairly or that his/her rights have been violated by efforts to deal with a complaint of harassment is entitled to pursue a grievance under *ASPP* Chapter 7.

No mark-up

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- b. A “non-instructional but work-related setting” is any situation except those described in Definition 3 below in which a member of the faculty or academic staff, while engaged in a university-related task, communicates with students, university employees or recipients of university services. Non-instructional but work-related settings include, but are not limited to, such situations as discussion about what graduate school a student might attend or what career options a student might pursue, or comments to a staff member in the Department office.
- c. An “instructional setting” is any situation in which the instructor of a course communicates about course content with one or more students enrolled in the course, or in which an instructor who has partial responsibility for communicating course content but is not the individual delegated with particular authority to record student grades communicates with the student(s) about the course content (e.g., as a member of a thesis committee; as a lecturer in a team-taught course), or in which an instructor, acting as an advisor, discusses courses taught by other instructors. Instructional settings include, but are not limited to, lecture halls, seminar rooms, laboratories, field trips, and instructors’ offices. Instructional settings do not include public lectures where attendance by students is not required, published scholarship, commentary advanced in or reported via any public medium, and the like.

2. Protected and Unprotected Expression

- a. Expression is protected if it involves the presentation or discussion of any material that is appropriate to non-instructional but work-related activities.
The use, in addressing a specific student, university employee, or recipient of university services, of an epithet or a comment concerning that student, employee or recipient of services that clearly derogates and debases him or her on the basis of his or her gender, gender identity and expression, race, religion, ethnicity, sexual orientation, or disability is not appropriate and therefore is not protected.
- b. Expression can be the basis for discipline only if all of the following conditions apply:
 - i. The expression is clearly and patently not protected under II.2.a; and
 - ii. one or more student(s), university employee(s), or recipient(s) of university services have asked on one or more previous occasions that the faculty or academic staff member stop using such expression; and
 - iii. the expression is, and is commonly considered by the university community-including individuals who belong to a group targeted by the faculty or academic staff member-to be, seriously derogating and debasing; and
 - iv. the expression is likely seriously to interfere with an individual’s academic or professional performance, or receipt of university services.

PART III: Procedures for the Implementation of Part II

The procedures below distinguish between (a) situations in which someone believes that a member of the faculty or academic staff has engaged in prohibited expression, but there could be no violation of Part II, because there had been no prior request not to engage in that expression, and (b) situations in which the claim is that Part II has been violated, because such a request had been made and the expression was subsequently repeated.

In the first situation, the procedures deal with communication between the person who engaged in the expression and the person who objects to it. This may lead to agreement on whether the expression is or is not protected. If no such agreement emerges, the procedures provide mechanisms for obtaining clarification on whether the expression is protected.

The second situation is one in which it is claimed that unprotected expression has been repeated and constitutes a violation of these rules. Experience demonstrates that most such claims can and should be dealt with through informal processes whose goal is to enhance the understanding of those concerned and to fashion a resolution that each of them will perceive as fair and reasonable. The procedures for seeking such a resolution are set forth below. In addition, the university's formal disciplinary processes are explained, as is the grievance process available to a faculty member who believes that his or her rights have been violated by proceedings under these rules. Whether a matter is being pursued informally or through formal disciplinary proceedings, expression cannot be deemed a violation of these rules unless all of the requirements of Part II.2.a are satisfied.

1. Procedure prior to a repetition of expression believed to be unprotected
 - a. A person who objects to expression and believes that, if repeated, it could be the basis for disciplinary action, should, either directly or through an intermediary of his/her choice, explain to the faculty or staff member in question why the expression is considered objectionable and request that the expression not be repeated. If the faculty or staff member considers the expression to be protected, he/she is encouraged to discuss the matter with the person who has complained. If such a discussion fails to produce agreement on whether the expression is protected, the faculty or staff member whose expression is in question, if he or she wishes, may ask, as appropriate, the secretary of the faculty to convene a panel of at least three former chairs of the Committee on Faculty Rights and Responsibilities and/or the University Committee, or the secretary of the academic staff to convene a panel of at least three former chairs of the Academic Staff Appeals Committee and/or the Academic Staff Executive Committee to provide advice on this question, or may ask his/her department to ask for such advice.
 - i. If requested by a student, the Dean of Students office shall facilitate communication between the student and the faculty or staff member, either by helping and advising a student who wishes to speak directly with the faculty or staff member or by acting as an intermediary between them.
 - ii. Oral and written communications occurring during this process between or among the person objecting to the expression of the faculty or staff member, that faculty or staff member, and an intermediary may not be used as evidence in any university disciplinary proceeding. This provision does not apply to a request that expression not be repeated.
2. Procedure following repetition of expression believed to be a violation of these rules
 - a. The Informal, Non-Disciplinary Process. A person who believes that these rules have been violated is encouraged, though not obliged, to discuss the matter with the faculty or staff member involved, either directly or through the intervention of an appropriate intermediary at the departmental, school/college, or campus level. Similarly, faculty or staff members are encouraged, though not obliged, to participate in efforts to resolve complaints in this informal manner.

Oral and written communications occurring during the informal process may not be used as evidence in any university disciplinary proceeding.

