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## CHAPTER 4

### SECTION 15

#### SELECTED DOCUMENTS PERTINENT TO PERSONNEL MATTERS

This section contains statutes, policy documents, and interpretations which amplify statutes and policies. Some are local; others are statewide or national in origin.

#### **OPEN MEETINGS LAW, SECTIONS 19.81-19.98, WIS. STATS. (1991-92)**

**NOTE:** The following is a verbatim copy of the statute.

##### **19.81 Declaration of policy.**

(1) In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.

(2) To implement and ensure the public policy herein expressed, all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.

(3) In conformance with article IV, section 10, of the constitution, which states that the doors of each house shall remain open, except when the public welfare requires secrecy, it is declared to be the intent of the legislature to comply to the fullest extent with this subchapter.

(4) This subchapter shall be liberally construed to achieve the purposes set forth in this section, and the rule that penal statutes must be strictly construed shall be limited to the enforcement of forfeitures and shall not otherwise apply to actions brought under this subchapter or to interpretations thereof.

##### **19.82 Definitions.**

. . .As used in this subchapter:

(1) "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation created under ch. 232; any public purpose corporation, as defined in s. 181.79 (1); a nonprofit corporation operating an ice rink which is owned by the state; or a formally constituted subunit of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. IV or V of ch. 111.

(2) "Meeting" means the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or

duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter.

(3) "Open session" means a meeting which is held in a place reasonably accessible to members of the public and open to all citizens at all times. In the case of a state governmental body, it means a meeting which is held in a building and room thereof which enables access by persons with functional limitations, as defined in s. 101.13 (1).

### **19.83 Meetings of governmental bodies.**

Every meeting of a governmental body shall be preceded by public notice as provided in s. 19.84, and shall be held in open session. At any meeting of a governmental body, all discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in s. 19.85.

### **19.84 Public notice.**

Public notice.

(1) Public notice of all meetings of a governmental body shall be given in the following manner:

(a) As required by any other statutes; and

(b) By communication from the chief presiding officer of a governmental body or such person's designee to the public, to those news media who have filed a written request for such notice, and to the official newspaper designated under ss. 985.04, 985.05 and 985.06 or, if none exists, to a news medium likely to give notice in the area.

(2) Every public notice of a meeting of a governmental body shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof.

(3) Public notice of every meeting of a governmental body shall be given at least 24 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting.

(4) Separate public notice shall be given for each meeting of a governmental body at a time and date reasonably proximate to the time and date of the meeting.

(5) Departments and their subunits in any university of Wisconsin system institution or campus and a nonprofit corporation operating an ice rink which is owned by the state are exempt from the requirements of subs. (1) to (4) but shall provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed written requests for such notice.

(6) Notwithstanding the requirements of s. 19.83 and the requirements of this section, a governmental body which is a formally constituted subunit of a parent governmental body may conduct a meeting without public notice as required by this section during a lawful meeting of the parent governmental body, during a recess in such meeting or immediately after such meeting for the purpose of discussing or acting upon a matter which was the subject of that meeting of the parent governmental body. The presiding officer of the parent governmental body shall publicly announce the time, place and subject matter of the meeting of the subunit in advance at the meeting of the parent body.

### **19.85 Exemptions.**

(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes.

(a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.

(b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

(d) Considering specific applications of probation or parole, or considering strategy for crime detection or prevention.

(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

(ee) Deliberating by the council on unemployment compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.

(eg) Deliberating by the council on worker's compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.

(em) Deliberating under s. 157.70 if the location of a burial site, as defined in s. 157.70 (1)(b), is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.

(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

(h) Consideration of requests for confidential written advice from the ethics board under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

(i) Considering any and all matters related to acts by businesses under s. 560.15 which, if discussed in public, could adversely affect the business, its employees or former employees.

(j) Considering financial information relating to the support by a person, other than an authority, of a nonprofit corporation operating an ice rink which is owned by the state, if the information is exempt from disclosure under s. 23.37 or would be so exempt were the information to be contained in a record. In this paragraph, "authority" and "record" have the meanings given under s. 19.32.

(2) No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

(3) Nothing in this subchapter shall be construed to authorize a governmental body to consider at a meeting in closed session the final ratification or approval of a collective bargaining agreement under subch. IV or V or ch. 111 which has been negotiated by such body or on its behalf.

#### **19.86 Notice of collective bargaining negotiations.**

Notwithstanding s. 19.82 910, where notice has been given by either party to a collective bargaining agreement under subch. IV or V of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84 (1)(b). If the employer is not a governmental body, notice shall be given by the employer's chief officer or such person's designee. This section does not apply to a nonprofit corporation operating an ice rink which is owned by the state.

#### **19.87 Legislative meetings.**

This subchapter shall apply to all meetings of the senate and assembly and the committees, subcommittees and other subunits thereof, except that:

(1) Section 19.84 shall not apply to any meeting of the legislature or a subunit thereof called solely for the purpose of scheduling business before the legislative body; or adopting resolutions of which the sole purpose is scheduling business before the senate or the assembly.

(2) No provision of this subchapter which conflicts with a rule of the senate or assembly or joint rule of the legislature shall apply to a meeting conducted in compliance with such rule.

(3) No provision of this subchapter shall apply to any partisan caucus of the senate or any partisan caucus of the assembly, except as provided by legislative rule.

(4) Meetings of the senate or assembly the information committee on organization under s. 71.78 (4)(c) or 77.61 (5)(b)3 shall be closed to the public.

#### **19.88 Ballots, votes and records.**

(1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting.

(2) Except as provided in sub. (1) in the case of officers, any member of a governmental body may require that a vote be taken at any meeting in such manner that the vote of each member is ascertained and recorded.

(3) The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection to the extent prescribed in subch. II of ch. 19.

**19.89 Exclusion of members.**

No duly elected or appointed member of a governmental body may be excluded from any meeting of such body. Unless the rules of a governmental body provide to the contrary, no member of the body may be excluded from any meeting of a subunit of that governmental body.

**19.90 Use of equipment in open session.**

Whenever a governmental body holds a meeting in open session, the body shall make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting. This section does not permit recording, filming or photographing such a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants.

**19.96 Penalty.**

Any member of a governmental body who knowingly attends a meeting of such body held in violation of this subchapter, or who, in his or her official capacity, otherwise violates this subchapter by some act or omission shall forfeit without reimbursement not less than \$25 nor more than \$300 for each such violation. No member of a governmental body is liable under this subchapter on account of his or her attendance at a meeting held in violation of this subchapter if he or she makes or votes in favor of a motion to prevent the violation from occurring, or if, before the violation occurs, his or her votes on all relevant motions were inconsistent with all those circumstances which cause the violation.

**19.97 Enforcement.**

(1) This subchapter shall be enforced in the name and on behalf of the state by the attorney general or, upon the verified complaint of any person, by the district attorney of any county wherein a violation may occur. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county.

(2) In addition and supplementary to the remedy provided in s. 19.96, the attorney general or the district attorney may commence an action, separately or in conjunction with an action brought under s. 19.96, to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

(3) Any action taken at a meeting of a governmental body held in violation of this subchapter is voidable, upon action brought by the attorney general or the district attorney of the county wherein the violation occurred. However, any judgment declaring such action void shall not be entered unless the court finds, under the facts of the particular case, that the public interest in the enforcement of this subchapter outweighs any public interest which there may be in sustaining the validity of the action taken.

(4) If the district attorney refuses or otherwise fails to commence an action to enforce this subchapter within 20 days after receiving a verified complaint, the person making such complaint may bring an action under subs. (1) to (3) on his or her relation in the name, and on behalf, of the state. In such actions, the court may award actual and necessary costs of prosecution, including reasonable attorney fees to the relator if he or she prevails, but any forfeiture recovered shall be paid to the state.

**19.98 Interpretation by attorney general.**

Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances.

**OPEN MEETINGS LAW: COMMENTS AND INTERPRETATIONS**

These comments and interpretations are from the Attorney-General, System Legal Counsel, or local guidelines. Those marked \* are from *Wisconsin Open Meetings Law: A Compliance Guide*, 1993, Department of Justice, Attorney-General James E. Doyle.

The comments are arranged alphabetically; some appear under multiple headings.

Absentee Ballots.

Absentee ballots may not be used for decisions of a governmental body.

Agendas.

No item which has not been announced as part of the meeting agenda may be introduced for action. Every member of the body and the public must be advised of any changes (additions or deletions) at least 2 hours before the meeting.

Miscellaneous Business.

The attorney general has concluded that under very limited circumstances, general subject matter designations such as "miscellaneous business" constitute adequate notice that items not specifically listed may come before the body. Such listings may never be used

- to circumvent the statute;
- when giving more notice and greater specificity is possible;
- where a member of the body is aware, prior to the meeting, of the subject matter; or
- where the matter is of great public concern.

In any of these enumerated circumstances or in any reasonably similar circumstances, the matter should be held over for a subsequent meeting and appropriate notice given.

Reconsideration of a Vote.

Where notice of a pending reconsideration and the specific subject to be reconsidered are not specifically given, a reconsideration may be brought before a body under a general subject designation. However, any discussion or action on a motion to reconsider should be held over for a subsequent meeting and appropriate notice given.

Closed Sessions.



Closed sessions are to be used sparingly and only when necessary to protect the public interest, and only when appropriate under one or more of the exemptions of the statute.\*

#### Convening Closed Meetings.

Section 19.83 requires that every meeting shall be preceded by public notice and shall initially be convened in open session. It provides that all discussion and action, formal or informal, be initiated, deliberated and acted upon in open session except where the meeting has been closed, with announcement made for purposes permitted by Sec. 19.85. If proper notice is given, an open session can be held after a closed session.

#### Request for a Closed Meeting.

While a closed meeting is permissible under the Open Meeting Law for purposes of a personnel decision (or reconsideration), a faculty or academic staff member has no absolute right to have the meeting closed. [See also "Request for a Closed Session," below]

#### Vote.

Although there are two differing lower court rulings (one based on previous law on open meetings), there is no definitive court ruling on whether it is appropriate to vote in closed session.\*

The advice of the attorney-general is, "a governmental body should vote in open session, unless doing so would compromise the need for the closed session."\*

(A vote may be taken in closed session if the vote is an integral part of the purpose for which the closed session was properly called.)

#### Results of Closed Sessions.

In most cases it is proper for the chief presiding officer to announce the results of the closed session immediately thereafter. This would not result in reconvening in open session within twelve hours after completion of closed session.

#### Who May Attend Closed Sessions.

Attendance at closed sessions usually should be limited to the members of the governmental body, confidential staff persons, and other nonmembers as may be directly participating in the session or portion of the session.

Those persons necessary for a proper discussion of the subject may attend a closed session at the request of the governmental body. The body has the discretion to excuse persons attending a closed session at any time it believes those persons are no longer necessary for its work.

#### Convening Closed Meetings.

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#### Departmental/Unit Decisions.

A departmental or unit vote/decision must be conducted at a duly convened meeting of that department or unit.

Ballots may not be circulated to the members of the department or unit complete, sign, and return them to the department office. Since this would not be within the confines of a duly convened meeting of the department or unit, it cannot constitute an official act of the department or unit.

#### Exclusion of Members.

No department or unit or committee or other body covered by the Open Meeting Law may exclude any member of that body from any meeting unless the group has specific rules to the contrary. This section [of the statute] also provides that no member of a body may ever be excluded from meetings of subunits of the body unless the body has specific rules to the contrary.

#### Exemptions to Open Meetings.

Section 19.85 was designed to limit and specify the topics which can be discussed in closed sessions. By having the presiding officer announce the specific exemption which applies, describe the nature of the business to be considered, and then record each member's vote on convening in closed session, it is easier to determine whether there is a violation of the law and who is responsible.

#### Exemptions Must Be Cited.

Naming the general subject matter of a closed session is not sufficient to comply with Sec. 19.85(1); it is necessary to also name the specific statutory exemption which applies. (The phrase "personnel matters" is insufficient notice.)

#### Governmental Bodies.

"The definition of 'governmental body' includes a 'state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order.'"\*

#### Subunits.

A "formally constituted subunit" of any governmental body is also a governmental body under the definitions of the law. A subunit is a separate, smaller body of a parent body. A smaller entity which is made up both of members of a parent body and persons not members of the parent body is not a subunit under the law but may nonetheless also be a governmental body.\*

#### UW System Applicability.

##### *Institutional Subunits.*

Colleges, schools, departments (or functional equivalents), and all committees or subcommittees of these units, and all committees or subcommittees created by or pursuant to rules and regulations of the Board of Regents are governmental bodies within the meaning of the law.

##### *Faculty Senate.*

All groups which have and exercise an authority not vested in the individual members are covered by the terms of the law. This includes the Faculty Senate and all committees and subcommittees thereof.

##### *Exemptions.*

Staff meetings, social events, and meetings of appointed advisory bodies, unless provided for in rule, charter or constitution, are not subject to the requirements of the Open Meeting Law.

#### Mail Ballots.

### Advisory.

Mail ballots are permissible if confined to advisory referenda.

### Departmental/Unit Decisions.

A departmental or unit vote/decision must be conducted at a duly convened meeting of that department or unit. Mail ballots may not be used for votes on actions of the department or unit.

### Minutes.

The law does not demand detailed minutes but requires only that a record be kept of motions and roll call votes, both in open and closed session.\*

Every official meeting of a department/unit or a department or unit committee must be recorded in a formal set of minutes. These minutes must include a record of each motion, the vote on that motion, and, in the event of a roll call vote (or a written ballot), a record of individual votes.

