

# **Marian University Wisconsin**

## **2024 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT**

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Marian University ("University") with information on: the University's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

Marian University's main campus is located at 45 S. National Avenue, Fond du Lac, Wisconsin 54935-4699.

### **Policy for Preparing the Annual Report**

This report is prepared by the Vice President of Student Life and Diversity/ Title IX Coordinator in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Office of Student Life, Hornung Student Center 102, 750 E. Division St., Fond du Lac, WI 54935. The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

### **General Safety and Security Policies**

#### **Campus Security Personnel & Relationship with Local Law Enforcement**

The Marian University Security Department is responsible for campus safety at the University.

Members of the Marian University Campus Safety and Security Department are trained and licensed by the State of Wisconsin. They have the authority to maintain a safe campus without firearms. If assistance is needed they rely on the local police department. The department's jurisdiction covers all of the University's property.

While Marian University does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police. The Chief of Police is a Marian University alum.

### **Campus Security Authorities**

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Campus Safety and Security at 920-923-8950 or in person at the Security Desk in the Hornung Student Center
- Vice President of Student Life at 920-923-7621

### **Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged when the victim of a crime elects to, or is unable to, make such a report.

- All crimes occurring on or near University property should be reported immediately to the Campus Safety and Security Department. The number to contact is 920-923-8950. A guard is available 24/7.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to police.
- Anonymous incident reports can also be made by contacting Campus Safety and Security at 920-923-8950.

### **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to Marian University's Title IX policies, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary,

etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing, thus the need for additional training, and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its pastoral and professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

### **Security of and Access to Campus Facilities**

All academic buildings are secured during the evenings and weekends. Access to the academic buildings is only allowed for faculty/staff members and students who are accompanied by faculty/staff members during times when buildings are secured. The residence halls are locked at midnight each night by Residence Hall staff members. Security officers secure the residence buildings around midnight as well, performing random "walk-throughs" in residence halls from 11:30 p.m. until 7:30 a.m. The officers also perform vehicle patrols of parking lots and surrounding areas.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others.

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to non-students and do not leave them unattended.
- Do not give access codes to anyone who does not belong to the campus community.

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

### **Security Considerations in the Maintenance of Facilities**

The Campus Security Department works together with the Facilities Department to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

## **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

Marian University provides information at the beginning of each academic term during orientation for students and employees regarding the University's security procedures and practices. Resident Hall Assistants attend safety and security sessions as a group and again with the entire new student body at orientation. This information is in the form of posters, articles in the University newspaper, email blasts, skits with role playing, sidewalk art and other displays are enhanced during various months for emphasis, as well as an opportunity to ask questions. Among other things, it advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.

Crime prevention programs are also presented each semester by Safety and Security, Title IX and Residential Life. In addition, email blasts are periodically sent out to students and employees with crime prevention and other safety tips, and pamphlets and videos on crime prevention are available in the Office of Compliance/Title IX, Student Life, and Office of Human Resources.

## **Monitoring Off Campus Locations of Recognized Student Organizations**

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

## **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

The University is committed to creating and maintaining an environment that is free of alcohol abuse. The University prohibits the possession, use, and sale of alcohol beverage on

campus or as any part of the University's activities, unless it is done so in accordance with applicable University policies, and it also enforces the state's underage drinking laws. The University's alcohol policies are found below:

1. Individuals prohibited from the consumption or possession of alcohol, as defined by Wisconsin law, cannot consume or possess alcohol while at Marian University or University-sponsored events. This restriction also applies to the individuals' guests, regardless of age, as it pertains to the presence of alcohol in the residence facilities;
2. Individuals who are under the age of 21 in the presence of alcohol will be considered in violation of the Marian University Alcohol Policy, which may include a violation of the Bystanding Policy;
3. Individuals, parents, and/or members of organizations who are 21 or older must refrain from sharing, giving, purchasing, serving, or encouraging the consumption of alcohol by anyone less than 21 years of age. Students or employees who violate this policy will be subject to the University's disciplinary proceedings and/or civil proceedings. Please be advised, parents or legal guardians who provide alcohol to students on campus are doing so without the permission of the institution and are therefore violating the law. Further, the student accepting the alcohol is not exempt from the alcohol policy and any consequences of violating it;
4. Individuals who provide alcohol or participate in functions where alcohol is served are responsible for the safety and welfare of their University peers and/or guests who are consuming alcohol;
5. Social events where alcohol is served must be served by a contracted, professional bartender;
6. Inappropriate behavior resulting from the consumption of alcohol (i.e. public intoxication) will result in disciplinary action against the students and/or organization;
7. Creating, offering, or engaging in drinking games or other behaviors designed for the purpose of rapid and/or excessive consumption of alcohol is prohibited. At no time should activities that encourage excessive drinking or lead to the endangerment of the individuals take place in the residence facilities or on University property;
8. Kegs or similar containers of alcohol (including beer bong, coolers, Rubbermaid containers, and other large volume containers) are not permitted on campus at any time unless approved by the Dean of Students;
9. Bars or any bar-type structures are not permitted in any residence facility.
10. Open containers of alcohol (including, but not limited to: bottle, can, cup, case, or box) in publicly shared areas (the grounds, hallways, study lounges, classrooms, etc.) are strictly prohibited.