- i. When an individual believes that these rules have been violated and seeks to deal with the problem informally, he/she should be prepared to identify precisely the conduct believed to constitute the violation. Precision is often aided by expressing the complaint in writing. If the matter is not promptly resolved, and if the person complained against so requests, the complainant shall provide such a written statement.
- ii. A complainant who believes that informal approaches are inappropriate, or that an informal process that has been invoked is not functioning satisfactorily, is entitled to invoke the formal disciplinary process.
- iii. A faculty or staff member is entitled to refuse to participate, or cease participating, in informal processes and insist that the matter be dropped or handled through the disciplinary process.
- iv. If a complaint about harassment is being handled informally, and there is a dispute about whether the alleged conduct constitutes a violation of these rules, the person or body handling the matter shall seek advice on this question from the Administrative Legal Services Office and inform those concerned of the advice received.

b. The Disciplinary Process

- i. Discipline can be imposed on faculty members for violation of these rules only in compliance with the requirements of the formal processes delineated in Chapter 9 of *FPP (Faculty Policies and Procedures)*. This process is instituted by the filing of a written complaint with the provost. If the faculty conduct in question does not constitute a violation of these rules, the complaint is dismissed. If the conduct would be a violation, an investigation is conducted, including a discussion with the faculty member, if he/she wishes. Depending on the outcome of the investigation, the provost will either dismiss the case, refer it to the faculty member's department, or proceed with disciplinary action. If discipline is proposed, the faculty member is entitled to have the matter fully heard and considered by CFRR (Committee on Faculty Rights and Responsibilities), a committee of nine faculty members elected by the faculty at large. CFRR makes specific findings of fact and forwards them to the chancellor together with its recommendation as to the disciplinary action it considers appropriate. A determination by CFRR that there is adequate cause for discipline requires a majority vote with no more than two dissenting votes. *FPP* Chapter 9 should be consulted for further information concerning the details of the formal disciplinary process.
- ii. Discipline can be imposed on academic staff members for violation of these rules only in compliance with the requirements of the formal processes of Chapters 6, 8 and 9 of *ASPP (Academic Staff Policies and Procedures)*.

3. Grievances by Faculty Members. A faculty member who believes that he/she has been treated unfairly or that his/her rights have been violated by efforts to deal with a complaint of harassment is entitled to pursue a grievance under *FPP* 8.15. Such a grievance, if not otherwise resolved to the faculty member's satisfaction, can be brought to the University Committee, which has full power to consider it and take whatever actions it deems appropriate.
4. Grievances by Academic Staff Members. An academic staff member who believes that he/she has been treated unfairly or that his/her rights have been violated by efforts to deal with a complaint of harassment is entitled to pursue a grievance under *ASPP* Chapter 7.



UW-Madison Policy on Sexual Harassment and Sexual Violence

Effective Date: September 13, 2017
 Last Reviewed: new
 Next Review: July 1, 2020

Functional Owner	Title IX Coordinator
Executive Sponsor	Provost, Vice Chancellor for Finance and Administration, Vice Chancellor for Legal Affairs, Office of Compliance
Policy Contact	Title IX Coordinator

I. Purpose of Policy

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

II. Policy Statement

This policy prohibits acts of sexual harassment and sexual violence (including sexual assault, dating violence, domestic violence, and stalking) in all educational programs and activities of the University. Individuals who engage in such acts, hereafter referred to collectively as sexual harassment and sexual violence, are in violation of this policy and are subject to disciplinary action. This policy also prohibits retaliation against individuals who report sexual harassment or sexual violence, who assist others in reporting, or who participate in University proceedings related to such a report. Individuals who engage in retaliation are subject to disciplinary action.

The University will provide appropriate education about sexual harassment and sexual violence and this policy. All participants in University programs and activities are responsible for helping to ensure that our campus community is kept free of sexual harassment and sexual violence by refraining from engaging in such conduct, completing required training, and complying with reporting requirements when they become aware of sexual harassment or sexual violence.

Individuals who are subjected to acts of sexual harassment or sexual violence in violation of this policy are encouraged to report these incidents. All complaints will be treated seriously and investigated fully using a trauma-informed approach. Individuals who experience sexual harassment and sexual violence will be provided access to appropriate resources regardless of their decision to report.

III. Scope of Policy

This policy applies to:

- A. University programs and activities held both on and off campus, including those held in other municipalities, states, and nations.

- B. All students while they are on campus or if their off-campus conduct meets any of the following criteria:
1. The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings;
 2. The conduct indicates that the student presented or may present a danger or threat to the health or safety of himself, herself or others; or
 3. The conduct demonstrates a pattern of behavior that seriously impairs the University's ability to fulfill its teaching, research, or public service missions. (UWS Chapter 17.02(14) and 17.08).
- C. All other members of the University community (including, but not limited to: employees, volunteers, visitors, guests, contractors, and third-party vendors) while they are on campus or engaged in activities associated with University programs and activities.

IV. Definitions

For a list of definitions of terms used in this policy, see Appendix A.

V. Conduct Prohibited by this Policy:

The conduct listed below is prohibited by this policy. For definitions, see Appendix A, "Prohibited Conduct."

- A. Sexual Discrimination
- B. Sexual Harassment
- C. Sexual Assault
- D. Dating Violence
- E. Domestic Violence
- F. Stalking
- G. Retaliation
- H. Providing false information to a reporting or investigatory office.
- I. Refusal to comply with a reasonable request on a University matter.

VI. Resources

- A. Confidential Resources for those who have experienced sexual harassment or sexual violence

Anyone who has been subjected to sexual harassment or sexual violence can access available confidential resources for assistance and support including medical care, mental health counseling, victim advocacy, and access to accommodations and protective measures. These resources are available regardless of whether the person chooses to report the violation to the University, law enforcement, or any other agency. For a list of confidential resources available on campus and in the community, see Appendix B.

- B. Resources for all members of the University community impacted by sexual harassment or sexual violence

In addition to the resources above, anyone impacted by sexual harassment or sexual violence on campus or who become involved in the University investigatory or disciplinary process – including complainants, respondents, and witnesses – has access to confidential and non-confidential campus

resources available to assist. Students may contact the Dean of Students Office or the Title IX Coordinator to learn more about the process, including their rights and obligations. Students may also contact University Health Services (UHS) for confidential mental health services. Employees may also contact the Title IX Coordinator for process information, as well as the Employee Assistance Office for confidential services. To read more about the roles of these individual resources, see section IX of this policy, Role and Duties of University Offices, Employees, and Organizations.