- There should be agreement in advance, preferably recorded in the minutes of the first meeting, or in the departmental or unit personnel rules or constitution, on the distribution of minutes and disposition of the written ballots.
- Department and unit rules should also make clear the effect of an abstention, or a response of "present." [According to *Robert's Rules of Order*, an abstention is not a vote; answering "present" is considered an abstention.]

### Motions and Votes Recorded.

The motions and roll call votes of each meeting shall be recorded, preserved, and open to public inspection. Further, any member of the body may require that a vote be taken in such a manner that the vote of each member may be ascertained and recorded.

### Open Meeting Defined.

A meeting is open within the meaning of the law if members of the public are free to come and go. There is no legal requirement that such meetings be held in the largest hall on campus. Open meetings should be scheduled where convenient.

### Open Meetings: Who May Speak.

An open meeting does not give any member of the audience the right to speak. Only members of the body and persons specifically recognized for that purpose by the presiding officer may speak. In personnel matters, the affected faculty member may request an open meeting but does not thereby gain the right to speak. That option is the prerogative of the body which is meeting.

### Personnel Decisions.

Legal requirements and System or UWSP policies concerning open or closed meetings, and the options available to faculty and academic staff for personnel decisions, may be found in Chapters UWSP 3, 4, 5, 6, 10, 11, 12, and 13 of the local personnel policies and procedures, and the procedures adopted under each of those chapters.

### Requests for Open Meeting.

When an open session is requested by one or more, but less than all, of the persons under consideration, that portion of the meeting devoted to presentation of all materials for or against each of the candidates requesting the open session must be open.

Discussion of other individuals under consideration should be closed and held after the open portion of the deliberations. A person requesting an open session

is not entitled to hear comparable discussion about peers not requesting open sessions.

All Sessions Must Be Open.

If a faculty or academic staff member requests that the evidentiary session of a meeting on renewal or tenure or the evidentiary session of a hearing be open, then the deliberative session must also be open.

Notice of Renewal Consideration.

A department or unit or university committee considering renewal of a contract is exempt from the notice provisions of Sec. 19.84 except that it must give notice to interested persons and members of the news media filing written requests. [Refer also to the section on "Public Notice," below.]

Policy Presumption.

The open meetings law establishes a presumption that all meetings of governmental bodies will be held in open session. There are exemptions but the exemptions are to be invoked sparingly and only when necessary to protect the public interest. The law provides that its provisions are to be liberally construed so as to achieve the highest degree of openness in government.\*

Public Notice.

Under Section 19.84 (5), departments/units and their subunits are exempt from the public notice requirements, except that they "shall provide meeting notice which is reasonably likely to apprise interested persons, and news media who have filed written requests for such notice." In order to assure compliance with this requirement, departments/units and the subunits are advised to adhere to all requirements of the statute as if they were not exempt.

Meeting Announcements.

The official vehicle for public announcement of all meetings at UWSP is the *University Newsletter*.

Responsibility for Notice.

Those responsible for convening any meeting covered by the Open Meeting Law are to provide electronic mail or other written notice (including group, date, time, place, brief agenda, and whether a closed session is involved) to News Service, Main Building, before 9:00 a.m., Wednesday.

A standing notice may be filed for groups which hold regular meetings.

Deadline Missed.

If the decision to hold a meeting is made after the deadline for the *University Newsletter* has passed, the requirements for public notice may be met by posting an announcement of the meeting, at least 24 hours in advance (in emergencies, at least 2 hours in advance), in a place where those of the public most interested might reasonably be expected to see it.

In addition, written notice is to be filed with News Service, which serves as the office of record for all meetings covered by the Open Meeting Law and will respond to inquiries from the news media and others.

Request for a Closed Session.

While a closed meeting is permissible under the Open Meeting Law for purposes of a personnel decision (or reconsideration), a faculty or academic staff member has no absolute right to have the meeting closed.

A Personnel Committee is a "governmental body" as defined in 19.82 (1), Stats., and thus subject to the open meeting requirement of 19.83. However, Sec. 19.85 (1)(b) permits a governmental body to hold a closed session for the purpose of considering and acting on the grant or denial of tenure for a university faculty member, upon a motion duly made and carried by the governmental body.

The decision to invoke the exemption from the open meetings requirement is a matter for the governmental body itself rather than the faculty member.

Section 19.85 (1)(b) does give the faculty member the right to demand that meetings which are evidentiary hearings be held in open session under some circumstances, but there is no specific statutory right to a closed session. That right to open sessions has been extended through Faculty Senate action to all faculty and academic staff.

The absence of a right in the faculty or academic staff member to demand a closed meeting does not preclude the Personnel Committee from meeting in closed session. Section 19.85 (1)(b) appears to contemplate that tenure deliberations will generally occur in closed meetings. There appears no reason why the Personnel Committee could not or should not vote to honor the faculty or academic staff member's request by convening in closed session.

#### Requirements.

There are 2 basic requirements of the Open Meetings Law:

- give advance public notice; and
- conduct all business in open session, unless an exemption applies.\*

#### Secret Ballots Not Permitted.

Except for the election of officers, secret ballots may not be taken at any open or closed meeting of a body covered by the terms of the Open Meeting Law.

#### Taping.

The law gives anyone the right to tape record or videotape open sessions, so long as the recording does not disrupt the meeting.\*

**NOTE:** the provisions of the Open Records Law most likely preclude asking someone who wishes to record a meeting either their name or why they wish to record the meeting.

#### Violations.

Any action taken in violation of the Open Meeting Law may be voidable, and any member of a governmental body who knowingly attends a meeting held in violation of the law, or who, in an official capacity, otherwise violates the law by some act or omission, may be fined not less than \$25 nor more than \$300 for each such violation.

No person may be found in violation if that person makes or votes in favor of a motion to prevent the violation from occurring.

#### Voting.

##### Absentee Ballots.

Absentee ballots may not be used for decisions of a governmental body.

### Departmental/Unit Decisions.

A departmental or unit vote/decision must be conducted at a duly convened meeting of that department.

### Mail Ballots.

Mail ballots are permissible only if confined to advisory referenda.

### Motions and Votes Recorded.

The motions and roll call votes of each meeting shall be recorded, preserved, and open to public inspection. Further, any member of the body may require that a vote be taken in such a manner that the vote of each member may be ascertained and recorded.

### Reconsideration of a Vote.

Where notice of a pending reconsideration and the specific subject to be reconsidered are not specifically given, a reconsideration may be brought before a body under a general subject designation. However, any discussion or action on a motion to reconsider should be held over for a subsequent meeting and appropriate notice given.

### Results of Closed Sessions.

In most cases it is proper for the chief presiding officer to announce the results of the closed session immediately thereafter. This would not result in reconvening in open session within twelve hours after completion of closed session.

### Secret Ballots Not Permitted.

Except for the election of officers, secret ballots may not be taken at any open or closed meeting of a body covered by the terms of the Open Meeting Law.

### Vote in Closed Session.

Although there are two differing lower court rulings (one based on previous law on open meetings), there is no definitive court ruling on whether it is appropriate to vote in closed session. "A governmental body should vote in open session, unless doing so would compromise the need for the closed session."\*

(A vote may be taken in closed session if the vote is an integral part of the purpose for which the closed session was properly called.)

### Written Ballots.

It is not advisable to use written ballots for any vote. However, if written ballots are used, to meet the requirements of the Open Meetings Law, which prohibits any secret ballot except in the election of officers, the ballots must be

- signed by the individual voters at the time of the vote;
- preserved by the presiding officer of the body or treated as a roll call vote and recorded in the minutes of the meeting;
- open to public inspection upon request (whether the vote was taken at an open or closed session); and
- if any member requests that the vote be taken in such a manner that the vote of each member may be ascertained and recorded, written ballots must be treated as a roll call vote.

This does not preclude the use of a written evaluation or a written advisory recommendation where such evaluations or recommendations are signed and used only as information.

- Forms circulated to department members for these purposes should not specifically request a yes or no recommendation on personnel matters such as promotion, retention, or tenure, although the individual responding may choose to make such a recommendation.
- Evaluations of individuals for personnel actions must be available to the individual, and to all members of the committee making the decision.

When Applicable.

The open meetings law applies to all meetings of all governmental bodies.\*

What Constitutes Meetings.

(1) One-half the Members. Normally, when half the members of a body are gathered other than for a social event or convention, there is a rebuttable presumption that a meeting is taking place, even if the members are gathered only to hear information on a matter within the authority of the body.\*

(2) Negative Quorum. When a number of the body's members sufficient to control the outcome are involved in a gathering, there is a rebuttable presumption of a meeting. For example, if a body has a two-thirds majority rule and one-third of the members are gathered (a so-called negative quorum), there is a rebuttable presumption of a meeting.\*

(3) Conference Calls. Telephone conference calls involving a sufficient numbers of members of a body to control the outcome also meet the definition of a meeting.\*

Written Ballots.

It is not advisable to use written ballots for any vote. However, if written ballots are used, in order to meet the requirements of the Open Meetings Law prohibiting any secret ballot except in the election of officers, the ballots must be

- signed by the individual voters at the time of the vote;
- preserved by the presiding officer of the body or treated as a roll call vote and recorded in the minutes of the meeting;
- open to public inspection upon request (whether the vote was taken at an open or closed session); and
- if any member requests that the vote be taken in such a manner that the vote of each member may be ascertained and recorded, written ballots must be treated as a roll call vote.

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- Forms circulated to department members for these purposes should not specifically request a yes or no recommendation on personnel matters such as promotion, retention, or tenure, although the individual responding may choose to make such a recommendation.
- Evaluations of individuals for personnel actions must be available to the individual, and to all members of the committee making the decision.

**AFFIRMATIVE ACTION POLICY**

PURPOSE.

The University of Wisconsin-Stevens Point is committed to a policy of equal employment opportunity and nondiscrimination. The University's Affirmative Action Plan represents both a commitment to hire and promote underrepresented groups, and a positive effort to assure that minorities, women, and persons with disabilities are not underrepresented among our employees.

#### Objectives.

The objectives of the University include a commitment to prevent and eliminate discrimination or harassment by supervisors, coworkers, or students on the basis of age, race, color, religion, sex, national origin, ancestry, pregnancy, marital status, parental status, sexual orientation, gender identity/expression, disability, political affiliation, arrest record, membership in the National Guard, state defense force and/or any other reserve component of the military forces of the United States or of this state, or other protected class status. Such harassment is unlawful in the state of Wisconsin.

### RESPONSIBILITY.

#### Program Development.

The responsibility for the development of an effective affirmative action program on this campus is assigned to the Affirmative Action Director.

#### Program Implementation.

Administrative personnel are responsible for implementation of the affirmative action/equal employment program and for enforcement in their area of responsibility. Affirmative action programs will be monitored and management performance in this program will be evaluated as is performance of other administrative objectives.

#### Discriminatory Practices.

Each administrative officer of the University is responsible for eliminating discriminatory practices where they exist and for assuring that applicants and employees are not denied access to employment, training, transfers, or promotions based upon age, race, color, religion, sex, national origin, ancestry, marital status, pregnancy, parental status, sexual orientation, gender identity/expression, disability, political affiliation, arrest record, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, or other protected class status.

#### Compliance.

Federal, state, and gubernatorial laws and orders regulate affirmative action and equal employment opportunity practices in the State of Wisconsin. The University of Wisconsin-Stevens Point is committed to complying with these rules and acknowledges equal employment opportunity as a legal responsibility. In addition, this commitment is institutionalized and incorporated into the *University Handbook*, institutional policy, administrative evaluations, and University structure and procedures.

#### Related Policies.

Additional policies which further describe and support the University's commitment to a discrimination- and harassment-free environment are the "Sexual Harassment Policy," the "Discrimination-free Environment Policy," and the various policies and procedures for dealing with allegations and complaints of harassment or discrimination under Chapters UWS and UWSP 3, 4, 6, 10, 11, and 13.

### APPLICATION.



The University is committed to an affirmative action/equal opportunity program to assure that all employees are treated fairly.

#### Equal Employment Opportunity.

The University is committed to equal employment opportunity for all persons, regardless of race, creed, ancestry, religion, color, sex, national origin, age, disability, arrest record, marital status, pregnancy, parental status, political affiliation, sexual orientation, gender identity/expression, or membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, or other protected class status.

#### General Principle.

All classified, unclassified, and student positions are open to both sexes, persons with disabilities, and members of minority groups.

#### Employment Considerations.

The individual's ability and willingness to do the job are the only considerations, and jobs may not be restricted

- to members of one race, color, religion, creed, age, sex, or national origin for reasons such as the preferences of coworkers, employers, clients, or customs;
- because a job has been traditionally limited to members of one sex or race;
- by an assumption that members of one sex or race are less able to do a particular job--such as assemble parts, type, operate machinery, serve as lead worker--without regard to the applicant's actual abilities.

#### Affirmative Action Needed.

Affirmative action efforts for women, racial/ethnic minorities, persons with disabilities and Vietnam Era and disabled veterans are required when necessary to ensure equal opportunity and to overcome the effects of past discrimination. When deemed necessary, affirmative action will affect all employment practices, including but not limited to recruiting, hiring, transfer, layoff, termination, retention, promotion, certification, and testing.

#### Disability Accommodation.

Reasonable accommodations for persons with disabilities are provided to ensure equal access to employment in accordance with federal and state regulations.

#### Retaliation Prohibited.

Retaliation against an employee who files a discrimination complaint is also a form of discrimination and will not be tolerated.