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13. Open containers of alcohol (including, but not limited to: bottle, can, cup, case, or box) in publicly shared areas (the grounds, hallways, study lounges, classrooms, etc.) are strictly prohibited.

The University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution. The University's policies on illegal drugs is found below:

1. The illegal possession of drugs or identified paraphernalia, in accordance with state and federal laws, is strictly prohibited;
2. University personnel descriptions of a student whose self or clothing carries a distinct odor of a drug (i.e. marijuana) may be considered evidence
3. Violations of this policy will be reported to law enforcement officials and/or be handled through the Student Conduct Process; and
4. Prescription Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications is prohibited. Any prescription drug not found in its original container with the individual's name is strictly prohibited.

#### **Federal Drug Laws (updated 08.05.2024)**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of

distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal\\_Trafficking\\_Penalties\\_Chart\\_6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

### Drug and Alcohol State Laws

Category	Summary (Wisconsin Statutes)
Possession of Marijuana	Possession of marijuana is prohibited in Wisconsin. Wis. Stat. § 961.41. A first offense is a misdemeanor, resulting in a fine of up to \$1,000 and/or imprisonment up to six months. <i>Id.</i> For a first offense of possession or attempted possession, the court may defer further proceedings and place the person on probation upon terms and conditions. Wis. Stat. § 961.47.  Medical marijuana is also illegal. However, an individual may possess a low THC-cannabidiol product (containing less than 0.3% THC) if the individual has certification stating that a licensed physician has prescribed a cannabidiol product to treat a medical condition. Wis. Stat. §§ 961.32; 961.38.
Controlled Substances	Wisconsin has a range of statutes governing controlled substances and their possession and distribution. Wis. Stat. §§ 961.11 – 961.69. No person may possess or attempt to possess a controlled substance or a controlled substance analog unless otherwise authorized. Wis. Stat. § 961.41(3g).

Category	Summary (Wisconsin Statutes)
	<p>The penalty for possession of a controlled substance depends upon factors such as the classification of the controlled substance, any prior offenses, and whether the possession was in or near a public housing project, a jail, a public park, pool, or youth center, or a public, private, or tribal school. <i>Id.</i>; Wis. Stat. § 961.495. The penalty for possessing or attempting to possess a controlled substance included in schedule I or II, which is a Class I felony, is a fine of up to \$10,000, imprisonment of up to 3.5 years, or both. Wis. Stat. § 939.50. For certain possession offenses, the court will require an assessment of the person’s use of controlled substances and, if appropriate, develop a proposed treatment plan. Wis. Stat. §§ 961.472, 961.475. It is also illegal to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge, which is a Class H felony punishable by a fine of up to \$10,000, imprisonment of up to six years, or both. Wis. Stat. §§ 961.43, 939.50. Manufacture, distribution, or delivery is also prohibited. Wis. Stat. § 961.41.</p> <p>As an example, possession of more than 50 grams of heroin is punishable by a fine not to exceed \$100,000, imprisonment not to exceed 40 years, or both. Wis. Stat. §§ 961.41, 939.50.</p>
Alcohol and Minors	<p>It is a violation for an underage person to procure or attempt to procure alcoholic beverages, to possess or to consume alcoholic beverages on a licensed premise, or to falsely represent their age for the purpose of receiving an alcoholic beverage. Wis. Stat. § 125.07. In addition, no underage person may knowingly possess, transport, or have under their control any alcoholic beverage in any motor vehicle. Wis. Stat. § 346.93.</p>
Driving Under the Influence (DUI)	<p>It is illegal for a person to drive or operate a motor vehicle with a blood alcohol concentration of 0.08% or more per 100 milliliters of blood or 0.08 grams or more of alcohol in 210 liters of breath. Wis. Stat. §§ 340.01, 346.63. A first offense results in a fine of \$150–\$300 and suspension of driver’s license from 6–9 months. The penalties increase for additional offenses. Wis. Stat. §§ 346.65, 343.30.</p>

### Drug and Alcohol Abuse Prevention Program

In compliance with the Drug Free Schools and Communities Act (DFSCA), the University has a drug and alcohol abuse and prevention program, which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such as legal sanctions for violations of applicable laws, health risks, etc.) and conducts a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced.