VII. Reporting Options

Anyone who has been subjected to sexual harassment or sexual violence or any other violation of this policy, has options for reporting the violation, including the option not to report. For those who choose to report, the following offices are available to receive reports alleging violations of this policy:

- A. Title IX Coordinator:** The Title IX Coordinator is available to receive any reports alleging violations of this policy.

Lauren Hasselbacher
354 Bascom Hall
(608) 890-3788
titleix_coordinator@wisc.edu
Office of Compliance/Title IX

- B. Dean of Students Office:** The Dean of Students Office is available to receive reports alleging violations of this policy by students.

Dean of Students Office
70 Bascom Hall
(608) 263-5700
dean@studentlife.wisc.edu
Dean of Students

- C. Office of Workforce Relations:** The Office of Workforce Relations is available to receive reports alleging violations of this policy by employees.

Workforce Relations
Office of Human Resources
21 N. Park Street, Suite 5101
608-265-2257
wr@ohr.wisc.edu
Workforce Relations

An individual may make a report to one or more of the offices or individuals noted in this section. When a report is made to more than one of the offices noted above, the offices will coordinate as they are able and attempts will be made to limit the number of times a complainant or respondent is required to repeat information about the allegations.

In addition to constituting violations of this policy, acts of sexual harassment and sexual violence might also constitute criminal conduct that violates Wisconsin statutes. Regardless of whether these acts are

reported to the University, anyone who has been subjected to sexual harassment or sexual violence has the option of reporting to law enforcement. The following law enforcement agencies are available to receive reports:

D. University of Wisconsin-Madison Police Department (for on-campus incidents)

1429 Monroe Street
(608) 264-2677 or 911
UWPD

E. Madison Police Department (for off-campus incidents in the City of Madison)

211 S. Carroll Street
(608) 261-9694 or 911
MPD

For incidents that occurred off-campus, outside of the City of Madison, the University of Wisconsin-Madison Police Department can help identify the relevant law enforcement agency to receive a report.

Violations of Title IX may be reported directly to the U.S. Department of Education, Office for Civil Rights (OCR). A person **does not** have to utilize the University's procedures for addressing sexual harassment and sexual violence before filing with OCR.

F. Office for Civil Rights, Chicago Office

U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: (312) 730-1560
Facsimile: (312) 730-1576
Email: OCR.Chicago@ed.gov

VIII. Investigatory and Disciplinary Procedures

Reports alleging violations of this policy will be addressed using the applicable University investigatory or disciplinary procedures. The procedures that will be used will be based on the relationship of the respondent with the University.¹

¹ The University procedures pertaining to faculty, academic staff, and University staff are currently being revised. While these revisions are being completed, the University will ensure that its response to complaints pursuant to this policy include the required elements of equal treatment. Specifically, in all investigatory and disciplinary proceedings for sexual harassment or sexual violence, the determination of whether this policy was violated will be based on the preponderance of available evidence. The complainant and the respondent will be afforded an equal opportunity to present information to be considered during the process, to identify other sources of information to support their position, to be accompanied by a support person of their choosing throughout the process, and to receive a written notice of the outcome of each stage of the process. Where appeal rights are provided, the complainant and the respondent will have equal appeal rights.

- A. When the respondent is a *student*, the University will use the investigatory and disciplinary procedures set forth in Chapter 17 of the University of Wisconsin Administrative Code (UWS).
- B. When the respondent is a *faculty member*, the University will use the investigatory and disciplinary procedures set forth in Chapters 4 and 7 of the UWS and Chapter 9 of the University's Faculty Policies and Procedures.
- C. When the respondent is a *member of the academic staff*, the University will use the investigatory and disciplinary procedures set forth in Chapter 11 of the UWS and in Chapter 6 and Chapter 9² of the University's Academic Staff Policies and Procedures.
- D. When the respondent is a *member of the University staff*, the University will use the investigatory and disciplinary procedures set forth in the Corrective Progressive Discipline for University Staff policy (CPP 18.01).
- E. When the respondent is a *limited appointee or an academic staff member or University staff member in their initial evaluation period (i.e., probationary period)*, the respondent's supervisor, in consultation with the Title IX Coordinator and, if appropriate, the employing unit's human resources staff and/or the central campus Office of Human Resources staff will determine the appropriate course of action.
- F. When the respondent is a *student employee, graduate assistant, or employee in training (i.e., student hourly, teaching assistant, research assistant, project assistant, resident, post doc, or fellow)* and is alleged to have engaged in the misconduct in their role as an employee, the respondent's supervisor in consultation with the Title IX Coordinator and, if appropriate, the employing unit's human resources staff and/or the central campus Office of Human Resources staff, will determine the appropriate course of action.
- G. A complainant can request that the Office of Compliance conduct an investigation a) if the respondent is a participant in the University's programs or activities who does not fall into any of the above categories, or b) if the respondent is an employee and one of the above investigatory procedures is not initiated. The Office of Compliance will investigate the alleged violation using its established complaint procedures.

When the respondent falls into more than one of the categories described in this section, multiple procedures may be utilized to determine appropriate disciplinary outcomes for each of the respondent's statuses. For example, if a respondent is both a student and an academic staff member, the University will follow UWS Chapter 17 to assess whether to impose discipline on the respondent's student status and the University will follow Chapter 11 of the UWS and Chapters 6 and 9 of the Academic Staff Policies and Procedures to assess whether to impose discipline on the respondent's academic staff status.

IX. Rights

1. Accommodations and Protective Measures

Regardless of whether an incident of sexual harassment or sexual violence is reported to the University for the purpose of initiating a disciplinary proceeding, the University will work with individuals who experience sexual harassment and/or sexual violence to undertake appropriate measures to promote their safety and wellbeing. These may include, but are not limited to, no-

² When the revised procedures for academic staff are completed, these procedures will be found in Chapter 16

contact directives, academic or work modifications, and adjustments to living spaces for those who live in a campus-operated facility or to working spaces for employees of the University.