#### Equal Educational Opportunity.

Under the provisions of 36.12 (1) Wis. Stats., "No student may be denied admission to, participation in, or the benefits of, or be discriminated in any service, program, course or facility of the system or its institutions or centers because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status."

#### Students' Rights.

The University of Wisconsin-Stevens Point affirms the right to equal opportunity in education. All campus programs and activities are equally available to all students. In its educational programs, activities, and employment practices, the University

does not discriminate on the basis of age, race, color, religion, sex, national origin, ancestry, pregnancy, marital status, parental status, sexual orientation, gender identity/expression, disability, political affiliation, arrest record, membership in the National Guard, state defense force and/or any other reserve component of the military forces of the United States or this state.

#### Religious Accommodations.

In response to an employee's or student's request, reasonable accommodations are provided for religious practices.

#### Student Complaints.

Students wishing to file a discrimination complaint with the University of Wisconsin-Stevens Point should do so with the Affirmative Action Director within 300 days of the alleged violation.

### AFFIRMATIVE ACTION PLAN.

UWSP's Affirmative Action Plan requires that the campus, including each department/unit, affirm its commitment to implement all federal, state and University of Wisconsin System equal employment opportunity and affirmative action laws, executive orders, rules, regulations and policies.

Such laws and regulations include but are not limited to

- Equal Pay Act of 1963;
- Title VII of the Civil Rights Act of 1964;
- Age Discrimination in Employment Act of 1967;
- Sections 503 and 504 of the Rehabilitation Act of 1973;
- Executive Order 11246;
- Title IX of the Education Amendments of 1972;
- Section 402 of the Vietnam Veterans Readjustment Act of 1974;
- Wisconsin Statutes Chapter 230;
- Wisconsin Fair Employment Act;
- Executive Order 28; and
- University of Wisconsin System Equal Employment Opportunity and Affirmative Action Policy.

### COMPLAINTS OF DISCRIMINATION OR HARASSMENT.

#### *Filing a Complaint.*

Persons wishing to file a complaint alleging discrimination or harassment are advised to lodge their complaint with the Affirmative Action Director, or with the Director of Personnel Services if the complaint concerns a member of the classified staff.

Complaints alleging discrimination may also be lodged with the chancellor or provost, or any vice chancellor, dean, executive director, director of a unit, or department chairperson.

#### *Procedures.*

##### Faculty.

Complaints alleging discrimination or harassment by a member of the faculty will be handled under the provisions of either Chapters UWS/UWSP 6, 3, or 4, as appropriate. These procedures are delineated in the *University Handbook*.

### Academic Staff.

Complaints alleging discrimination or harassment by a member of the academic staff will be handled under the provisions of either Chapters UWS and UWSP 13, 10, or 11, as appropriate. These procedures are delineated in the *University Handbook*.

### Classified Staff.

Complaints alleging discrimination or harassment by a member of the classified staff will be handled under the provisions of the union contract or institutional work rules, as appropriate. These procedures are available from the Personnel Office.

### Students.

Complaints alleging discrimination or harassment by a student will be handled according to the provisions of Chapters UWS/UWSP 14, student conduct procedures. These procedures are delineated in the brochure entitled *Community Rights and Responsibilities*.

## **CONSENSUAL AND FAMILIAL RELATIONSHIP POLICY**

### DEFINITIONS.

As used in this policy statement:

#### Instructor.

“Instructor” means all those who teach at UWSP, including faculty, coaches, teaching academic staff, and graduate students with teaching responsibilities.

#### Sexual Relations.

A person engages in “sexual relations” when the person causes contact with any body part of any person with the intent to arouse or gratify the sexual desire of any person. The term “person” includes not only the one doing the contacting but also the one being contacted. “Contact” means intentional touching, either directly or through clothing.

#### Familial Relationship.

The term “familial relationship” means an evaluative relationship with one’s spouse, child, parent, sibling, or anyone qualifying as a “dependent” under the Internal Revenue Code.

### INTRODUCTION AND BACKGROUND

The University of Wisconsin-Stevens Point has only limited authority to regulate the private lives of its employees and students. The University has even less interest in formalizing regulations concerning the private lives of its employees and students, except insofar as the University has a duty to protect the rights of employees and students and to define professional/ethical standards for its employees.

The University also recognizes that all individuals entering into consensual relationships must accept responsibility for their actions.

Nonetheless, certain consensual relationships are of concern to the University.

Consensual relationships of concern to the University of Wisconsin-Stevens Point are those sexual relationships in which the parties appear to have consented, but where there is a definite power differential between the parties and where there is the appearance of bias on the part of an instructor or supervisor.

Codes of ethics for most professional associations forbid improper professional-client relationships. University policy and general ethical principles preclude professional individuals from evaluating the work or academic performance, or from making hiring, salary or similar financial decisions concerning family members. The same principles apply to romantic/sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate, or prospective employee.

## RELATIONSHIPS AND CORRESPONDING REGULATIONS.

### *Consensual Sexual Relationships with a Student in One's Class.*

These relationships with a non-spousal student in an instructor's class are not permitted. Violation of this regulation will subject an instructor to appropriate disciplinary action by the Vice Chancellor, including, but not limited to, reprimand, suspension, or dismissal. The University feels that the instructor/student relationship is one where a great fiduciary duty is imposed upon the instructor (one which is equivalent to doctor/patient or attorney/client) and where this prohibition is as appropriate as the prohibition imposed in other professions.

### *Consensual Sexual Relationships with a Student Not in One's Class.*

These relationships are often problematic and should be avoided. The potential conflict of interest, bias, power differential, and appearance of impropriety problems are obvious. Further, there is the possibility that the student may subsequently enroll in the instructor's class, resulting in the difficult choice of putting the relationship on hold or facing disciplinary action.

### *Consensual Sexual Relationships with an Employee under One's Supervision.*

These relationships are of concern to the University (and all other employers) because of conflict of interest and abuse of power differential problems. If such a situation develops, the supervisor should work with his or her supervisor to remedy the problem (e.g. by having one or both of the couple transferred.).

### *Familial Relationships.*

The situation where one is in an evaluative position (such as a supervisor or instructor) with a family member is to be avoided if at all possible. The supervisor or instructor must consult with his or her dean/chair/supervisor before accepting such a responsibility. Together they should act to avoid the situation (e.g. by transferring an employee, having a student take another section of a course or take the course by independent study, correspondence, etc.).

## **SEXUAL HARASSMENT POLICY STATEMENT**

### PURPOSE.

Sexual harassment is recognized as a violation of civil rights laws, U.S. Equal Opportunity Commission Rules and by the civil law courts. The University of Wisconsin-Stevens Point is committed to providing its faculty, staff, and students with a sexual harassment-free environment.

The Chancellor, the Faculty Senate, and the Board of Regents of the University of Wisconsin System approved the following policy statement:

Sexual harassment is impermissible and unprofessional conduct, subject to disciplinary action in accordance with applicable due process requirements,

including, but not limited to reprimand, temporary suspension, expulsion, or discharge of the harassing individual.

#### DEFINITION.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when

- submission to such conduct is made either as an implicit or explicit condition of an individual's employment, career advancement, grades, or academic achievement; or
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working environment.

#### COMPLAINTS.

Persons wishing to file a complaint alleging sexual harassment are advised to lodge their complaint with the Special Assistant to the Chancellor for Affirmative Action.

Complaints alleging sexual harassment may also be lodged with the chancellor or provost, or any vice chancellor, dean, executive director, director of a unit, or department chairperson.

### **DISCRIMINATION-FREE ENVIRONMENT POLICY**

#### PURPOSE.

UWSP will

- foster an environment of respect for the dignity and worth of all students, employees, and guests of the University;
- provide an environment which is conducive to the free and open exchange of ideas; and
- strive to eliminate bias, prejudice, discrimination, and harassment in all forms and manifestations.

#### DISCRIMINATION.

Discrimination based on an individual's race, gender religion, color, creed, disability, sexual orientation, gender identity/expression, national origin, ancestry, age, marital status, pregnancy, or parental status is demeaning to all students, employees, and guests; impairs the process of education; and violates individual rights.

#### COMPLAINTS.

Students, faculty, academic staff, classified staff, prospective employees, prospective students, or visitors who believe they have been the target of discrimination on the basis of race, gender, religion, color, creed, disability, sexual orientation, gender identity/expression, national origin, ancestry, age, marital status, pregnancy, or parental status in employment or as a UWSP student should report it to the Special Assistant to the Chancellor for Affirmative Action/Equity--Room 210, Main Building, ext. 2002-- (within 300 days of the alleged violation) for action under Section 36.12 (1), Wis. Stats., and Title IX of the Education Act, 1972.

Complaints alleging discrimination or harassment may also be lodged with the chancellor or provost, or any vice chancellor, dean, executive director, director of a unit, or department chairperson. These individuals and campus service providers (*i.e.*, Counseling Center personnel, Health Service care providers, Residence Hall Directors) should normally refer complainants to the Affirmative Action Office for resolution.

### EDUCATIONAL PROGRAMMING.

To promote UWSP's goal of creating a discrimination-free educational environment, the chairperson of the Affirmative Action Committee shall annually appoint a nine-member subcommittee for educational programming on discriminatory harassment.

#### Membership.

- Three members, at least two of whom shall be classified staff, shall be members of the Affirmative Action Committee;
- three members shall be members of the University Affairs Committee; and
- three student members shall be appointed by the Student Government Association.

The Affirmative Action Director or a designee shall serve as a consultant to the subcommittee.

#### Duties.

The subcommittee shall recommend educational programs for employees and students on:

- the nature of sexual and discriminatory harassment;
- means of working to eliminate sexual and discriminatory harassment;
- ways to increase sensitivity to harassment; and
- methods of publicizing the procedures to combat and eliminate sexual and discriminatory harassment on the campus.

### PUBLICATION.

This policy shall be included in the Community Rights and Responsibilities booklet and the University Handbook.

## **INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS**

### PURPOSE

The Institutional Review Board is established as an independent peer group to advise the Chancellor in the planning, evaluation, implementation and coordination of UWSP's programs concerning research on human subjects as well as review all human subjects research conducted at UWSP. The IRB has the authority to review, approve, disapprove, or require changes for approval in research activities involving human subjects.

### RESPONSIBILITIES

The Board shall review all research involving human subjects, whether funded or not, to insure compliance with Department of Health and Human Services (DHHS) Guidelines on Research Involving Human Beings (45 CFR 46), and UW System principles concerning research on human beings as subjects.

## MEMBERSHIP

The Board shall consist of at least seven persons appointed by the Vice Chancellor. At least three of the members shall have experience conducting human subjects research. At least one member of the board will be a community representative with no formal connection to the university.

## MEETINGS

1. The Board will be scheduled to meet on a regular basis at least monthly during the academic year to transact business. Unless otherwise provided, meetings will be conducted according to the current edition of Robert's Rules of Order. Regularly scheduled meetings may be cancelled if there is no business.
2. An agenda and accompanying review materials will be distributed to Board members within the week preceding the meeting.
3. Principal investigators, or their designated representatives, may be present during the meeting to provide additional information or to answer questions at the time the protocol is reviewed. Visitors may speak at Board meetings after recognition by the chairperson or upon request of a Board member.

## QUORUM

A quorum of the Board will consist of a majority of the membership.

## OFFICERS AND MINUTES

1. The chairperson of the board is appointed by the Vice Chancellor. The chairperson will be responsible for communicating official actions of the Board to appropriate individuals and will preside over Board meetings. In the absence of the chairperson, a designated member of the board will perform these functions.
2. An official record of each meeting will be maintained. The official minutes will reflect the attendance, motions of the Board, and votes, noting negative votes and abstentions. The official minutes will include any statement members of the Board may wish to be officially recorded. A copy of the minutes shall be forwarded to the Vice Chancellor and to University Archives. Additional copies will be forwarded to interested parties upon request. The official minutes will be subject to correction and/or approval and the original of all records will be retired to the University Archives at the conclusion of each academic year.

## VOTING

1. Except for cases covered in (2) below, all motions must receive a number of affirmative votes equal to the legal quorum for adoption. The chairperson is eligible to vote on all matters, except as provided in (4) below.
2. Voting will take place in Board meetings by those members present. Because of the importance of discussion in the Board's review and approval processes, absentee votes may not be taken. Any Board member who anticipates being absent from a meeting and

who wishes to participate in voting on a given protocol may request in writing to the chairperson in advance of the meeting that consideration of the protocol be deferred in accordance with (3) below. Any member who anticipates being absent from a meeting may submit written information to be presented at the meeting on protocol(s) for the Board to consider in its review of the protocol(s).

3. Any member of the Board, on any given motion, may request that the protocol being voted on be deferred for consideration at a special meeting or at the next regularly scheduled Board meeting. Members will be sent a special notice informing them of the deferral action, and the date, place, and time of the meeting for reconsideration. Deferral for reconsideration can be made only once for each protocol.
4. No member of the Board shall be involved in either the initial or continuing review or approval of an activity in which the member has a conflicting interest except to provide information requested by the Board. A conflict of interest exists if a person (i) is written into the proposal or project as a participant or (ii) signs the proposal transmittal form in a capacity other than a representative of the Chancellor or Board of Regents. Any member may voluntarily abstain from voting due to a conflict of interest even if the member does not fall within these definitional categories of "conflict of interest."
5. All meetings shall comply with the provisions of the Open Meeting Law, Sections 19.81-19.98, Wisconsin Statutes.