# **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Title IX and Non-Discrimination: <https://www.marianuniversity.edu/about/title-ix-and-non-discrimination/>
- Title IX Policy: <https://www.marianuniversity.edu/wp-content/uploads/2024/07/2024-Title-IX-Policy-FINAL.pdf>

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

## **Primary Prevention and Awareness Program:**

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

## **Crime Definitions**

<b>Crime Type (Wisconsin Statutes)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Wisconsin law does not define the term dating violence.
Domestic Violence	<p>The institution has determined, based on good-faith research, that Wisconsin law does not define the term domestic violence.</p> <p>However, Wisconsin law defines the following in its criminal statutes:</p> <ul style="list-style-type: none"> <li>• Domestic Abuse (Wis. Stat. § 968.075): “Domestic abuse” means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common: (1) Intentional infliction of physical pain, physical injury or illness; (2) Intentional impairment of physical condition; (3) [Violation of Wisconsin's sexual assault statutes]; (4) A physical act that may cause the other person</li> </ul>

<b>Crime Type (Wisconsin Statutes)</b>	<b>Definitions</b>
	reasonably to fear imminent engagement in the conduct described under subd. 1, 2, or 3.
Stalking (Wis. Stat. § 940.32)	<ul style="list-style-type: none"> <li>• Whoever meets all of the following criteria is guilty of a Class I felony: (a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household; (b) The actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household; (c) The actor's acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.</li> <li>• Whoever meets all of the following criteria is guilty of a Class I felony: (a) After having been convicted of sexual assault under s. 940.225, 948.225, 948.02, 948.025, or 948.085, or a domestic abuse offense, the actor engages in any of the acts listed [below under the definition of “course of conduct”], if the act is directed at the victim of the sexual assault or the domestic abuse offense; (b) The actor knows or should know that the act will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household; (c) The actor's act causes the specific person to suffer serious emotional distress or induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.</li> <li>• As used above, “course of conduct” means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following: (1) Maintaining a visual or physical proximity to the victim; (2) Approaching or confronting the victim; (3) Appearing at the victim's workplace or contacting the victim's employer or coworkers; (4) Appearing at the victim's home or contacting the victim's neighbors; (5) Entering property owned, leased, or occupied by the victim; (6) Contacting the victim by telephone, text message, electronic message, electronic mail, or other means of electronic communication causing the victim's telephone or electronic device or any other person's telephone or electronic device to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues; (6m) Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This</li> </ul>

<b>Crime Type (Wisconsin Statutes)</b>	<b>Definitions</b>
	<p>subdivision applies regardless of where the act occurs; (7) Sending to the victim any physical or electronic material or contacting the victim by any means, including any message, comment, or other comment posted on any Internet site or web application; (7m) Sending to a member of the victim's family or household, or any current or former employer of the victim, or any current or former coworker of the victim, or any friend of the victim any physical or electronic material or contacting such person by any means including any message, comment, or other content posted on any Internet site or web application for the purpose of obtaining information about, disseminating information about, or communicating with the victim; (9) Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim; (10) Causing a person to engage in any of the acts described in subds. 1 to 9.</p>
Sexual Assault	<ul style="list-style-type: none"> <li>• First Degree Sexual Assault (Wis. Stat. § 940.225(1)): Whoever does any of the following is guilty of a Class B felony: (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person; (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon; (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence; (d) Commits a violation under sub. (2) against an individual who is 60 years of age or older. This paragraph applies irrespective of whether the defendant had actual knowledge of the victim's age. A mistake regarding the victim's age is not a defense to a prosecution under this paragraph.</li> <li>• Second Degree Sexual Assault (Wis. Stat. § 940.225(2)): Whoever does any of the following is guilty of a Class C felony: (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence; (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim; (c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition; (cm) Has sexual contact or</li> </ul>