The University will maintain as confidential any accommodations or protective measures provided as required or authorized by law and to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures. (No-contact directives are not confidential, as they must be communicated to the respondent in order to be effective.)

2. Amnesty

Complainants and witnesses to incidents of sexual harassment or sexual violence will not generally be issued citations or be subjected to disciplinary sanctions for conduct at or near the time of the incident that would violate University policies regarding alcohol or the personal use of drugs unless the University determines that the violation of University policy exposed others to serious risks to their health and safety. [See also: Wisconsin Sexual Assault Victim Amnesty Law]

3. Confidentiality

Complainants seeking a confidential consultation about protective measures or options for reporting to the University or law enforcement may contact one or more of the confidential resources listed in Appendix B to this policy.

Persons who report to any of the individuals or offices mentioned in Section VI of this policy or to any other non-confidential University employee cannot be assured the information they report will remain completely confidential due to the reporting requirements described in Section X of this policy.

Information provided in a non-confidential report or any investigatory or disciplinary proceeding will be maintained in a secure manner. If a University investigatory or disciplinary process is initiated, the respondent will be informed of the identity of the complainant and the nature of the allegations.

The University may be required to release records pursuant to the Wisconsin Public Records law, subpoenas, governmental investigations, or other legal process. When responding to requests pursuant to the Wisconsin Public Records law, the University will redact personally identifiable information about complainants. Records containing personally identifiable information about students will only be disclosed to the extent permissible by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (FERPA).

4. Prompt and Equitable Resolution

The offices and University officials responding to a report of sexual harassment or sexual violence pursuant to this policy will endeavor to resolve the matter in a prompt and equitable manner in accordance with the applicable procedures, taking into consideration the nature and complexity of the report and procedural due process requirements. The complainant and the respondent will be advised of any delays that occur during the process.

5. Potential Sanctions

The procedures identified above provide for disciplinary action against anyone found responsible for violating this policy. The nature of the disciplinary action will be based on the preponderance of the evidence uncovered during the disciplinary process and will take into account several factors,

including the nature and severity of the incident, the sanctions available pursuant to the Disciplinary Procedures outlined in Section VI above, and any past disciplinary history of the respondent. For students, sanctions may include, but are not limited to, restrictions on a course or program, probation, suspension, or expulsion. (Chapter UWS 17.10 provides a more comprehensive list of potential sanctions against students.) For employees, sanctions may range from a written warning to dismissal from employment. For program participants, sanctions may include restrictions upon participation in or exclusion from the program. For visitors to campus, sanctions may include a ban from portions or all of campus.

6. Notice of Outcome

Both the complainant and the respondent will be provided with written notice of the outcome of each stage of the applicable disciplinary process and of the final resolution of the investigation and recommended sanction.

X. Role and Duties of University Offices, Employees, and Organizations

A. Title IX Coordinator

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

B. Title IX Deputies

The Title IX Coordinator has designated several Title IX Deputies to assist the work of the Coordinator described above. These staff are trained on Title IX policy, procedures, and can provide information and answer questions about Title IX.

C. Provost's Advisory Group on Sexual Assault and Misconduct (PAGSAM)

PAGSAM provides overarching leadership on campus efforts to prevent and respond to sexual assault and sexual violence (including, but not limited to: sexual harassment, dating and domestic violence, and stalking). The group advises senior campus leaders and ensures the coordination of campus prevention, policies, response, assessment, and accountability measures.

D. End Violence on Campus Coordinating Council (EVOC CC)

The EVOC CC is a multidisciplinary committee dedicated to addressing sexual assault, domestic violence, dating violence, and stalking at the University. It is the University's Community Coordinated Response (CCR) on gender-based violence. Using collaborative, complainant-centered approaches, EVOC CC partners work together to ensure that prevention services are widely available, complainants have access to services and accommodations, professionals have adequate training and support to respond effectively, and policies designed to discipline respondents are clear, equitable, and accessible. Membership is composed of multiple campus units, three community-based victim services agencies, students, faculty, and staff. The EVOC CC reports to the Dean of Students and the University Health Services Executive Director.

E. University Health Services (UHS)

UHS provides comprehensive services aimed at preventing violence *before* it happens and helping address the needs of victims of sexual harassment, sexual assault, dating violence, domestic violence, or stalking *after* it happens. UHS provides medical care, mental health counseling, victim advocacy, and campus-wide prevention and education. UHS is responsible for providing and ensuring compliance with all required student trainings as well as a range of education and prevention efforts. UHS provides consultation and technical assistance throughout campus on violence prevention and education.

F. Dean of Students Office (DoSO)

DoSO, a department in the Division of Student Life, is a place where students can report sexual harassment and sexual violence. DoSO is available to support students affected by these forms of violence by referring students to resources, helping them request accommodations, and supporting them throughout relevant disciplinary or criminal processes (if applicable).

G. The Office of Student Conduct and Community Standards (OSCCS)

OSCCS, another department in the Division of Student Life, coordinates the disciplinary process for cases of sexual harassment and sexual violence involving student respondents that are investigated by the Title IX Coordinator.

H. Office of Human Resources (OHR)

The Office of Human Resources provides programmatic and consultative HR services to the UW-Madison community, which includes developing and assisting with strategies to attract, develop, engage, and retain the faculty and staff needed for the campus to excel as a leading research and teaching institution. As part of its mission, OHR is a resource to support and provide guidance on effective methods to prevent sexual harassment and sexual violence. OHR's responsibility also includes consulting with and advising colleges, schools, and divisions on appropriate action steps when a violation of this policy involves an employee or otherwise impacts the workplace.