## **WORKPLACE VIOLENCE**

### **REPORTING GUIDELINES**

Acts of violence are prohibited by law. The University of Wisconsin - Stevens Point is committed to providing faculty, staff and students with an environment that is safe, secure and free from violence, and other forms of aggressive behavior; one which is based upon civility, respect and the free expression of ideas.

To promote an atmosphere that encourages learning and productive employment, quick responsive action will be taken if violence or the threat of violence arises. This includes any direct, conditional or implied threat, intentional act, or other conduct that reasonably arouses fear, hostility, intimidation or the apprehension of harm.

Violence and threats of violence are always prohibited on campus, especially whenever:

- the act, behavior, or communication is abusive and could cause another person physical, emotional, or psychological harm;
- the act, behavior, or communication damages or threatens to damage property of the university or of an individual.

All members of the university community should report any act of violence, potential violence, threatening, aggressive or disruptive behavior to a supervisor, department chair, Student Rights and Responsibilities Office (if students are involved), the Personnel Office or Protective



Services. These resource people can help ensure that your concerns are properly reported and investigated. The employee who receives such a report is obligated to channel the complaint through the appropriate university procedures.

Examples of campus violence include, but are not limited to:

- threats of harm to a person or their property;
- intentional damage to university or private property;
- brandishing a weapon or an object that appears to be a weapon;
- threatening or directing abusive language toward another person;
- stalking as defined by Wisconsin statute;
- physical attacks on another person such as slapping, punching, pushing or intimidating gestures;
- domestic conflicts that extend into the workplace.

Any person who exhibits violent, aggressive or threatening behavior will be held accountable for their actions under university policy and rules, as well as local, state and federal laws. Violators are subject to disciplinary action, including suspension or dismissal, and may be subject to criminal prosecution.

This policy does not replace any current disciplinary or formal grievance process established in agreements with collective bargaining units and governance groups. Nor does the use of this process cause an employee to forfeit the right to file a grievance. If an employee is represented by a bargaining unit, he/she may request the assistance of a union representative at any step in this process.

## REPORTING PROCEDURES

Employee Responsibilities:

- Remove yourself from the threat as soon as possible.
- Contact Protective Services at ext. 3456 if there is a threat of danger of physical violence.
- Call 911 if there is a medical emergency.
- Immediately notify your supervisor, department chair, dean, or residence hall director if you are a victim of, or a witness to, an act of violence or other violation(s) of this policy.
- Document the incident as soon as possible.

## Department Responsibilities:

- Contact Protective Services at ext. 3456 if there is a threat of danger or physical violence.
- Call 911 if there is a medical emergency.
- Obtain written statements from witnesses.
- Investigate or arrange to investigate the complaint.
- Interview witnesses, gather facts, and assess the situation.
- Determine if the complaint can be resolved within the unit without disciplinary action or if other action should be taken.
- If resolved within the unit, take whatever action is deemed appropriate.
- If disciplinary or other action is considered, confer with the Personnel Office, the appropriate division head, or the Student Rights and Responsibilities Office (if students are involved) to determine the appropriate course of action.

## **RESEARCH MISCONDUCT POLICY**

### STANDARDS OF CONDUCT

Researchers are expected to retain appropriate documentation for their research and adhere to accepted ethical standards appropriate to their academic discipline.

### DEFINITION OF RESEARCH MISCONDUCT

Misconduct is intentional falsification of data, plagiarism, or other practices that deviate from common research practice within the academic community for proposing, conducting, or reporting research. Honest errors and differences in interpretation of data are not considered misconduct. Misconduct is prohibited at UWSP, and may be cause for discipline or dismissal.

### REPORT OF RESEARCH MISCONDUCT

Research collaborators, colleagues, and anyone who has reason to believe that research misconduct has occurred has the responsibility of reporting the misconduct. Retaliation because of good faith reporting of misconduct is prohibited. However, individuals found to have brought allegations of a frivolous or malicious nature shall be subject to the same range of disciplinary action as individuals found guilty of violating this policy.

### PROCEDURE FOR PROCESSING RESEARCH MISCONDUCT ALLEGATIONS

1. Allegations shall be reported in writing to the dean of the appropriate college. The accused individual shall be informed in writing by the dean within 10 days (a) what allegations have been made, (b) the identity of the accuser, and (c) that an initial inquiry into the allegations may result in a subsequent investigation.

2. The dean of the college shall undertake a prompt and discreet inquiry. All matters pertaining to the inquiry shall be kept in strict confidence. The inquiry consists of information gathering and preliminary fact-finding to determine whether a more extensive investigation is warranted. The inquiry shall be completed within 60 days from the time the written allegations were received by the dean.
3. If the inquiry concludes that the allegation of misconduct is unsubstantiated, and an investigation is not warranted, then the reasons and supporting documentation for this conclusion shall be reported to the Chancellor. If the Chancellor concurs with the conclusion that an investigation is not warranted, then no further action shall be taken in the matter. The conclusion of the dean and Chancellor, as well as all supporting documentation from the inquiry, shall be recorded and the record maintained confidentially for a period of three years following termination of the inquiry.
4. If the inquiry finds reasonable cause to believe the allegations are neither frivolous nor misguided, the individual against whom the allegation was made shall be provided a copy of the report of the dean's inquiry. The matter shall then be referred to an ad hoc committee appointed by the dean for formal investigation. Committee members shall be individuals who are knowledgeable in the researcher's area of study, but who are not involved with the research in question nor in competition with the accused. It may be advisable in certain situations to invite researchers from other institutions to participate in the investigation. The investigation shall be initiated within 30 days of the completion of the inquiry. If the research in question has been supported by extramural funds, the institution may be required to notify the funding agency that a formal investigation is underway.
  - A. The ad hoc committee shall determine whether misconduct has occurred and assess its extent and consequences.
  - B. If the ad hoc committee finds the charges to be true, then the dean shall follow normal governance procedures (UWSP Chapters 4, 6, 11, or 13) to invoke an appropriate penalty, ranging from reprimand to dismissal.
  - C. A copy of the committee's report shall be provided to the individual under investigation. The dean shall afford the individual under investigation an opportunity to discuss the matter with the committee and himself/herself prior to any action taken under Section 4(B) above. The individual under investigation may reply in writing to the Committee. Any reply will be appended to the committee report.
  - D. Appropriate agencies and journals shall be notified by the Office of Academic Affairs in the event that misconduct is verified by the ad hoc committee.
  - E. If misconduct is not verified by the ad hoc committee, extensive efforts shall be made to restore the reputation of the accused individual.

## **FACULTY LEAVES WITHOUT PAY**

### **DEFINITION**

A leave without pay (LWOP), for the purposes of this policy, is defined to include any reduction in appointment which is requested by the individual and for which no salary is received from University of Wisconsin sources. The leave is considered to be of a

temporary nature for the purposes indicated below. This definition does not include leaves for faculty development, illness, sabbatical purposes, or political activity.

## POLICIES GOVERNING ALL LWOP

### Office Space

Faculty members on leave are entitled to office space in their departments as long as such space is available. If a temporary replacement is hired for a faculty member on leave and there is no extra office space available in the department, then the member on leave may be required to relinquish his/her office.

### Use of Facilities

Faculty members on leave may use University facilities and equipment related to their academic field and their usual University responsibilities. If shortages of facilities or equipment arise, faculty members actively teaching in the given semester have priority over those on leave of absence.

### Duration

Normally, the maximum length of time for which a leave will be granted is one year. The leave may be renewed annually, but only with the approval of the department.

### Procedures and Dates for Request and Renewal of Leaves

Normally requests for, and renewal of, leaves that involve a faculty member's return to formal schooling to obtain an advanced degree should be submitted by March 1 for the following academic year. Requests for, and renewal of, all other leaves should be submitted by May 1 for the following academic year, and October 1 for the second semester. Consideration of all leaves and renewals shall begin at the department level.

## TYPES OF LEAVES AND ASSOCIATED POLICIES

### Full Leaves

Full leaves entail a total severance of all duties for a period of not less than one semester.

Individuals on full leaves for one semester or longer may not be members of the Senate nor may they serve on Senate committees.

Individuals on full leaves may participate in departmental governance as specified by the department's by-laws, so long as they comply with appropriate provisions of the statutes of the State of Wisconsin.

### Education Leaves

These leaves may be requested by individuals not holding the terminal degree for time to pursue a terminal degree at a recognized institution of higher education within a specified program.

Salary: The individual will not be advanced a year on the salary schedule, but may opt to be considered for merit.

Seniority: Such leaves shall not count toward seniority under UWSP 5.08.

### Professional Leaves

These leaves may only be granted with the concurrence of the department. They are defined as leaves for any purpose related to an individual's duties at the University. They may include, but are not limited to: teaching at another institution; research at another institution; work outside an educational institution related to

duties at UWSP; work not clearly related to duties at UWSP but deemed appropriate by the department.

Salary: The individual will be advanced one year on the salary schedule, and may opt to be considered for merit.

Seniority: Such leaves shall count toward seniority under UWSP 5.08.

#### Non-Professional Leaves

Persons may be granted LWOP upon recommendation of their department for purposes not related to their employment at UWSP or to their professional duties. Persons on non-professional LWOP do not advance in either seniority or on the salary schedule during the period on leave but may opt to be considered for merit.

#### Partial Leaves

A person on partial leave remains on campus during part of the leave period and participates in the normal activities associated with full-time employment, though to a lesser extent. Consequently, no special policies need apply.

Salary: The individual on partial leave shall advance one full year on the salary schedule while on partial leave.

Seniority: Covered by UWSP 5.08(2).

Governance: The individual on partial leave shall continue to have the same rights and responsibilities to both his/her department and to the University in governance matters.

## **HAYES-HILL TITLING ADVISORY COMMITTEE OPERATIONAL PROCEDURES & POLICIES**

**NOTE.** This document has been put into a format similar to the rest of the *Handbook*. With the exception of the section on appeals, modified to conform to existing grievance procedures and policies, no other changes were made from the original, copies of which are available from the Personnel Office.

### GENERAL INFORMATION.

#### Charge and Role.

The Hayes-Hill Titling Advisory Committee (HHTAC) is appointed by the Chancellor. HHTAC advises the Chancellor and the Cabinet on the ongoing administration of the Hayes-Hill personnel system, including review of

- requests for new positions to ensure assignment of the appropriate title and salary grade;
- requests to upgrade positions or promote academic staff to ensure that Hayes-Hill requirements are met; and
- requests to move filled or vacant positions from classified to academic staff appointment and from academic staff to classified appointment to ensure that provisions of Unclassified Personnel Guideline #7, "Designation of Positions as 'Academic Staff' Under s. 36.09, Wis. Stats., UWS 9-14, Wis. Admin. Code and Regent Policy Document 75-3," are met.

A primary goal of HHTAC is to ensure that the system is applied fairly and equitably across the campus.

### Membership.

- The Vice Chancellor for Academic Affairs and the Vice Chancellors for Business Affairs, and Student Affairs shall each recommend at least one individual to the Chancellor to serve on HHTAC; in addition, the Academic Staff Council shall recommend at least one individual to the Chancellor.
- The Chancellor will appoint at least one person for each cabinet-level division from among those recommended by the respective cabinet officers, and one from among those recommended by the Academic Staff Council. The Affirmative Action Officer or his/her designee will also be a member of the committee. HHTAC will elect its chair from among its members.
- No member of HHTAC may also be a member of the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee.
- All members of HHTAC serve as resource personnel; persons with any questions related to Hayes-Hill matters are invited and encouraged to contact one of the members for consultation.

### Meetings.

- All meetings of the HHTAC shall conform to the provisions of 19.81-19.98 of the Wisconsin Statutes (1985-86), the Open Meetings Law, as appropriate.
- Regularly scheduled meetings are normally held twice each month. Dates, time and location of meetings are available from any committee member.
- Minutes shall be distributed to all members of HHTAC, the Chancellor, the members of the Academic Staff Council, the Special Assistant to the Chancellor for Affirmative Action, and anyone requesting a copy.
- Individuals have the right of access to all materials submitted to HHTAC except as otherwise provided by law to protect privacy rights of employees.

### Scope of Responsibility.

For individuals or positions covered by Hayes-Hill categories, which includes all academic staff and some faculty, personnel actions involving

- titling for a new position prior to announcing the position;
- titling for a replacement position prior to announcing the position;
- changes in position description which might cause change in Hayes-Hill titling;
- assignment of title or changes in title;
- assignment of grade or changes in grade; and
- promotion or demotion

must be presented to the HHTAC for review and response before proceeding.

## PROCEDURES AND POLICIES.

### New and Replacement Positions.

#### Submittal Procedure.

- Copies of position description questionnaires [a sample, Appendix A of the original HHTAC document, may be obtained from the Personnel Office] for new positions, and for replacement positions should be submitted to HHTAC for assignment of title, grade, and salary range minimum and maximum at least thirty days prior to advertising the position.

To help expedite procedures, units may submit materials required by HHTAC and materials required by the Affirmative Action Office to both

simultaneously, simply omitting the Hayes-Hill title in the materials submitted to AAO and providing it after HHTAC action.

- ◆ Unit supervisors submitting position description questionnaires are asked to include an organizational chart of the unit with the request, and shall include a recommended title or titles.

The page asking for recommended title added to the position description questionnaire and used at UWSP during the initial campus Hayes-Hill titling implementation will continue to be used with questionnaires for all future actions [a sample, Appendix B of the original HHTAC document, may be obtained from the Personnel Office].