Crime Type (Wisconsin Statutes)	Definitions
	<p>sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent; (d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious; (f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.</p> <ul style="list-style-type: none"> <li>• Third Degree Sexual Assault (Wis. Stat. § 940.225(3)): <ul style="list-style-type: none"> <li>(a) Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. (b) Whoever has sexual contact in the manner described in [the second and third bullet points under the definition of “sexual contact” below] with a person without the consent of that person is guilty of a Class G felony. <ul style="list-style-type: none"> <li>○ “Sexual contact” means any of the following (Wis. Stat. § 940.225(5)(b): <ul style="list-style-type: none"> <li>▪ 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 defendant or if the touching contains the elements of actual or attempted battery under s.940.19(1): (a) Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts; (b) Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person. (c) Touching by the complainant of the ejaculate, urine, or feces of any person upon the intentional instructions of the defendant, upon the use or threat of force or violence by the defendant, or upon an intentional act of the defendant.</li> <li>▪ Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant'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</li> </ul> </li> </ul> </li> </ul> </li> </ul>

Crime Type (Wisconsin Statutes)	Definitions
	<p>or for the purpose of sexually arousing or gratifying the defendant.</p> <ul style="list-style-type: none"> <li>▪ For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.</li> </ul> <ul style="list-style-type: none"> <li>• Fourth Degree Sexual Assault (Wis. Stat. § 940.225(3m)): Except as provided in [the third degree sexual assault statute], whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.</li> <li>• First Degree Sexual Assault of a Child (Wis. Stat. § 948.02(1)): <ul style="list-style-type: none"> <li>a. Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years and causes great bodily harm to the person is guilty of a Class A felony.</li> <li>b. Whoever has sexual intercourse with a person who has not attained the age of 12 years is guilty of a Class B felony.</li> <li>c. Whoever has sexual intercourse with a person who has not attained the age of 16 years by use or threat of force or violence is guilty of a Class B felony.</li> <li>d. Whoever has sexual contact with a person who has not attained the age of 16 years by use or threat of force or violence is guilty of a Class B felony if the actor is at least 18 years of age when the sexual contact occurs.</li> <li>e. Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 13 years is guilty of a Class B felony.</li> </ul> </li> <li>• Second Degree Sexual Assault of a Child (Wis. Stat. § 948.02(2)): Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class C felony.</li> </ul>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Wisconsin law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape: The institution has determined, based on good-faith research, that Wisconsin law does not define the term rape. Such offenses are generally prosecuted under the state’s Sexual Assault statute (Wis. Stat. § 940.225).</li> <li>• Fondling: The institution has determined, based on good-faith research, that Wisconsin law does not define the term fondling.</li> <li>• Incest (Wis. Stat. § 944.06): Whoever marries or has nonmarital sexual intercourse, as defined in Section 948.01(6) with a person he or she knows is a blood relative and such relative is in fact</li> </ul>

<b>Crime Type (Wisconsin Statutes)</b>	<b>Definitions</b>
	<p>related in a degree within which the marriage of the parties is prohibited by the law of this state is guilty of a Class F felony.</p> <ul style="list-style-type: none"> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Wisconsin law does not define the term statutory rape. Such offenses are generally prosecuted under the state's "sexual intercourse with a child age 16 or older" (Wis. Stat. § 948.09) or "sexual assault of a child" (Wis. Stat. § 948.02) statutes.</li> </ul>
Other "sexual assault" crimes	
Consent (as it relates to sexual activity)	<p>Under Wis. Stat. § 940.225(4), "consent" means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h), and (i) [of the sexual assault laws set forth at Wis. Stat. § 940.225]. The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11(2): (b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct; (c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.</p> <p>Also, under Wis. Stat. § 939.22(48), "without consent" means no consent in fact or that consent is given for one of the following reasons: (a) Because the actor put the victim in fear by the use or threat of imminent use of physical violence on the victim, or on a person in the victim's presence, or on a member of the victim's immediate family; or (b) Because the actor purports to be acting under legal authority; or (c) Because the victim does not understand the nature of the thing to which the victim consents, either by reason of ignorance or mistake of fact or of law other than criminal law or by reason of youth or defective mental condition, whether permanent or temporary.</p>

University Definition of Consent

**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. Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he, she, or they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated/lacks capacity has violated this policy. It is not an excuse that the responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity/lack of capacity of the other. Consent to some sexual contact, such as kissing or fondling, cannot be presumed to be consent for other sexual activity, such as intercourse. A current or previous dating relationship is not, alone, sufficient to constitute consent. The existence of consent is based on the totality of the circumstances. Silence or the absence of resistance alone is not consent.

A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. A minor below the age of consent according to state law cannot consent to sexual activity. This means that sexual contact by an adult with a person below the age of consent is a crime as well as a violation of this policy, even if the minor appeared to have wanted to engage in the act.

### Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.

- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

Annual Title IX Sexual Harassment training from Vector Solutions is required of all students, faculty and staff.

### *Bystander Intervention*

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

The University has trained personnel in Green Dot Bystander Training for students, faculty and staff.

### *Other Information Covered by the PPAP*

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

## **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through a presentation by the Office of Student Life during orientation. All new employees are required to complete an online training module on these topics upon hire and are required to retake the online training each year.

## **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Campus Security Department at 920.923.8950. You may also contact the University's Title IX Coordinator Dr. Joshua Clary at 920-923-7621 or [jrelary96@marianuniversity.edu](mailto:jrelary96@marianuniversity.edu)

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### *Preservation of Evidence & Forensic Examinations*

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at:

### **SSM Health St. Agnes Hospital Emergency Department**

920.926.4600

430 E. Division Street, Fond du Lac, WI 54935

<https://www.agnesian.com/services/emergency-care>

## **Advocacy and Support Services**

### **ASTOP (Assist Survivors Treatment Outreach Prevention)**

920.926.5395 or 800.418.0270

21 S Marr St, Fond du Lac, WI 54935

<https://www.astop.org/RAINN> (Rape Abuse and Incest National Network)

800-656-4673

National Sexual Assault Hotline

Free, confidential counseling 24 hours a day – As a national service organization, they can help connect you to local providers

Phone: 1.800.656.HOPE

<https://www.rainn.org/Solutions> Center (Domestic Violence & Homelessness)

920.923.1700 or 1-800-852-9571

75 W Division St, Fond du Lac, WI 54935

<https://www.solutionsfdl.com/>

## **Police**

### **Fond du Lac Police Department**

(call 911 in an emergency)

920.906-555126 North Main St., Fond du Lac, WI 54935

<https://www.fdl.wi.gov/general-information.iml?DeptID=40> Fond du Lac County Sheriff

(call 911 in an emergency)

920.929.3390

180 S Macy St, Fond du Lac, WI 54935

<http://www.fdlsheriff.com/>

## **Physical and Mental Health**

### **SSM Health St. Agnes Hospital Behavior Health Services Outpatient**

800-426-2083 920.929.2300

<https://www.agnesian.com/services/behavioral-health-services> SSM Health St. Agnes

### **Hospital Emergency Department**

920.926.4600

430 E. Division Street, Fond du Lac, WI 54935

<https://www.agnesian.com/services/emergency-care> SSM Health Urgent Care

920.926.8492

145 N. Main St., Fond du Lac, WI 54935

<https://www.agnesian.com/locations/agnesian-convenient-care> FDL County Crisis

### **Intervention**

(24 hours)

920.929.3535

459 E. 1st St., Fond du Lac, WI 54935

<http://www.fdlco.wi.gov/departments/departments-a-e/community-programs/services-and-programs/crisis-intervention-services>

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673 Legal Assistance, Visa and Immigration Assistance

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### *Security/Law Enforcement & How to Make a Police Report*

- Campus Security 920.923.8950 FDL Police Department 920.322.3700 or 911. Once campus security or an officer arrives, they will follow protocol. Marian Campus has an incident report, and the FDL Police Department will respond with the necessary questions and report depending on the incident and severity of the issue.
- Fond du Lac City Police Department 126 N Main Street Fond du Lac, WI 54935 920-906-5555
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### *Information about Legal Protection Orders*

In Wisconsin, victims may obtain a Temporary Restraining Order or Final Domestic Abuse Injunction, which provide relief for victims of domestic violence. Harassment Restraining Orders can be issued for victims of harassment as well as other types of abuse, including physical abuse, sexual assault and stalking.

A victim starts the process by requesting papers for a temporary restraining order (TRO). These papers are called the petition. The person completing the petition is called the petitioner. The person the victim files against is called the respondent. Once the victim files a TRO petition the court decided whether or not to issue a TRO based on the information in the petition. If the court grants the TRO, the court will schedule a hearing for the victim to come back to court within 14 days. This hearing is called an injunction hearing. At that hearing the victim will ask the court to issue a final order of protection, which is call an injunction. An injunction can be granted for up to 4 years for domestic abuse and harassment.