I. Employee Assistance Office (EAO)

The EAO provides timely assistance to faculty and staff, and their family members or significant others as they work through life changes, chronic physical, emotional health issues, and work/life balance concerns. This service is provided free of charge and is completely confidential. Some of the services provided include, problem consultation/assessment, information about community resources, educational programs and individual referrals.

J. Office of Compliance (OC)

OC investigates formal allegations of sex discrimination, including sexual harassment and sexual violence covered by this policy. The University Equal Opportunity Complaint Investigator and Title IX Coordinator both work within the OC. The Equal Opportunity Complaint Investigator investigates when the respondent is an employee and the Title IX Coordinator investigates when the respondent is a student. The Title IX Coordinator also supports training and policy development in matters related to sex discrimination, including sexual harassment and sexual violence.

K. University Police Department, Clery Program

The University of Wisconsin-Madison Police Department (UWPD) is responsible for coordinating Clery Act compliance for UW-Madison. In collaboration with other campus units, UWPD's Clery Program Director and Assistant Director have the following responsibilities: collecting crime data and information, compiling the Annual Security Report and Annual Fire Safety Report, publishing the daily Clery Crime and Fire Log, coordinating identification and training of UW-Madison's Campus Security Authorities, and providing guidance for the issuance of timely warnings and emergency notifications. UWPD also manages the two Clery Act committees at UW-Madison: the Clery Act Leadership Committee, which is chaired by the Chief of Police, and the Clery Act Working Committee, which is chaired by the Clery Program Director.

L. Schools, Colleges, and Divisions

School, college, and divisional leadership have responsibility for supporting the implementation of this policy throughout their unit. This includes identifying individuals with reporting responsibilities, promoting and facilitating required campus training, referring employees and students to on- and off-campus resources as appropriate and cooperating with campus investigations.

XI. Reporting Responsibilities

A. Title IX Responsible Employees (applies to all forms of sexual harassment and sexual violence)

Title IX Responsible Employees have a duty to report to the Title IX Coordinator any information they receive that suggests a violation of this policy has occurred or is occurring. They are not allowed to keep information reported to them suggesting such a violation has occurred or is occurring confidential. These employees are required to:

1. Be familiar with the definitions of sexual harassment and sexual violence;
2. Be familiar with this and other related policies;
3. Be familiar with confidential and other resources on campus and in the community to which to refer a reporting individual;
4. Be familiar with the duty to report information they receive about potential acts of sexual harassment or sexual violence to the Title IX Coordinator and be prepared to explain this duty to anyone who is considering reporting such information to them.

Please see Appendix A for a definition of individuals considered to be Title IX Responsible Employees.

B. Campus Security Authorities (CSAs) (applies to certain campus crimes, including all forms of sexual violence)

Campus Security Authorities are responsible for reporting to the University Clery Program certain campus crimes that are reported to them, including all forms of sexual violence. CSAs are not allowed to keep information reported to them suggesting a campus crime has occurred confidential.

CSAs are trained annually to identify which crimes they are responsible for reporting and how to report those crimes to the Clery Program.

Please see Appendix A for a definition of individuals considered to be Campus Security Authorities.

C. All Employees

1. Wisconsin Statute § 36.11(22)(c) (applies to sexual assault)

Any University employee who witnesses an act of sexual assault, or who receives a first-hand report of sexual assault from an enrolled student, must report that information to the Office of the Dean of Students. The Dean of Students shall compile reports for the purpose of disseminating statistical information. Confidential employees, as defined in this policy, are only required to report the occurrence of the sexual assault and are not required to provide any identifying information or details about the individuals involved.

2. Executive Order #54 (applies to child abuse and neglect)

Executive Order #54 (EO 54) requires any University employee (other than employees who are mandatory reporters covered by Wis. Stats. § 48.981(2)(a)) to make a report of child abuse (including sexual abuse) or neglect immediately if, in the course of employment, the employee observes an incident or threat of child abuse or neglect, or learns of an incident or threat of child abuse or neglect, and the employee has reasonable cause to believe that child abuse or neglect has occurred or will occur. A report is required regardless of where the incident or threat of child abuse or neglect occurred (i.e., reporting is required if the abuse occurs on campus or in the child's home). The report must be made to the University of Wisconsin-Madison Police Department, Dane County Child Protective Services (CPS), or the City of Madison Police Department.

If the incident or threat of child abuse or neglect involves an allegation against a University employee or agent (e.g. student, volunteer, etc.), or the incident or threat of child abuse or neglect occurred on campus or during a University sponsored activity, *in addition to notifying law enforcement or CPS*, the reporter must also notify one of the following offices: The Office for Equity and Diversity (primary) or UW Police Department (outside of normal business hours).

The UW-Madison Policy on Mandatory Reporting of Child Abuse and Neglect can be accessed [here](#).

XII. Education and Training

A. Campus Training Requirements

All students and employees will be required to complete the campus-supported training addressing issues of sexual harassment and sexual violence. More in-depth training will be provided and required for employees identified as: Title IX Responsible Employees, Campus Security Authorities under the Clery Act, as well as any other employees who have direct responsibilities related to the coordination and enforcement of this policy.

Offices and committees with training and education responsibilities include:

- Students: University Health Services

- Employees: Office of Human Resources, Office of Compliance
- Title IX Responsible Employees: Title IX Coordinator
- Campus Security Authorities: Clery Program Director
- EO54: Office for Equity and Diversity

The EVOC CC and PAGSAM: advise campus offices on their training and educational programs related to this policy.