- ◆ Where there may be questions concerning whether a change in the position description is significant and might warrant a change in Hayes-Hill title, supervisors are urged to contact any member of HHTAC for consultation.
- For all actions, completed position description questionnaires shall be sent to the Chair of HHTAC. The Chair will place items on the HHTAC meeting agenda.

#### Position Description Questionnaire Review Procedure.

- Normally, HHTAC will review Position Description Questionnaires at a regularly scheduled meeting and within thirty days of their receipt.
- HHTAC will review the questionnaire and compare the duties and responsibilities to the titling manual. HHTAC will conduct a point count for positions that require it.
  - ◆ Where HHTAC agrees with a recommended title or action, its response will be recorded in the HHTAC minutes and, a notice of HHTAC action shall be sent to all those signing-off on items submitted to HHTAC as well as to the regular distribution.
  - ◆ Where HHTAC disagrees with a recommended title or action, the Chairperson of HHTAC or a designee will contact both the individual involved and the immediate supervisor of the position to attempt to reconcile differences.
    - Where resolution occurs, HHTAC's response will be recorded in the HHTAC minutes and, a notice of HHTAC action shall be sent to all those signing-off on items submitted to HHTAC as well as to the regular distribution.
    - Where such informal contact does not lead to resolution, both the individual and the supervisor of the position shall be invited to attend an HHTAC meeting for reconsideration.
      - ♣ Where resolution occurs, HHTAC's response will be recorded in the HHTAC minutes and, a notice of HHTAC action shall be sent to all those signing-off on items submitted to HHTAC as well as to the regular distribution.
      - ♣ If differences remain, HHTAC shall forward its recommendation to the appropriate administrative officer, and to the Chancellor.

If the supervisor of the position disagrees with HHTAC's recommended title he/she can appeal to the Chancellor who shall make a final decision.

- For positions requiring a point count for titling, members of HHTAC will perform a point count of the position at a regularly scheduled meeting.
  - ♦ Once consensus is reached, the Chair will notify the Supervisor in writing of the point count and the impact on the employee's title and grade. The supervisor will be asked to share that information with the employee.
  - ♦ If the supervisor and employee agree with the point count results and the final titling decision may be made locally (i.e. does not need UW-System approval), HHTAC's decision is communicated to all affected parties.
  - ♦ If the supervisor and/or employee disagree with the point count, they will be invited to meet with HHTAC to review the point count to insure that it accurately reflects the position.
  - ♦ If agreement cannot be reached on a titling decision that may be made locally, the supervisor or employee may appeal to the Chancellor, who shall make a final decision.
  - ♦ When the final decision must be made by UW System personnel, the returned decision is communicated by the chair of HHTAC to all parties.
  - ♦ If the supervisor or employee disagree with the point count result of a titling decision, made by UW System Personnel, either or both may appeal to the Associate Vice President - Office of Human Resources.

### Promotion.

#### Role and Responsibility.

With regard to promotion, the function of HHTAC is to review materials prior to final approval for promotion in the professional and program manager titles to ensure that Hayes-Hill criteria have been met.

#### Promotion Criteria

*Professional Titles - (A search and screen is not necessary in such actions.)*

#### Submittal Procedure

It is the responsibility of the employee to understand how and when a promotion may be appropriate and to initiate the process. As part of the annual and supplemental reviews, the employee is encouraged to clarify with their immediate supervisor whether the UW-System and institutional criteria for promotion have been met. If the employee has additional questions on promotions, they are encouraged to speak with the Associate Vice Chancellor for Personnel and Budget, Director of Personnel Services and/or members of HHTAC.

It is the employee's responsibility to request, in writing, recommendation(s) supporting their promotion from their immediate supervisor and any other officer in the line preceding the appropriate Cabinet Officer.

Policy in the University Handbook on academic staff promotions (Chapter 1, "Primary Unclassified Personnel Policies and Procedures", Section 4, "Implementation Procedures and Guidelines for Personnel Rules and Policies for Academic Staff") provides that a supervisor who receives a request for promotion shall:



- “review the request and accompanying materials within 15 days of receipt of the request;
- within 20 days of receipt of the request, afford the academic staff member making the request an opportunity to present additional materials or oral testimony on the academic staff member’s behalf;
- act on the request in a reasonable time and shall provide written notification of decision, which shall normally be within 15 days of the meeting with the academic staff member (or from the date of informing the academic staff member of the opportunity if the academic staff member decides not to meet with the supervisor) but may be up to 90 days after receipt of the request if the supervisor decides that an additional performance review involving a questionnaire is appropriate.”

The employee must file a request for promotion with their Cabinet Officer (i.e. Provost/Vice Chancellor for Academic Affairs, Vice Chancellor for Business Affairs, Vice Chancellor for Student Affairs, and with HHTAC through its Secretary, the Director of Personnel Services. If possible, recommendations from the immediate supervisor and any other officer in the line preceding the appropriate Cabinet Officer should accompany the request for promotion.

#### Application Deadline

To be considered for promotion on July 1, the employee must submit their request to the appropriate Cabinet Officer and HHTAC by February 1.

If the supervisor(s) recommendations do not accompany the employee’s request for consideration of promotion and are not received by February 15, the HHTAC’s Secretary will request a recommendation from the supervisor(s) by March 1.

Requests for consideration of promotion will not be reviewed in that cycle if they are received by the officials identified above after February 1 OR if the file, though received by February 1, does not have recommendations from the immediate supervisor as well as any other officer in the line preceding the appropriate Cabinet Officer by March 1.

#### Notification Date

By April 1, the Chancellor and appropriate Cabinet Officer will notify the employee as well as the appropriate supervisor(s) of the decision on promotion.

#### Effective Date

Promotions become effective on July 1 of the calendar year in which promotion was approved by the appropriate Cabinet Officer and Chancellor.

#### Minimum Years of Service

No promotion is acquired solely because of years of service. An employee is first eligible for consideration for promotion from Associate to No Prefix when 1.5 years of experience have been accumulated by January 1 in the year application for promotion is submitted. An employee is first eligible for consideration for

promotion from No Prefix to Senior when 6.5 years of experience have been accumulated by January 1 in the year application for promotion is submitted.

#### Minimum Performance Criteria

For Promotion from Associate to No Prefix:

- Positive annual and supplemental evaluations. Material submitted for promotion must include results of at least one annual evaluation and a supplemental evaluation completed within the past 12 months.
- The UW SYSTEM UNCLASSIFIED TITLE DEFINITIONS BOOK (1/1/94) provides that an employee at the No Prefix level ". . . performs those duties and responsibilities expected of a fully competent professional. Typically such duties and responsibilities require knowledge and skills gained only through considerable experience. A fully competent professional works independently in applying the approaches, methods and techniques of his or her profession, and is active in developing or assisting in the development of new approaches to resolving problems." (page 56)

For Promotion from No Prefix to Senior:

- Positive annual and supplemental evaluations. Material submitted for promotion must include results of annual evaluations and a supplemental evaluation completed within the past 12 months.
- The UW SYSTEM UNCLASSIFIED TITLE DEFINITIONS BOOK (1/1/94) provides that an employee at the Senior level ". . . performs program functions at a level of proficiency typically requiring extensive experience (e.g. a minimum of at least seven years of professional experience) and advanced knowledge and skills. At this level, the professional has a consistent record of exemplary performance. A Senior professional is expected to develop new approaches, methods or techniques to resolve problems with little or no expert guidance and to cope independently with new, unexpected or complex situations. At this level, a professional can be expected to guide or train other professionals or to oversee their work." (page 56)

For Promotion from Senior to Distinguished:

- Positive annual and supplemental evaluations. Material submitted for promotion must include results of annual evaluations and a supplemental evaluation completed within the past 12 months.
- The REVIEW PROCESS FOR CANDIDATES FOR THE DISTINGUISHED PREFIX - University of Wisconsin - Stevens Point (11-18-92) provides the criteria an employee must meet for movement to this prefix/title.
- Promotion to this level is not part of a natural career progression track.

A copy of the UW SYSTEM UNCLASSIFIED TITLE DEFINITIONS BOOK (1/1/94) and REVIEW PROCESS FOR CANDIDATES FOR THE DISTINGUISHED PREFIX - University of Wisconsin - Stevens Point (11-18-92)

are available from HHTAC committee members or the Reserve Desk of the University Library.

### Salary Increases

For promotion from Associate to No Prefix

- The salary increase shall move the employee's base salary up to the minimum of the pay grade to which the employee is promoted or 7% of the employee's current base salary, whichever is greater, on the effective date of the promotion.
- A salary increase beyond 7%, other than to the minimum of a pay grade, shall require approval of the Chancellor.

For promotion from No Prefix to Senior

- The salary increase shall move the employee's base salary up to the minimum of the pay grade to which the employee is promoted or 9% of the employee's current base salary, whichever is greater, on the effective date of the promotion.
- A salary increase beyond 9%, other than to the minimum of a pay grade, shall require approval of the Chancellor.

Bi-annual salary increase review

- The percentage increase in base salary associated with promotion to No Prefix and to Senior will be reviewed in January of each odd-numbered year. Any recommendations for change will be made jointly by HHTAC and the Academic Staff Council and forwarded to the Chancellor for approval with an effective date of July 1 of that calendar year.

*Program Manager Titles - (A search and screen is not necessary in such actions.)*

### Assignment to a Level

Program Manager positions are assigned to one of three levels (I, II or III). The level assigned to a particular position is based upon application of the title evaluation rating system (i.e. point count of the position description). It is not determined on the basis of minimum experience or performance level of the employee in the position.

### Effective Date

The effective date for a promotion in the Program Manager titles is the first of the month prior to the date HHTAC receives the request and PDQ for review (e.g., a request received on March 29 would be effective on March 1, if approved).

### Salary Increases

Promotion in the Program Manager titles will result in a base pay increase of no less than 5% and no more than 10% on the effective date as defined in b. above, unless a 10% increase does not reach the minimum of the newly assigned pay grade. Then the increase will be sufficient to achieve this requirement.

A salary increase beyond 10%, other than to the minimum of a pay grade, shall require approval of the Chancellor.

### *Director Titles*

A move to or within the Director titles is a promotion and normally requires a search and screen.

### *Change of Job*

A move from one job to another within the same pay grade (e.g. Academic Curator to Cartographer, Information Manager to Instructional Program Manager) is not a promotion, but requires a search and screen.

### Review Procedure.

- Normally, HHTAC review will occur at a regularly scheduled meeting and within thirty days of receipt of supporting materials.
- HHTAC will compare the materials submitted by the candidate to the duties and responsibilities as defined in the current titling manual.
  - ♦ Where criteria have been met, HHTAC will forward a positive recommendation to the Chancellor for final action on the promotion.
  - ♦ Where criteria have not been met, a copy of the materials shall be returned to the appropriate recommender with an explanation. A copy of the explanation shall also be sent to the individual recommended for promotion.
- Where HHTAC concludes that Hayes-Hill criteria have not been met and the individual/recommender disagree with HHTAC's conclusion and wishes to pursue the matter, the recommender shall request reconsideration. Normally, a request for reconsideration will include a reason and any appropriate supplementary material/s.
  - ♦ Where, after receipt of a request for reconsideration and review of supplementary materials, HHTAC decides that criteria have been met, HHTAC will so note and inform the appropriate individual/recommender. A copy of HHTAC's recommendation will be submitted to the Chancellor for final action on the promotion.
  - ♦ Where, after receipt of a request for reconsideration and review of supplementary materials, HHTAC continues to believe that criteria have not been met, HHTAC will so note and advise the recommender and the involved individual. The chair of HHTAC will offer both parties the opportunity to meet with HHTAC to attempt to reconcile the differences that continue to exist regarding the promotion.

### Appeal to the Academic Staff Mediation Subcommittee or Faculty Mediation Subcommittee.

- The individual/supervisor who is dissatisfied with HHTAC's decision, after reconsideration, has 20 days in which to file a grievance with the Academic Staff Mediation Subcommittee.
  - ♦ Any grievance shall be filed under UWSP 13.02 and related procedures. These materials may be found in the *University Handbook*.
  - ♦ The individual filing a grievance shall simultaneously send a copy of the grievance to the chairperson of HHTAC.
- Classroom teaching academic staff may elect to take grievances under 13.02 either to the Academic Staff Mediation Subcommittee or the Faculty Mediation Subcommittee, but shall have access to only one subcommittee for each case. Regardless of which subcommittee is selected, the hearing procedures to be followed will be those for hearings under 13.02

### EMERGENCY HIRING SITUATIONS.

Titling in emergency hiring situations may be authorized by the chair of HHTAC or designee. Report of any such actions shall be submitted to HHTAC for its information and review at its next meeting.

### **PROCESS FOR DESIGNATING GPR-FUNDED ACADEMIC STAFF POSITION FIXED-TERM**

The following process must be followed to seek approval from Academic Staff Council to designate a GPR-funded position as fixed-term:

- Contact Academic Staff Council chair at least 2 weeks prior to the next scheduled meeting. If emergency cases arise during the summer, the employing department must contact the ASC Chair to request a meeting. The meeting will take place as quickly as a quorum can be achieved (within a three week timeframe).
- Provide written documentation outlining the rationale for converting the position from probationary to fixed-term. This documentation must be given to the ASC chair no later than one week prior to the meeting to discuss the request.
- Representation from the unit must attend the meeting in which the request will be discussed. If there is currently an Academic Staff person in the position in question and their status has the potential of being changed, they will be invited to attend the meeting and will also receive all supporting documentation prior to the meeting.