Additional information regarding restraining orders can be found on the following websites:

<https://www.doj.state.wi.us/ocvs/victim-rights/restraining-orders>

<https://www.wicourts.gov/forms1/circuit/ccform.jsp?Category=20>

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The institution will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

#### *University Resources*

- Student Health Services Regina 010 920-923-8799
- Student Counseling Services: Phone # 923-8799 or 923-7615  
Hours are from 8am - 4:30pm Monday through Friday while school is in session. Call to schedule an appointment, or stop down to the lower level of Regina Hall, Room 010 with questions/concerns
- (Appointments preferred, but walk-ins will be accommodated if need is urgent)  
*If you are having a crisis after hours or experiencing a mental health emergency please call:*
- The Fond du Lac County 24-Hour Crisis Line: 920-929-3535
- The National Suicide Prevention Lifeline: 1-800-273-TALK (8255)
- OR Call 911
- Marian University offers free, confidential counseling to all currently enrolled students.

#### Counseling Staff

Taylor Bufton, PhD  
Director of Counseling  
tabufton00@marianuniversity.edu  
920.923.8112

- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The [University's] financial aid website can be found at: <https://www.marianuniversity.edu/tuition-financial-aid/>

#### *State/Local Resources*

- <http://www.agnesian.com/> and <https://www.aurorahealthcare.org/locations/clinic/aurora-health-center-fond-du-lac>
- The Fond du Lac County 24-Hour Crisis Line: 920-929-3535
- ASTOP 920-926-5395 <https://www.astop.org/>
- **Solutions Center (Domestic Violence & Homelessness)**  
920.923.1700  
75 W Division St, Fond du Lac, WI 54935  
<https://www.solutionsfdl.com/>

#### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

#### **Accommodations and Protective Measures:**

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are

reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 920-923-7621 or [title\\_IX@marianuniversity.edu](mailto:title_IX@marianuniversity.edu) and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the University's Title IX Sexual Harassment Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

**Title IX Coordinator**  
**Dr. Joshua Clary**  
**45 South National Avenue**  
**Fond du Lac, Wisconsin 54935**  
**920-923-7621**  
[Title\\_IX@marianuniversity.edu](mailto:Title_IX@marianuniversity.edu)

## **Deputy Title IX Coordinator(s)**

Amanda Baker  
Deputy Title IX Coordinator  
Asst. Vice President for Human Resources and Risk Management  
Office: Agnes Hazotte Hall 218 Phone:(920)923-8524  
Email: [ajbaker31@marianuniversity.edu](mailto:ajbaker31@marianuniversity.edu)

Teri Passow M.S. Ed  
Deputy Title IX Coordinator  
Director of Career Resources  
45 South National Avenue Phone: 920-923-8526  
Email: [tapassow33@marianuniversity.edu](mailto:tapassow33@marianuniversity.edu)

Once a formal complaint is made, the Title IX Coordinator will provide notice to the parties of the investigation, including a description of the process to be utilized, the identities of the parties, the conduct at issue, and the date and location of the alleged incident

During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses, including both fact and expert witnesses, and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Prior to the conclusion of the investigation, both parties will be provided an opportunity to review the evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint.

Upon completion of the investigation, both parties will be given a copy of an investigation report and a live hearing will be conducted to make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. During the hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions including those bearing on credibility. The decision maker(s) will issue a written determination of responsibility, a statement of any disciplinary sanctions and whether any remedies will be provided to the complainant, and a description of the procedures and permissible grounds for appeal. The parties will be notified of this determination in writing within three (3) days of it being made. The institution strives to complete investigations of this nature within ninety (90) calendar days.

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the Appeals Officer within five (5) days of being notified of the outcome of the investigation. The non-appealing party will be notified of the appeal and permitted to submit a written statement in response. The Appeals Officer will resolve the appeal within ten (10) days of receiving it, and may take any and all actions that he/she determines to be in the interest of a fair and just decision.

## **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
  
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Marian University professionals receive a wide variety of training through, federal, state and independent agencies. The training addresses topics such as the definition of sexual harassment; the scope of the University's education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest as well as the importance of confidentiality.

Marian University utilizes Institutional Compliance Solutions for training of Title IX Team members.
  
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
  
4. Have the outcome determined using the preponderance of the evidence standard.

5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

### **Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

Following a final determination in the institution’s disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Dean of Students (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

#### **SANCTIONS:**

##### Student Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of this Policy:

1. **Warning:** An official written notice that the student has violated University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
2. **Restitution:** Compensation for damage caused to the University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
3. **Community/University Service Requirements:** For a student or organization to complete a specific supervised University service.
4. **Loss of Privileges:** The student will be denied specified privileges for a designated time period.
5. **Confiscation of Prohibited Property:** Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner upon completion of academic year or discretion of Title IX Coordinator and/or Dean of Students.
6. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc. Follow-up to required attendance or appointments may be required.
7. **Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student was found responsible. Audience may be restricted.