B. Consequences for non-compliance with training requirements:

Employees: All employees, regardless of classification, must complete the campus-supported training for employees related to this policy. If a faculty or staff member does not complete the training, supervisors will document the deficiency (e.g., during performance management evaluation). The faculty or staff member will not be eligible for general wage adjustments (GWA) or performance pay increases that require satisfactory performance if the deficiency remains. Supervisors are also accountable for ensuring employees whom they supervise complete the training. If an employee has not completed the training, their immediate supervisor will also not be eligible for GWAs or performance pay increases that require satisfactory performance, unless the supervisor can demonstrate that they have made repeated efforts to obtain the employee's compliance without success. Supervisors must allow employees adequate time to complete the training during normal work hours.

Students: Students who fail to complete the campus-supported training for students related to this policy will have a hold placed on their registration and will not be allowed to register for classes in subsequent semesters until the training requirement has been completed.

XIII. Record Keeping and Data Collection

The Title IX Coordinator will maintain records of reports of sexual harassment or sexual violence consistent with the institutional records-retention policy. In addition, the Title IX Coordinator will track compliance with mandatory Title IX training programs, and maintain a list of training and education offered on campus. University Health Services will collect and maintain data regarding mandatory student training. The Office of Human Resources and the Office of Compliance will collect and maintain data regarding mandatory employee training.

The University's Clery Program Director, or other appropriate office, will collect appropriate data and information and compile the Annual Security Report and Annual Fire Safety Report, consistent with the federal Clery Act. The Clery Program Director will also collect and maintain data regarding annual CSA training.

The Office of the Dean of Students, or other appropriate office, will collect appropriate data and compile the state report required under § 36.11(22)(c), Wis. Stats.

XIV. Assessment

The University will conduct periodic studies that seek to gather data and information concerning sexual harassment and sexual violence on or near campus. Efforts will be made to conduct such studies with sufficient frequency to determine trends in incidence and prevalence on campus and evaluate the effectiveness of prevention and intervention programs. At a minimum, such studies will be conducted every three years. The University will also work to design methods for effectively evaluating the outcomes of campus training and educational programming. It is imperative that the University

proactively integrate empirically informed assessment and evaluations into sexual harassment and sexual violence prevention and awareness programs to measure whether they are achieving the intended outcomes.

XV. Related Policies and Guidance

Discrimination, Harassment and Retaliation Policy

Safe Learning and Work Environments—Reporting Requirements and Resources

Consensual Relationships Policy

XVI. Link to Current Policy

Appendix A - Definitions

Campus Professional Counselor. Any employee or student who is a licensed medical or mental health professional, working under the supervision of such a professional, or providing administrative support services in a confidential setting, when acting in that role in the provision of clinical services to a patient or client who is a University student or employee. A Campus Professional Counselor will not report specific information concerning a disclosure of sexual harassment or sexual violence received by the Campus Professional Counselor in their professional capacity unless with the consent of the disclosing individual or unless required by the Campus Professional Counselor's license or by law. See Appendix B of this policy for a list of Confidential Resources.

Campus Security Authority. Campus Security Authority (CSA) is a *Clery Act*³ specific term that encompasses four groups of individuals and organizations associated with an institution:

1. All personnel who work for a campus police department or campus security department of an institution.
2. Any individual(s) who have responsibility for campus security but who do not constitute a campus police or security department. This includes, but is not limited to, people who provide security services such as monitoring access to campus facilities, act as event security for events such as sports or large, registered parties, or escort students around campus after dark.
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report crimes. At UW-Madison, the following offices are designated to receive crime reports on behalf of the institution: University of Wisconsin Police Department, the Dean of Students Office, the Title IX Coordinator in the Office of Compliance, the Office of Workforce Relations.
4. An official of the institution with significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.
[See 34 C.F.R. 668.46(a)]

Clear and Convincing Evidence. Information that would persuade a reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than "preponderance of the evidence." See, e.g., Sections UWS 17.02(2), UWS 11.015(1), UWS 4.015(1), and UWS 7.015(1), Wis. Admin. Code.]

Complainant. Any individual who is reported to have been subjected to sexual harassment or sexual violence as defined in this policy.

Confidential Resources. As used in this policy, Confidential Resources collectively refers to Campus Professional Counselors, Non-Campus Professional Counselors, Ombuds, and Victim Advocates. See Appendix B of this policy for a list of Confidential Resources.

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

³ Formally known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Employee. Any individual who holds a faculty, academic staff, University staff, limited, student employment, employee-in-training, temporary, or project appointment. (*See, e.g.,* UPS Operational Policy, GEN 0, General Terms and Definitions)

Executive Order 54. An Executive Order issued by Governor Walker in 2011 requiring that University employees, except otherwise Mandated Reporters pursuant to Wis. Stats. s. 48.981, report incidents of child abuse and neglect, which they observe or learn of in the course of their employment. Such reports must be personally and immediately made to law enforcement or the county department of social services or human services.

Hostile Environment. A hostile environment is created when one engages in sexual harassment and that conduct has the purpose or effect of 1) creating an intimidating, hostile, or offensive working, academic, or program-related environment, **or** 2) substantially interfering with an individual's work or academic performance, or their participation in a University program or activity **and** 3) that a reasonable person under the same circumstances as the individual would consider the conduct sufficiently severe or pervasive to do the same. [*See, e.g.,* § 111.36(1)(b), Wis. Stats.]

Incapacitation. As it applies to this policy, the state of being unable to physically and/or mentally make informed rational judgments and effectively communicate. It may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation if viewed from the perspective of a sober, reasonable person.

Intimate Parts. The breast, buttock, anus, groin, scrotum, penis, vagina or pubic mound of a human being. [§ 939.22(19), Wis. Stats.]

Non-Campus Professional Counselor. Individuals or agencies in the community whose professional license or certification permits that individual or agency to preserve the confidentiality of the patient or client. See Appendix B of this policy for a list of Confidential Resources.

Office for Civil Rights. The U.S. Department of Education office that is responsible for enforcing Title IX of the Education Amendments of 1972, and other education-based discrimination acts. Commonly referred to as OCR.