If a position is approved as a fixed term position, a two-year review may be assigned to the position to re-assess the necessity for it to be fixed term. The Academic Affairs Office, in particular the Associate Vice Chancellor for Personnel and Budget, will be responsible for notification to the department that the position must be reviewed.

### **STUDENT EVALUATION OF INSTRUCTION – EVALUATIVE FORM**

The results of this survey will be used in personnel evaluations, and to provide summary data for Student Government Association records, and will be made available to your instructor only after grades have been recorded for the course. Mark the most appropriate response to each statement in the corresponding circles to the right.

Unless you are otherwise instructed, please answer all items on a scale of **1=strongly agree to 5=strongly disagree**.

ITEMS ABOUT THE STUDENT:

1. I completed all assigned tasks before coming to class.
2. I came to this course with a strong interest in learning this material.
3. I sought out the instructor when I needed help with course content.
4. I made a serious effort to attend class regularly.
5. I expect to receive the following grade in this course  
1—A or Pass 2—B 3—C 4—D 5—F
6. Why did you enroll in this class? (mark all that apply)  
1—GDR 2—Required for major/minor 3—elective for major/minor 4—general elective 5—recommended by advisor 6—sounded interesting

ITEMS ABOUT THE COURSE:

7. The course objectives and requirements were clear.
8. The course materials and activities were relevant to the course objectives.
9. Based on the course objectives and requirements, the course workload was  
Much too low      low      appropriate      high      much too high  
1                      2                      3                      4                      5
10. I learned a lot in this course.
11. Overall, this was a good course.

ITEMS ABOUT THE INSTRUCTOR:

12. The instructor organized the course material well.
13. The instructor demonstrated enthusiasm for the subject matter.
14. The Instructor treated students with courtesy and respect.
15. The instructor encouraged participation in class.
16. The instructor welcomed interaction outside of class for academic support.
17. The instructor provided useful feedback on my performance.
18. Overall, the instructor taught this course effectively.

**STUDENT EVALUATION OF ONLINE INSTRUCTION – EVALUATIVE FORM**

The results of this survey will be used in personnel evaluations, and to provide summary data for Student Government Association records, and will be made available to your instructor only after grades have been recorded for the course. Mark the most appropriate response to each statement in the corresponding circles to the right.

Unless you are otherwise instructed, please answer all items on a scale of **1=strongly agree to 5=strongly disagree**.

ITEMS ABOUT THE STUDENT:

1. I completed all assigned tasks on or before due dates.
2. I enrolled in this course with a strong interest in learning this material.
3. I contacted the instructor when I needed help with course content.
4. I kept up with all assigned readings and activities.
5. I expect to receive the following grade in this course  
1—A or Pass 2—B 3—C 4—D 5—F
6. Why did you enroll in this class? (mark all that apply)  
1—General Degree Requirement 2—Required for major/minor 3—elective for major/minor 4—  
general elective 5—recommended by advisor 6—sounded interesting

ITEMS ABOUT THE COURSE:

7. The course objectives and requirements were clear.
8. The course materials and activities were relevant to the course objectives.
9. Based on the course objectives and requirements, the course workload was  
Much too low      low      appropriate      high      much too high  
1                      2                      3                      4                      5
10. I learned a lot in this course.
11. Overall, this was a good course.

ITEMS ABOUT THE INSTRUCTOR:

12. The instructor prepared a well-organized online course.
13. The instructor demonstrated enthusiasm for the subject matter.
14. The instructor helped to foster mutual respect.
15. The instructor encouraged active participation in the course.
16. The instructor responded to my questions in a timely manner.
17. The instructor provided useful feedback on my performance.
18. Overall, the instructor taught this course effectively.

**STUDENT EVALUATION OF INSTRUCTION REPORTING FORM**

Instructor's Name \_\_\_\_\_

Course Number \_\_\_\_\_ Credit Hours \_\_\_\_\_ GDR: Y N

Class Size \_\_\_\_\_ Responses \_\_\_\_\_

Instructor's prior experience teaching this course: \_\_\_\_\_ semesters

Question	Median for this Course	Dept. Median for Comparable Courses*
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

\*Comparable courses, using the same evaluation form, include the following:

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**STUDENT EVALUATION OF INSTRUCTION – OPTIONAL DEVELOPMENTAL FORM**

• BANK OF SAMPLE STATEMENTS •

<b>A-Strongly Agree</b>	<b>B-Agree</b>	<b>C-Neutral</b>	<b>D-Disagree</b>	<b>E-Strongly Disagree</b>
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INSTRUCTIONAL METHODS

1. Lectures were presented in a way that facilitated note-taking.
2. The instructor provides individual attention when needed.
3. This instructor made effective use of examples and illustrations.
4. The instructor commands the respect of students.



5. Student participation is encouraged during discussion sessions.
6. The questions asked by this instructor stimulated me to think more deeply.
7. The instructor answered questions clearly and concisely.
8. This instructor stresses conceptual understanding.
9. Abstract ideas and theories were presented in a clear manner.
10. The instructor identified the relative importance of topics covered in class.
11. This instructor can sense whether class members are following the lecture or discussion.
12. Class time is used to the maximum benefit of students.
13. The material in this course was presented objectively.
14. This instructor invites critical assessment of the ideas presented in class.
15. The instructor conveys interest and excitement in the subject matter.
16. The instructor speaks clearly and can easily be heard throughout the class.
17. Laboratory exercises helped to clarify the material presented in lecture.

### COURSE OBJECTIVES, MATERIALS, AND ORGANIZATION

18. The principal objectives of the course were clearly presented by the instructor.
19. This course met the objectives outlined by the instructor.
20. The course requirements were challenging without being excessively difficult.
21. The instructor used visual aids effectively in this course.
22. The textbook was helpful in meeting course objectives.
23. Laboratory or studio facilities were adequate for the tasks required.
24. The instructor suggests appropriate references for further study.
25. Sufficient time was allotted by the instructor to meet course objectives.
26. Course content matched the course objectives well.
27. The material presented seemed well planned and organized.

### ASSIGNMENTS, EXAMINATIONS, AND GRADING

28. The assignments appeared to promote course objectives.
29. The instructor provides assignments which increase understanding of the subject matter.
30. I regularly completed the assignments in this course.
31. Directions and materials provided by the instructor adequately prepared me for assignments.
32. Course exams demanded understanding rather than rote memorization.
33. Examination questions were clearly worded.
34. The number of examinations ensured a fair evaluation.
35. Tests could be completed in the allotted time.
36. Students were given sufficient notice of tests and quizzes.
37. Tests and assignments were graded and returned within a reasonable period of time.
38. Evaluation in this class was directly related to the course objectives.
39. The grading standards seemed fair and reasonable from my perspective.

### CLASSROOM CLIMATE AND FACULTY CHARACTERISTICS

40. Students were encouraged to think for themselves.

41. This instructor treats students with courtesy and respect.
42. The instructor was able to develop good rapport with the students.
43. Students felt free to ask questions and express their ideas.
44. My interest in the subject has increased as a result of this instructor.
45. Regular attendance at class was necessary in order to learn the required material.
46. This instructor appears to understand the academic difficulties experienced by students.
47. The instructor made an effort to know students as individuals.
48. This instructor is clearly enthusiastic about teaching.
49. The instructor keeps appointments with students, including scheduled office hours.

• BANK OF SAMPLE OPEN-ENDED QUESTIONS •

1. What were some of the strengths of the instructor?
2. What were some of the weaknesses of the instructor?
3. Is there something that you believe the instructor has done especially well in this course?
4. Is there something that you believe the instructor might have done better?
5. What surprised you most about the course?
6. What were some of the strengths of the course?
7. What were some of the weaknesses of the course?
8. How much intellectual discipline was required in this course?
9. Compare the level of difficulty of this course to others you have had.
10. How much effort have you put into this course compared to other students in the class?
11. In your opinion, how well did the course accomplish its objectives?
12. What was the most significant thing that you did to help fulfill the course objectives?
13. Describe the most significant thing the instructor did to help fulfill the course objectives.
14. Was there a significant factor that interfered with your ability to fulfill the course objectives?
15. Indicate what grade you feel you earned in this course and the reasons for the grade you select.
16. Describe your personal attitude toward this course.

**PROCEDURES FOR THE EVALUATION OF NON-INSTRUCTIONAL FACULTY AND CATEGORY A AND C ACADEMIC STAFF**

At the University of Wisconsin-Stevens Point we evaluate our employees' performance for five reasons:

1. To enable you to fully understand what's expected of you,
2. To help you assess the quality of your past work,
3. To give you constructive feedback from those with whom you work,
4. To gain information we may use to make accurate personnel decisions on such matters as promotion and retention, and,
5. To encourage you to do your best work.

ANNUAL REVIEW PROCEDURE FOR ACADEMIC STAFF EMPLOYEES WHO ARE MORE THAN 10% OF THE CALENDAR YEAR

Each year, employee performance is evaluated by the person to whom the employee reports according to the following procedure:

<b>Responsible Person(s)</b>	<b>Actions</b>
Person to Whom Employee Reports & Employee	<ul style="list-style-type: none"> <li>• Review employee’s current position description for accuracy.</li> <li>• Discuss progress toward objectives agreed upon at last review.</li> <li>• Agree upon objectives and priorities to be accomplished during the coming year.</li> </ul>
Person to Whom Employee Reports	<ul style="list-style-type: none"> <li>• Submits a written evaluation report by May 1 to the Vice Chancellor’s Office to be included in the employee’s personnel file.</li> <li>• Includes employee’s position description, goals and objectives, and the complete record of their evaluation in the annual report signed by supervisor and employee.</li> <li>• Gives the employee a copy of the report.</li> </ul>
Employee	<ul style="list-style-type: none"> <li>• Responds with written reaction to the evaluation to be included in the employee’s personnel file.</li> </ul>

SUPPLEMENTAL REVIEW PROCEDURE FOR ACADEMIC STAFF EMPLOYEES WHO ARE MORE THAN 10% OF THE CALENDAR YEAR

In the second and fifth years of employment and every fifth year after that, in addition to the annual review, employees take part in a special evaluation program that has two elements, a questionnaire survey and a self-evaluation instrument according to this procedure:

<b>Responsible Person(s)</b>	<b>Actions</b>
Associate Vice Chancellor for Personnel and Budget	<ul style="list-style-type: none"> <li>• Provides training and orientation of all new hires to whom this procedure applies.</li> <li>• Notifies employees up for supplemental review via campus mail and the persons to whom they report that a supplemental review needs to be done.</li> <li>• Notifies campus of who is being reviewed.</li> </ul>

Person to Whom Employee Reports & Employee	<ul style="list-style-type: none"> <li>Jointly develop survey and a list of survey recipients limited to those who know how the employee is carrying out the day-to-day duties and responsibilities of their job description.</li> </ul>
Person to Whom Employee Reports	<ul style="list-style-type: none"> <li>Completes a copy of the questionnaire.</li> <li>Distributes copies to those on the recipient list and to those making a special request.</li> </ul>
Employee	<ul style="list-style-type: none"> <li>Does a self-evaluation by completing the questionnaire and providing any other performance information to the person to whom employee reports.</li> </ul>
Academic Staff Council	<ul style="list-style-type: none"> <li>Acts as a resource for those participating in developmental reviews.</li> <li>Provides guidance on all aspects of the non-instructional academic staff evaluation process, suggesting ways to improve specific individuals' reviews.</li> <li>Participates in the actual review process when requested by the employee or the person to whom the employee reports.</li> </ul>
Person to Whom Employee Reports	<ul style="list-style-type: none"> <li>Submits a written supplemental review report by May 1 to the Vice Chancellor's Office to be included in the employee's personnel file.</li> </ul>
Employee	<ul style="list-style-type: none"> <li>If unsatisfied with the evaluation, within 15 days after receiving the supplemental review report, writes a request to the person to whom the employee reports, asking that he/she conduct a review of the supplemental review addressing identified concerns.</li> </ul>
Person to Whom Employee Reports	<ul style="list-style-type: none"> <li>Reviews the matter and writes a response to the Employee within 15 days of receipt of the review request.</li> </ul>
Employee	<ul style="list-style-type: none"> <li>If unsatisfied with the review, files a grievance according to the mediation process described in the Faculty Handbook.</li> </ul>
Academic Staff Council	<ul style="list-style-type: none"> <li>Assesses the supplemental review process every 4 years.</li> <li>Has access to all review data for purposes of assessing the quality of reviews.</li> </ul>

REVIEW POLICY FOR POSITIONS THAT ARE LESS THAN 10% OF THE CALENDAR YEAR

Any Academic Staff A or C position that is less than 10% of the calendar year, i.e. less than 5.2 weeks or 208 hours per calendar year, is not required to complete an annual review and/or supplemental review unless requested by the employee.

### SURVEY DEVELOPMENT PROCEDURE FOR SUPPLEMENTAL REVIEW

The process for collection of data is designed to: (1) allow for a review which is directly tied to the job description of the individual being evaluated and (2) to provide data, which, in the opinion of the employee being reviewed and the person to whom the employee reports, will contribute to the development of the employee. In all cases, confidentiality will be maintained. There are 3 mandatory, 1 optional components involved in this process:

<b>COMPONENT</b>	<b>RATIONALE</b>	<b>MANDATORY/ OPTIONAL</b>
Demographic Information	Provides a context in which the remainder of the information may be interpreted	Mandatory
General questions	Provide an overall assessment of the individual being evaluated. Directors must include all questions as written here; other employees should reword questions to reflect their position descriptions.	Mandatory
Optional questions	Provide additional assessment information. Only select those questions that best address the responsibilities of the position description.	Optional
Open-ended Questions	Provide respondents with opportunities to comment on the strengths of individuals being evaluated, concerns about performance as related to job description, and suggestions for improvement.	Mandatory

### **SAMPLE SURVEY**

Employee should construct individual survey according to guidelines on previous pages. Paper surveys or electronic surveys may be used.