8. **Restriction of Visitation Privileges:** May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
9. **University Housing Probation:** Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Regular probationary meetings may also be imposed.
10. **University Housing Reassignment:** Reassignment to another University housing facility. Residential Life personnel will decide on the reassignment details.
11. **University Housing Suspension:** Removal from University housing for a specified time period after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action. This deadline may be extended upon outcome of Appeals. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Director of Residence Life and Title IX Coordinator. This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension.
12. **University Housing Expulsion:** The student's privilege to live in, or visit, any University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
13. **Probation:** The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
14. **Eligibility Restriction:** The student is deemed "not in good standing" with the University for a specified time period. Specific limitations or exceptions: a. Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; orb. Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
15. **Suspension:** Separation from the University for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action. During the suspension period, the student is banned from University property, functions, events and activities. This sanction may be enforced with a trespass action as necessary.
16. **Expulsion:** Permanent separation from the University. The student is banned from University property and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
17. **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with consultation of the Dean of Students.

#### Employees Sanctions:

1. Corrective counseling including but not limited to warning through termination
2. Performance Improvement Plan
3. Referral to the Employee Assistance Program

4. Required training or education
5. Suspension without pay
6. Suspension with pay
7. Termination

In addition, the University can make available to the victim a range of protective measures. They include: forbidding the accused from entering the victim's residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

Supportive Measures are those that are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without a fee or charge to a Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

These measures include, but are not limited to: • Stay Away/No Contact Orders (limiting physical contact and all forms of communication between parties) • Counseling • Housing reassignment • Housing contract cancellation • Course reassignment and/or extension of deadlines or other course-related adjustments • Human Resource actions to limit contact between an employee and any other involved party, including work reassignment • Temporary suspension from work or school • Campus security escort services or increased security/monitoring • Leaves of absence The University must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the University's ability to provide Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

### **Publicly Available Recordkeeping:**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

## **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Title IX Coordinator- Dr. Joshua Clary at [Title\\_IX@marianuniversity.edu](mailto:Title_IX@marianuniversity.edu) State registry of sex offender information may be accessed at the following link: <https://appsdoc.wi.gov/public>

## **Timely Warnings and Emergency Response**

### *Timely Warnings*

In the event that a situation arises, either on or off campus that, in the judgment of the Vice President for Student Life, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Director of Residence Life, 920-923-8091
- Director of Safety and Community Standards, 920-923-8530
- Director of Counseling Services, 920-923-8112
- Director of Health Services, 920-923-7615
- Vice President of Student Life and Diversity, 920-923-7621

The University has communicated with local law enforcement asking them to notify the University if it receives reports or information warranting a timely warning.

### *Emergency Response*

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Office of Campus Safety at Office of Campus Safety of any emergency or potentially dangerous situation.

The Vice President of Student Life will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process. This will provide the university community with more immediate notification.

Once the emergency is confirmed and based on its nature, the Office of Campus Safety will consult with other appropriate segment or segments of the University community to be notified.

The Vice President for Student Life, in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Director of Safety and Community Standards will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

Marian uses a mass notification system called ConnectEd that is used for broadcasting emergency messages quickly and easily. This system allows University officials to immediately notify staff, faculty and students through phone calls, e-mails, and text messages in the event of an emergency. ConnectEd is used in cases of campus closings due to weather emergencies as well.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

<b>Method</b>	<b>Sign Up Instructions</b>
Email and Text Messages	Contact the IT department for your Marian email address and to leave the number for text messages.

Testing & Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency

Management Team will meet to train and test and evaluate the University's emergency response plan.

The Asst. Vice President for Human Resources and Risk Management maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employee's information to remind them of the University's emergency response and evacuation procedures.

### **Missing Student Policy**

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the Vice President of Student Life at [jrclary96@marianuniversity.edu](mailto:jrclary96@marianuniversity.edu) . Any University employee receiving a missing student report should immediately notify campus security so that an investigation can be initiated.

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the University will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the University will also notify that student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

## Crime Statistics

The statistical summary of crimes for this University over the past three calendar years follows:

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	1	0	0	1	0	0	0	0	0	0
Fondling	1	0	1	1	0	1	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	1	1	0	1	1	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	1	0	0	1	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	23	17	38	0	17	38	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	7	1	11	7	1	11	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	1	0	2	0	0	2	0	0	0	0	0	0
Stalking	0	0	3	0	0	2	0	0	0	0	0	0

### Hate crimes:

2023: No hate crimes reported.

2022: 3 On Campus incidents of Intimidation characterized by race bias and 1 On Campus incident of Intimidation characterized by race bias

2021: No hate crimes reported.