Ombuds. Any employee who works for the UW-Madison Ombuds Office while that employee is providing confidential services to a client who is a University employee. An Ombuds will not report personally identifiable information concerning a disclosure of sexual harassment or sexual violence received by that individual in their professional capacity unless with the consent of the disclosing individual or unless required by law. Information disclosed to an Ombuds is not entitled to the same legal protections as information conveyed to a licensed Campus or Non-Campus Professional Counselor and might be more easily discoverable in a legal proceeding. Disclosing information to an Ombuds will not lead to a Title IX investigation, unless the Complainant so requests. See Appendix B of this policy for a list of Confidential Resources.

Preponderance of the Evidence. Information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than "clear and convincing evidence"

and is the minimum standard for a finding of responsibility pursuant to this policy. [See, e.g., Sections UWS 17.02(13), UWS 11.015(7), UWS 4.015(7), and UWS 7.015(5), Wis. Admin. Code.]

Respondent. A person who is accused of violating this policy.

Prohibited Conduct:

- A. Sex Discrimination.** Conduct that adversely affects any aspect of an individual's employment, education, or participation in an institution's activities or programs, or has the effect of denying equal privileges or treatment to an individual on the basis of that individual's sex or gender. Sexual harassment and sexual violence are forms of sex discrimination. [See 20 USC §§ 1681-1688]
- B. Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience or their participation in a University program or activity, (2) submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or program-related decisions affecting such an individual, or (3) creates a hostile environment. [Adapted from 29 C.F.R. § 1604.11 (1980).]
- C. Sexual Assault:** Sexual contact or sexual intercourse with another person without the consent of that person [§ 940.225, Wis. Stats.].
 - 1. First Degree Sexual Assault.** Engaging in any of the following constitutes First Degree Sexual Assault:
 - a. Sexual contact or sexual intercourse with another person without consent of that person and that causes pregnancy or great bodily harm to that person.
 - b. Sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
 - c. Sexual contact or sexual intercourse with another person without the consent of that person by use or threat of force or violence, aided or abetted by one or more persons.
 - 2. Second Degree Sexual Assault.** Engaging in any of the following constitutes Second Degree Sexual Assault:
 - a. Sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
 - b. Sexual contact or sexual intercourse with another person without consent of that person causing injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.
 - c. Sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the respondent knows of such condition.
 - d. Sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the respondent has actual knowledge that the person is incapable of giving consent and the respondent has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.
 - e. Sexual contact or sexual intercourse with a person who the respondent knows is unconscious.
 - f. Sexual contact or sexual intercourse with another person without the consent of that person, aided or abetted by one or more other persons.

3. **Third Degree Sexual Assault.** Sexual intercourse with a person without the consent of that person.
4. **Fourth Degree Sexual Assault.** Sexual contact with a person without the consent of that person.
- D. **Dating Violence.** Violence committed in a “dating relationship,” which is defined as a romantic or intimate social relationship between two adult individuals; “dating relationship” does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. The University shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship. [§ 813.12(1)(ag), Wis. Stats.]⁴
- E. **Domestic Violence.** 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 [§§ 813.12 (1)(am) and 968.075, Wis. Stats.]
 1. Intentional infliction of physical pain, physical injury, or illness.
 2. Intentional impairment of physical condition.
 3. A violation of the state statute regarding sexual assault. [§ 940.225(1), (2) or (3), Wis. Stats.]
 4. A violation of the state statute regarding stalking. [§ 940.32, Wis. Stats.]
 5. A violation of the state statute regarding damage to property, involving property that belongs to the individual. [§ 943.01, Wis. Stats.]
 6. A threat to engage in any of the conduct under 1 through 5 listed above. [§§ 813.12 (1)(am) and 968.075, Wis. Stats.]
- F. **Stalking.** Intentionally engaging in a course of conduct that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household [§. 940.32, Wis. Stats.].
- G. **Retaliation.** An adverse action taken against an individual in response to, motivated by, or in connection with the individual’s complaint of sex discrimination or sexual harassment, participation in an investigation of such complaint, and/or opposition of sex discrimination or sexual harassment in the University’s workplace or educational programs and activities. An adverse action is an action that a reasonable person would find materially adverse such that it would dissuade the person from making or supporting a charge of discrimination. Examples include, but are not limited to: violating a no-contact directive; awarding a lower grade for reasons other than merit; or imposing unwarranted workplace discipline.
- H. **Providing false information to a reporting or investigatory office.** Any person who makes intentionally false statements or provides intentionally false information when reporting a violation of this policy or during the course of any disciplinary proceeding pursuant to this policy is subject to disciplinary action. The fact that a complaint of sexual harassment or sexual violence did not result in a finding of wrongdoing in a law enforcement or University disciplinary proceeding will not, by itself, be a basis for determining that this provision has been violated.

⁴ Note that violence committed against an adult with whom the individual has or had a dating relationship may constitute Domestic Violence if it meets the definition below, regardless of whether the individuals have cohabitated.

- I. Refusal to comply with a reasonable request on a University matter.** Examples include failure to comply with a letter of expectation, No Contact Order, or exclusion.

Responsible Employee. *See Title IX Responsible Employee*

Sexual Contact.

- A. Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the respondent or if the touching contains the elements of actual or attempted battery [940.19(1), Wis. Stats.]:
 - 1. Intentional touching by the respondent or, upon the respondent's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.
 - 2. Intentional touching by the complainant, by the use of any body part or object, of the respondent's intimate parts or, if done upon the respondent's instructions, the intimate parts of another person.
- B. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the respondent or, upon the respondent's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the respondent.
- C. For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the respondent, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the respondent's body, whether clothed or unclothed. [§ 940.225(5)(b), Wis. Stats.]