### GENERAL INSTRUCTIONS

Attached is a job description for the position held by the person being evaluated. Please consider this carefully and evaluate the individual's performance in relationship to this description.

## DEMOGRAPHIC QUESTIONS

Please provide the following information in order to provide a context within which the evaluation data can be interpreted. Please circle the number that best indicates your knowledge of the person you are evaluating.

- 1 = I have regular and frequent contact with this person, know and understand the position very well, and am very familiar with the person's performance.
- 2 = I have regular contact with the person being evaluated and am aware of the person's job performance.
- 3 = I have occasional contact with the person being evaluated and have some knowledge of the person's job performance.
- 4 = I know the person, but I am not knowledgeable about the position. My evaluation is based upon the impression I have of the individual as a person.
- 5 = I know who this person is, but not personally. My evaluation is based upon my contacts with the office in which the person works and how well it functions.
- 6 = I have contact with this person only through UWSP committees outside his/her unit.
- 7 = I have little or no contact with this person and/or office, and, therefore, believe I am unqualified to offer an evaluation.

## GENERAL QUESTIONS

Based upon the job description of the individual being evaluated, answer each of the following questions to the best of your knowledge. In the space that follows each item, please provide narrative comments that support your assessment. The comments that you add will contribute substantially to the development of the individual.

Use the following scale in completing your assessment:

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree

Note: please leave blank any questions for which you feel you do not have sufficient information to form an opinion.

This individual:

1. Is competent in dealing with personnel matters. \_\_\_\_\_  
Comments:
2. Provides strong leadership for the unit. \_\_\_\_\_  
Comments:
3. Communicates information accurately and clearly. \_\_\_\_\_  
Comments:
4. Performs administrative tasks efficiently. \_\_\_\_\_  
Comments:
5. In general, is an effective administrator. \_\_\_\_\_  
Comments:

## OPTIONAL QUESTIONS

Please provide your assessment of the performance of this individual as it relates to the criteria listed below. In the space at the conclusion of this list, write any comments that you believe to be appropriate.

Use the following scale in completing your assessment:

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree

Note: please leave blank any questions for which you feel you do not have sufficient information to form an opinion.

## LEADERSHIP

This individual:

1. Has the trust and respect of those in the unit
2. Functions effectively under pressure
3. Motivates others to perform to their potential
4. Demonstrates a concern for quality
5. Maintains high standards of ethics, honesty, and integrity
6. Provides effective leadership to the unit in establishment of priorities
7. Supports faculty and academic staff in research activities
8. Supports faculty and academic staff in teaching excellence
9. Promotes high morale
10. Deals with nonproductive behaviors effectively
11. Finds creative solutions to problems
12. Examines alternative solutions to problems
13. Works appropriately toward finding solutions to problems and issues facing UWSP as an institution
14. Creates a positive work environment
15. Conducts meetings effectively
16. Conducts meetings efficiently
17. Utilizes effectively staff member's talents and abilities
18. Makes unpopular decisions when necessary
19. Effectively uses available resources
20. Supports faculty and academic staff in professional development

## COMMUNICATION

This individual:

1. Is effective in oral communication
2. Is effective in written communication
3. Communicates expectations clearly
4. Represents the unit to the University positively
5. Represents the unit to the community positively

6. Involves appropriate personnel in decisions which affect them
7. Listens respectfully to individuals
8. Shares appropriate information

## ADMINISTRATION

This individual:

1. Demonstrates an awareness of the problems and issues facing UWSP as an institution
2. Effectively carries out Affirmative Action guidelines
3. Accepts responsibility for decisions made and actions taken
4. Bases decisions on relevant evidence and information
5. Follows through on commitments
6. Delegates responsibility appropriately
7. Works well with administrators
8. Processes paperwork effectively and efficiently
9. Understands the requirements of the position
10. Maintains an appropriate balance between attention to details and broader responsibilities

## PERSONNEL

This individual:

1. Maintains confidentiality in personal matters
2. Maintains confidentiality in professional matters
3. Skillfully handles difficult situations involving people
4. Effectively helps members of the unit resolve conflicts
5. Skillfully recruits new personnel
6. Helps new faculty/staff make positive transitions to UWSP
7. Acts fairly and objectively in matters having to do with personnel decisions--titling, salary, retention, promotion, appointment type, and tenure

## MISCELLANEOUS

This individual:

1. Works for the development and improvement of UWSP as a whole
2. Respects diverse opinions
3. Is sensitive to the needs of others
4. Is sensitive to the interest of others
5. Accepts constructive criticism
6. Responds with respect to differences in race, culture, gender and socio-economic status, and to individuals with disabilities
7. Demonstrates an understanding and respect for students
8. Encourages students to work to their potential
9. Helps students develop responsibility for their conduct



## OPEN-ENDED QUESTIONS

1. What are this individual's strengths in performing the duties in the job description?
2. What suggestions can you make for improvement in the individual's job performance?

## **FACULTY TEACHING LOAD**

This policy on faculty teaching load is the recommendation of faculty governance. It is recognized that its full implementation is necessarily dependent upon the availability of adequate financial and physical resources.

This policy does not address time commitments associated with scholarship and service. Performance expectations in all areas of faculty responsibility are provided in the document "Teaching, Scholarship, and Service: Descriptions, Expectations, and Peer Evaluation for Retention, Tenure, and Merit" available from the Office of Academic Affairs as well as department personnel guidelines available from individual department offices.

### ACADEMIC YEAR TEACHING LOAD

1. The department chairperson is responsible for establishing individual teaching loads within the department.
2. A full-time teaching load is 24 credit hours or the equivalent.
3. Each faculty member should have a maximum of 3 separate class preparations per semester.
4. Laboratory hours are typically equated to lecture hours on a 3 to 2 ratio. Supervision of student teachers and practica are typically equated to lecture hours on a 2.5 to 1 ratio.
5. There should be a maximum of 18 contact hours per week for each faculty member, except for faculty on temporary appointments.

In addition to the normal teaching assignment, the following are to be considered related activities not to be used as a basis for load reduction:

- Academic advising when the majority of departmental colleagues advise students;
- Maintenance of adequate office hours for student consultation;
- Routine maintenance of equipment used for teaching;
- Preparation of materials used in teaching;
- Participation in professional organizations;
- Study to remain current in one's discipline;
- Scholarship as normally expected of faculty in the department;
- Service as normally expected of faculty in the department.

### TEACHING LOAD FOR DEPARTMENT CHAIRPERSONS

1. All department chairs are given an academic year contract plus a half-time summer appointment.

2. The teaching load for department chairs is determined by the dean of the appropriate college. Chairpersons normally teach 12 credits or the equivalent during an academic year.

### LOAD RELIEF FOR THE CHAIRPERSON OF FACULTY SENATE

0.50 FTE is assigned to the Chancellor's Office to be used to provide load relief and replacement for the Chairperson of Faculty Senate. The affected department is authorized to hire a 0.50 FTE replacement for the Chairperson when deemed necessary by the department.

### **POLICY ON COURSE FORMATS AND CREDITS**

UWSP follows the guidelines from University of Wisconsin System Academic Planning Statement No. 4 (revised May 11, 1984), Item 3 on the Awarding of Credit. The following statements clarify the policy as used at UWSP:

1. That institutions shall award credit to students successfully completing approved instructional programs, or demonstrating competence or learning equivalent to that provided by such programs as either semester credits or quarter credits.
2. That study leading to one semester credit represents an investment of time by the average student of not fewer than 48 hours for a combination of class contact in lectures and for preparation and study. Alternatively, a student may demonstrate learning that is an equivalent to that established as the expected product of such a period of study.
3. That study leading to one quarter credit is equal to two-thirds of a semester credit.
4. That, in addition to class contact for lectures, at UWSP contact hours and/or learning equivalencies may also include: laboratories, discussion sessions, tutorials, recitations, mediated lectures/discussions, and other instructor-approved experiential learning activities such as field trips, job shadowing, information interviewing and internships.

### **ALLOCATION OF GPR FUNDED GRADUATE ASSISTANTSHIPS**

In determining the allocation of graduate assistant positions, the following criteria will be used:

1. By December 15, Graduate Coordinators or Associate Deans, in consultation with the College Dean, will establish priorities and prepare a justification describing their needs for, and proposed use of, assistantship support during the next academic year. These needs statements will provide the basis for determining the number of assistantships allocated by the Provost. Once allocations are made, the recipient graduate program area will select students to receive assistantship support, decide the length and level of that support within the academic year, and identify faculty to serve as supervisors for the student(s). Except in unusual circumstances, each student will receive at least one half of a full assistantship per semester.
2. The primary consideration in making allocations is ensuring that the assistantship provides a valuable learning experience to the student. Of secondary importance are requests based on the need for faculty assistance, the need to provide financial aid to students, or the need to generate more research and publications. Tasks assigned to graduate

assistants should be related to their professional development and degree program: e.g., working with faculty on projects, research, curriculum, library holdings, and other professional endeavors. These assignments should be geared towards improving the quality of the graduate program.

3. Each graduate program area that applies for assistantships should receive at least one, provided it has more than one full time graduate student in the semester of application.
4. In reviewing all applications for assistantships, a number of factors will be considered by the Provost or his designee:
  - the impact of the assistantship on other graduate programs;
  - the contribution of assistantship to the total university, e.g., public relations and service, potential for attracting extramural funding, assistance to other campus programs;
  - the requirements for research/thesis;
  - the past history/success of assistantships in the program;
  - the graduate SCH production of the area;
  - the number and type of graduate students enrolled in the program, i.e., active versus inactive, full-time versus part-time, out-of-state, out-of-nation (generally, programs with greater numbers of full-time, 9 credits or more, graduate students will be allocated a greater number of assistantships);
  - and the opinion/recommendation of a graduate program review.

## **INSTRUCTIONAL RESPONSIBILITIES OF GRADUATE ASSISTANTS**

(Approved by Graduate Council: 27 March 1991)

### **INTRODUCTION**

Along with specific undergraduate programs, several master's degree programs have been designated as components of the select mission of the University of Wisconsin-Stevens Point. Traditionally for the master's degree, programs involve significant mentorship of the students by the graduate faculty. Graduate students are directed by a major professor, and where appropriate, a graduate committee. These professors provide close supervision of the student's program plan and also provide a teacher/scholar model for the aspiring graduate student to emulate.

Graduate assistantship experiences have been established which enhance this tutoring process. Assistantships provide additional benefits by providing financial support to the student, by providing work/study or "hands on" experiences for the student, and by providing graduate programs with additional human resources to carry out their academic missions.

At the University of Wisconsin-Stevens Point we currently identify three types of graduate assistantships - program or project assistant (PA), research assistant (RA), and graduate assistant (GA). The project assistant category is little used and is primarily reserved for non-research related extramurally supported activities where the assistantship duties are prescribed by the funding source. The research assistant's duties are designed to work with a faculty member on a specific research project directly related to the student's degree.

In this position the student should be able to interact with a faculty member who can serve as a good role model. The RA duties are also usually specified by an external funding source. The graduate assistant's duties have been described in previous policies, approved by the Graduate Faculty.

### CURRENT DUTIES ASSIGNED TO GRADUATE ASSISTANTS

University of Wisconsin System interpreted policy does not allow the use of graduate teaching assistants (TA's) on the comprehensive university campuses as the "instructors of record." At UWSP a graduate student may assist with instruction, but may not be the instructor of record. The instructor of record is responsible for class activities, the syllabus, assignments, and, in general, the learning environment and is the person whose name appears in the timetable. The instructor of record is the individual who teaches the academic content of the course, evaluates and grades the students, and structures the course.

The (GA) duties approved by the Graduate Council in 1982 state that graduate assistants "may assist with instruction, paper grading, assisting faculty members in laboratory sections and research projects; development of materials used in the classroom, and assist in departmental libraries, tutorial, and listening centers, etc. Duties should be professionally related to the degree sought." These duties are consistent with those allowable by the UW System and with the policies of other UW comprehensive campuses. Graduate assistants are normally utilized only in disciplines that already have a significant graduate component so that the students' comprehensive experiences are professionally related to their degrees. Most importantly, when graduate students are utilized directly in the classroom they are to **assist** the instructor of record. They are never to be utilized to provide the primary instruction in a class. There are currently graduate assistants in such programs as Soils, Water, Forestry, Biology, and Communicative Disorders.

Typically, these graduate students at UWSP assist with the laboratory and/or discussion sections of large freshman and sophomore classes that are taught by a faculty member with a terminal degree in the discipline. In fact, during the last review of the College of Natural Resources, the outside consultants recommended that graduate assistants be used both in the classroom and for research purposes. In the former instance, the professor in charge of the class provides the primary instruction and has the responsibility of determining the final student grade in the class.

The assistance provided by a graduate student may, for example, utilize a seminar model. It is common in this model to have the students actually do the majority of the lecturing to a class while the professor in charge may focus on conceptual principles and then analyze the students' presentations. The use of graduate students to supervise an undergraduate class under appropriate controls is a variation of this commonly accepted model.