### Crimes unfounded by the University:

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

### Statistics for unfounded crimes provided by law enforcement agencies:

2023: 0 unfounded crimes.  
2022: 0 unfounded crimes.  
2021: 0 unfounded crimes.

**Data from law enforcement agencies:**

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.

## Annual Fire Safety Report

### Housing Facilities and Fire Safety Systems

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Marian University, 45 S. National Ave., Fond du Lac, WI 54935

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Cedar Creek 779, 779 East Division Street,	X			X	X	X	2
Cedar Creek 781, 781 East Division Street	X			X	X	X	2
Cedar Creek 793, 793 East Division Street	X			X	X	X	2
Courtyard 1-5, 816 East Division Street	X			X	X	X	2
Courtyard 17-21 , 818 East Division Street	X			X	X	X	2
Courtyard 6-16, 824 East Division Street	X			X	X	X	2
Duplex 30, 30 South	X			X	X	X	2

<b>Facility</b>	<b>Fire Alarm Monitoring Done on Site</b>	<b>Partial Sprinkler System</b>	<b>Full Sprinkler System</b>	<b>Smoke Detection</b>	<b>Fire Extinguishers</b>	<b>Evacuation Plans &amp; Placards</b>	<b>Number of evacuation (fire) drills in previous calendar year</b>
National Avenue,							
Duplex 36, 36 South National Avenue	X			X	X	X	2
Duplex 44, 44 South National Avenue	X			X	X	X	2
Duplex 48, 48 South National Avenue	X			X	X	X	2
Duplex 54, 54 South National Avenue	X			X	X	X	2
Naber Hall 780, 780 East Division Street	X			X	X	X	2
Townhouse A, 810 East Division Street	X			X	X	X	2
Townhouse B, 820 East Division Street	X			X	X	X	2
Townhouse C, 812 East Division Street	X			X	X	X	2

## **Policies on Portable Appliances, Smoking and Open Flames**

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Only surge-protected extension cords are permitted. Only the following portable cooking appliances are permitted to be used in campus housing:

### **Allowed Appliances:**

- 2-4-cup coffee maker with automatic shut-off
- Computer
- Microwave—800 watts or less
- Toaster (only in common areas)
- TV set—cable ready
- Refrigerator—4.0 cubic feet or less

\*Residents may only have one refrigerator per room, no more than 45 inches in height.

Any electrical/electronic device used in University facilities must be UL-approved and used solely for its intended purpose. University personnel will remove any electrical/electronic device used improperly or deemed unsafe. Owners can retrieve their property from a hall director or from the Office of Residence Life for the sole purpose of storing it elsewhere than on campus.

Smoke detectors are located in all residence facilities as required by law. Fond du Lac City Ordinance requires each resident to sign a form at the beginning of his/her residency as to the working condition of each smoke detector. Willful and/or malicious tampering with any smoke detector or fire safety equipment is prohibited. False activation of fire alarms will result in a fine up to \$500 for the responsible party. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action

The University reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

## **Fire Evacuation Procedures**

In the event of a fire, Marian University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate. Students are encouraged to understand the evacuation map located in residence for the nearest exit routes.

When the building fire alarm sounds EVACUATE the building immediately and, IN ALL CASES, CALL 911

## **Fire Education and Training Programs**

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each semester. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire and inform them of the University's fire safety policies. Information distributed includes maps of each facility's evacuation route and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a "buddy" assigned to assist him or her.

## **Reporting Fires**

The University is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Resident Assistant or Security at Resident Assistant or Security. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

## **Plans for Future Improvements**

As a result of the University's most recent review of its fire safety protections and procedures, it was determined that the following improvements will be made, subject to the availability of funding: additional smoke alarms, continued on-site training for students, staff and faculty.

## **Fire Statistics**

### **Marian University**

#### **2023**

No fires were reported in 2023.

#### **2022**

No fires were reported in 2022.

#### **2021**

##### *Reported Fires*

<b>Residential Facility</b>	<b>Total Number Fires</b>
Duplex 36	1
Townhouse B	1

##### *Additional Information about Reported Fires*

Residential Facility	Cause of Fire(s)	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Duplex 36	Unintentional Fire/Stove caught fire while resident was cooking mac/cheese.	0	0	\$0-99
Townhouse B	Unintentional Fire/Unknown - Video of fire looked like it was coming from within the stove front controls near the back and not the rim. Stove, Fire Alarm and Fire Extinguisher were replaced.	0	0	\$100-999