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

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

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

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

Title IX Coordinator (and Deputies). An employee designated to coordinate compliance with Title IX, who plays an important role in an institution's efforts to ensure equitable opportunity for all students and employees, and who works with school officials to remind the school community that students and employees must have equal access to all programs. (Adapted and revised from an April 24, 2015, “Dear Colleague Letter” issued by OCR).

Title IX Responsible Employee. Any employee who has been assigned certain reporting responsibilities pursuant to Title IX. The University has designated individuals in the following job categories as “responsible employees” under this policy:

- A. Chancellor, Provost, Vice Chancellors, Vice Provosts, Deans and all other Limited Appointees, including Directors;⁵
- B. Department Chairs;
- C. Human Resources Representatives;
- D. Academic Department Administrators (Employees who lead a variety of administrative duties (fiscal, purchasing, human resources, etc.) in an academic department or research center. This role typically includes advising students and/or supervising student employees.)
- E. Head and Assistant Coaches of intercollegiate athletic teams;
- F. Intercollegiate Athletic Department Directors (including executive, associate and assistant directors);
- G. Police Department Staff;
- H. University Housing Managers and Supervisors;
- I. University Housing Student Supervisors;
- J. University Housing House Fellows;
- K. University Housing Resident Managers;
- L. Student Services Staff (Employees whose duties require them to have regular or daily contact with students. This includes employees who are responsible for directly providing services to undergraduate and graduate students and to student organizations.);
- M. Title IX Coordinator and Deputy Title IX Coordinators;
- N. University Complaint Investigators;
- O. Hearing Officers, Hearing Panel Members and Disciplinary Decision Makers;
- P. Officers responsible for hearing appeals in cases involving allegations of sexual harassment and sexual violence.

Trauma-Informed Care. Trauma-informed care reflects an understanding of trauma and emphasizes creating services and programs that are sensitive and directly responsive to the trauma that many victims and survivors experience following a violent crime. Trauma-informed care programs identify and limit potential triggers to reduce their re-traumatization and protect their mental and emotional health. Trauma-informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed care also emphasizes physical, psychological and emotional safety for both consumers and providers, and helps survivors rebuild a sense of control and empowerment. [See also: SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach; and Building Cultures of Care: A Guide for Sexual Assault Services Programs]

University event. Any gathering, program, or activity:

- A. that takes place on University lands; or
- B. that takes place as part of a University-sponsored activity not located on University lands; or
- C. that the University, or a part of the University, is paying for, including with student segregated fees.

Victim Advocate. Any employee or volunteer who works in UHS Survivor Services and any employee or volunteer for a community victim advocacy program (e.g., Dane County Rape Crisis Center or Domestic Abuse Intervention Services) while that employee or volunteer is providing confidential victim

⁵ Except for the Vice Chancellor for Legal Affairs and the Associate Vice Chancellor for Legal Affairs, if the reported information is precluded from disclosure by the Attorney-Client Privilege or applicable ethical rules.

advocacy services to a client who is a University student or employee. A Victim Advocate will not report personally identifiable information concerning a disclosure of sexual harassment or sexual violence received by that individual in their professional capacity unless with the consent of the disclosing individual or unless required by law. Information disclosed to a Victim Advocate is not entitled to the same legal protections as information conveyed to a licensed Campus or Non-Campus Professional Counselor and might be more easily discoverable in a legal proceeding. Disclosing information to a Victim Advocate will not lead to a Title IX investigation, unless the Complainant so requests. See Appendix B of this policy for a list of Confidential Resources.

Violence Against Women Act (VAWA). Federal law enacted in 1994, which promotes the investigation and prosecution of violent crimes against women, among other objectives. Recently, it amended the Clery Act [42 U.S.C. §§ 13701-14040], through the Campus Sexual Violence Elimination Act (SaVE) provision, Section 304.

Appendix B – Confidential Resources⁶

On campus for students

- UHS Medical/Mental Health Care
608-265-5600
333 East Campus Mall
uhs.wisc.edu
24-Hour Line 608-265-5600
Mental Health Crisis Line (option 9)
Medical Advice Nurse Line (option 1)
- UHS Violence Prevention & Survivor Services
EVOC: End Violence on Campus
333 East Campus Mall, 8th Floor
evoc@uhs.wisc.edu
608-265-5600 (option 3)

On campus for employees

- Employee Assistance Office
610 Langdon Street, Lowell Center, Room 226
eao@mailplus.wisc.edu
(608) 263-2987
eao.wisc.edu
- Ombuds Office
610 Langdon Street, Lowell Center, Room 223-225
uwombuds@mailplus.wisc.edu
(608) 265-9992
ombuds.wisc.edu

Community resources available to anyone

- Forensic Nurse Examiner Program
Meriter Hospital, 202 South Park Street
Emergency room entrance
608-417-5916
<https://www.unitypoint.org/madison/sexual-assault-nurse-examiner-program.aspx>
- Domestic Abuse Intervention Services (DAIS)
2102 Fordem Avenue
24-hour line: (608) 251-4445 or toll-free (800) 747-4045 |

⁶ Anyone who has been subjected to sexual harassment or sexual violence can access available confidential resources for assistance and support including medical care, mental health counseling, victim advocacy, and access to accommodations and protective measures. These resources are available regardless of whether the person chooses to report the violation to the University, law enforcement, or any other agency.

DAIS

- Rape Crisis Center (RCC)
2801 Coho Street #301
333 E. Campus Mall #7901| M-F, hours vary. Appointments can be made using 24 hour line.
24-hour line: 608-251-RAPE (7273)
info@danecountyrrcc.org
Rape Crisis Center
- Deaf Unity
Text helpline: 608-466-2881 M-F 9am-10pm
help@deafunitywi.org
Deaf Unity
- UNIDOS Against Domestic Violence
1-800-510-9195
UNIDOS
- Freedom, Inc.
601 Bay View
608-661-4089 M-F 9am-5pm
refugeeproject@hotmail.com
Freedom, Inc.