When graduate students currently assist with instruction, they share the general faculty's responsibility for quality undergraduate teaching. Since these graduate students would be serving an apprenticeship, they should be monitored and receive careful guidance from the department. This guidance may take the form of seminars, conferences, observations by experienced teachers, or other methods designed to develop their instructional skills.

While maintaining the primary commitment to quality undergraduate programs, it is important that each department have the flexibility and freedom to delineate more specifically the duties of the graduate assistants in the context of those policies approved

by the Graduate Council. It is the appropriate responsibility of the chair of the department or the associate dean and the Dean of the College to ensure their programs' quality of instruction for both the graduate and undergraduate students.

The utilization of individuals without a master's degree to assist with instruction understandably causes concern among those who believe a terminal degree is essential to assure quality undergraduate instruction at UWSP. Since the use of graduate assistants in undergraduate classes potentially affects students from many disciplines, it is appropriate that the University develop minimum guidelines for the selection, training, and supervision of graduate students used to assist very directly and substantially with undergraduate instruction, in courses taken by a broad spectrum of students.

In order to differentiate graduate students who assist with instruction and are utilized directly in the classroom from those who provide more general service to the university or indirect instructional assistance (library research, grading of papers, etc.), a new category of assistantships has been proposed. This category is a subset of graduate assistants, would be labeled Instructional Assistants (IA), and is currently being tested as a viable teaching approach in the Division of Communication.

In the spring of 1988, the Graduate Council approved a pilot project submitted by the Division of Communication to the Council. This project was designed as one of the Division's responses to the Graduate Program Review that had just been completed. The project involved the use of graduate students in Comm 101 and had the approval of the Division, the Dean of COFAC, the Dean of Graduate Studies, and the Vice Chancellor. The Graduate Council approved the project as a pilot study for two years and requested that the Undergraduate and Graduate Program Review Committees evaluate the project's impact, success, and deficiencies with respect to graduate and undergraduate education before a policy was constructed. The Council was impressed with the organization and goals of the project. The IA's would receive a training experience of 40 hours prior to the Fall Semester; the IA Coordinator would select the texts, organize the course, construct the syllabus, and formulate assignments. In essence, there would be consistency across sections in Comm 101, and the contact hours would be increased from 2 to 3 with a greater emphasis on formal speaking. The Faculty Senate accepted this as an information item. Subsequently, the chair of the Academic Affairs Committee received a letter and oral requests to submit material to the Faculty Senate which would allow the faculty to approve or disapprove the use of graduate students as IA's. A policy was forwarded from the Academic Affairs Committee in December of 1988 before the initial results from the pilot project were known. The issue was debated, an array of amendments was offered, and the matter was resubmitted to the Academic Affairs Committee. The Chairs of the Academic Affairs Committee and Graduate Council discussed the situation and agreed to develop together a viable policy with the initial results of the pilot project as an appendix and submit this to the Faculty Senate for a vote on whether graduate students may be used under careful supervision as instructional assistants in select undergraduate courses. The following section is the proposed policy for the limited and controlled use of IA's in the classroom.

#### SELECTION, TRAINING AND SUPERVISION OF INSTRUCTIONAL ASSISTANTS (IA'S)

(Approved by Faculty Senate: 3 May 1989)

## Prologue

Efforts must continuously be made by academic units to ensure that the quality of undergraduate instruction at UWSP is maintained and enhanced wherever possible. A program for the utilization of Instructional Assistants should have as its primary goal the increase in the quality of its educational product - the graduates of its baccalaureate and masters' programs. The rationale to develop a program to utilize Instructional Assistants must be the enhancement of quality instruction for the affected undergraduates and of the academic benefit to the graduate students involved. It has long been an irony of higher education that most individuals who teach in a university, government agencies, or businesses have had little or no formal instructional training. Many of our graduate students will be involved in both formal and informal teaching after graduation. It is appropriate, therefore, for them to learn teaching techniques on a campus that prides itself on the quality of its teaching. Teaching techniques could be learned in a class in which the graduate students teach each other or through IA's teaching undergraduates. The latter possibility allows the University to tap into one of its major strengths.

The following policies and procedures are intended to provide broad guidelines for schools and departments or divisions that wish to utilize IA's in their program. Additional specific guidelines at the unit level will have to be developed. It is expected that the criteria for the selection, training, and evaluation of the IA's shall be similar to those utilized by a department when hiring individuals with only the bachelor's degree under other employment categories.

## Use of Instructional Assistants

Instructional Assistants shall be used only in freshman and sophomore level classes, not in junior or senior level classes, and not in graduate-only or in graduate/undergraduate classes.

## Approval

A plan, specific in nature, to utilize Instructional Assistants in a course(s) for a school or department or division must be approved by the Graduate Council, based on the benefits accruing to the students involved. Graduate students may not be used in the classroom unless an academically rigorous program of selection, training and evaluation has been approved through faculty governance procedures and by the Chancellor.

The IA program plan shall be submitted initially to the Graduate Council and then ultimately through the Senate at least during the first semester prior to the academic year that the IA program is proposed for implementation. Normally the plan will be approved for a two-year trial period. An assessment of the IA program, based on student and faculty evaluations which focus on methodology and content, will be made by the end of the second year by a subcommittee of the Graduate Council and reported to the Senate. If the IA program is recommended to continue, the utilization of IA's will be incorporated into the normal 5 year cycle of undergraduate/graduate program review thereafter.

### Coordination

A program for Instructional Assistants shall be supervised by the department chair or associate dean and coordinated by a member of the graduate faculty of the unit involved, who will be responsible for the selection, orientation, training, and evaluation of the graduate student participants. A positive assessment of the IA program will be contingent on the success of these early steps. The IA coordinator, selected by the professionals in the discipline, will have the background, knowledge, expertise, and willingness to provide a viable instructional training experience for the graduate students selected for the IA program.

### Selection

The departmental or school IA coordinator and the chair/associate dean shall utilize the graduate student's academic record, experience, letters of reference, and interviews to select individuals to serve as Instructional Assistants. The selection process will include goal statements by the applicants, indicating how the Instructional Assistant experiences will fit into their long range career plans, which should be advanced by the teaching experience received at UWSP. Preference will be given to those graduate students who have had previous teaching experience and/or who can demonstrate a direct benefit derived from the IA experience in their master's program of study and career goals.

### Training

Instructional Assistants will attend an academically meaningful program focused on pedagogical methods and techniques as well as course content prior to the beginning of each semester. This training will include a discussion of the course(s), with which each will assist, and focus on the course goals and content, teaching techniques, and evaluation strategies. Having the instructional responsibilities for the course(s), the IA coordinator will ensure that the IA's adhere to such normal teaching practices as having adequate and fixed office hours as well as returning tests and evaluations to their students in a timely fashion.

During the semester, the IA's will meet regularly with the IA coordinator to discuss the instructional strategies utilized in the course(s) being taught. The IA's will be eligible to receive 1-2 graduate credits for the orientation and weekly instructional seminar (i.e. Seminar in Instructional Practices). The conduct of this program as a useful educational experience will be part of the evaluative assessment.

### Supervision

The IA coordinator will visit each IA's class at least 3-5 times a semester to provide an evaluation and feedback on each IA's performance. Additionally, for example, someone beside the IA coordinator (a mentor) could also be assigned to each IA as a resource to advise and evaluate the graduate student as an IA. The outcome of these classroom visits, student evaluations, performance in the graduate seminar, and general progress toward the master's degree, will be utilized to determine whether the IA may be reappointed in subsequent semesters and whether the IA program is a successful academic experience for both the undergraduate and graduate students involved.





## **SECTION 16**

### **WISCONSIN ADMINISTRATIVE CODE,** **CHAPTERS UWS 14, 16 - 22**

(Chapters UWS 1 - 13, and 15 are in Chapter 4, section 1 of this *Handbook*.)

#### **CHAPTER UWS 14** **STUDENT ACADEMIC DISCIPLINARY PROCEDURES**

##### **UWS 14.01 Statement of principles**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.02 Definitions**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.03 Academic misconduct subject to disciplinary action**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.04 Disciplinary sanctions**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.05 Disciplinary sanction imposed at the discretion of the instructor**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.06 Disciplinary sanction imposed following a report of academic misconduct by the instructor**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.07 Disciplinary sanction imposed following a report of academic misconduct by the investigating officer**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.08 Hearing**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.09 Appeal to the chancellor**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.10 Discretionary appeal to the board of regents**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.11 Settlement**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.12 Effect of discipline within the university system**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.13 Right to petition for readmission**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

##### **UWS 14.14 Investigating officer**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

**UWS 14.15 Academic misconduct hearing committee: institutional option**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

**UWS 14.16 Notice to students**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

**UWS 14.17 Notice to instructors**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

**UWS 14.18 Consistent institutional policies**

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

**NOTE.** See ch. UWS 17 for rules on student nonacademic disciplinary procedures.

**UWS 14.01 Statement of principles.**

The board of regents, administrators, faculty, academic staff and students of the university of Wisconsin system believe that academic honesty and integrity are fundamental to the mission of higher education and of the university of Wisconsin system. The university has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others' academic endeavors. Students who violate these standards must be confronted and must accept the consequences of their actions.

**UWS 14.02 Definitions.**

In this chapter:

- (1) "Academic misconduct" means an act described in s. UWS 14.03.
- (2) "Academic misconduct hearing committee" means the committee or hearing examiner appointed pursuant to s. UWS 14.15 to conduct hearings under s. UWS 14.08.
- (3) "Chancellor" means the chancellor or designee.
- (4) "Days" means calendar days.
- (5) "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.
- (6) "Disciplinary probation" means a status in which a student may remain enrolled in the university only upon the condition that the student complies with specified standards of conduct for a specified period of time, not to exceed 2 semesters.
- (7) "Disciplinary sanction" means any action listed in s. UWS 14.04 taken in response to student academic misconduct.
- (8) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.

(9) "Hearing examiner" means an individual appointed by the chancellor in accordance with s. UWS 14.15 for the purpose of conducting a hearing under s. UWS 14.08.

(10) "Institution" means any university or center, or organizational equivalent designated by the board.

(11) "Instructor" means the faculty member or instructional academic staff member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.

(12) "Investigating officer" means an individual, or his or her designee, appointed by the chancellor of each institution to carry out certain responsibilities in the course of investigations of academic misconduct under this chapter.

(13) "Student" means any person who is registered for study in an institution for the academic period in which the misconduct occurred.

(14) "Student affairs officer" means the dean of students or student affairs officer designated by the chancellor to carry out duties described in this chapter.

(15) "Suspension" means a loss of student status for a specified length of time, not to exceed 2 years, with resultant loss of all student rights and privileges.

**UWS 14.03 Academic misconduct subject to disciplinary action.**

(1) Academic misconduct is an act in which a student:

- (a) Seeks to claim credit for the work or efforts of another without authorization or citation;
- (b) Uses unauthorized materials or fabricated data in any academic exercise;
- (c) Forges or falsifies academic documents or records;
- (d) Intentionally impedes or damages the academic work of others;
- (e) Engages in conduct aimed at making false representation of a student's academic performance; or
- (f) Assists other students in any of these acts.

(2) Examples of academic misconduct include, but are not limited to: cheating on an examination; collaborating with others in work to be presented, contrary to the stated rules of the course; submitting a paper or assignment as one's own work when a part or all of the paper or assignment is the work of another; submitting a paper or assignment that contains ideas or research of others without appropriately identifying the sources of those ideas; stealing examinations or course materials; submitting, if contrary to the rules of a course, work previously presented in another course; tampering with the laboratory experiment or computer program of another student; knowingly and intentionally assisting another student in any of the above, including assistance in an arrangement whereby any work, classroom performance, examination or other activity is submitted or

performed by a person other than the student under whose name the work is submitted or performed.

**UWS 14.04 Disciplinary sanctions.**

(1) The following are the disciplinary sanctions that may be imposed for academic misconduct in accordance with the procedures of s. UWS 14.05, 14.06 or 14.07:

- (a) An oral reprimand;
- (b) A written reprimand presented only to the student;
- (c) An assignment to repeat the work, to be graded on its merits;
- (d) A lower or failing grade on the particular assignment or test;
- (e) A lower grade in the course;
- (f) A failing grade in the course;
- (g) Removal of the student from the course in progress;
- (h) A written reprimand to be included in the student's disciplinary file;
- (i) Disciplinary probation; or
- (j) Suspension or expulsion from the university.

(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of academic misconduct.

**UWS 14.05 Disciplinary sanction imposed at the discretion of the instructor.**

(1) Where an instructor concludes that a student enrolled in one of his or her courses has engaged in academic misconduct in the course, the instructor for that course may impose one or more of the following disciplinary sanctions, as listed under s. UWS 14.04 (1)(a) through (c):

- (a) An oral reprimand;
- (b) A written reprimand presented only to the student; or
- (c) An assignment to repeat the work, to be graded on its merits.

(2) No disciplinary sanction may be imposed under this section unless the instructor promptly offers to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(3) A student who receives a disciplinary sanction under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or

both. If the student desires such a hearing, he or she must file a written request with the student affairs officer within 10 days of imposition of the disciplinary sanction by the instructor.

**UWS 14.06 Disciplinary sanction imposed following a report of academic misconduct by the instructor.**

Where an instructor believes that a student enrolled in one of his or her courses has engaged in academic misconduct and the sanctions listed under s. UWS 14.04 (1)(a) through (c) are inadequate or inappropriate, the instructor may proceed in accordance with this section to impose, subject to hearing rights in s. UWS 14.08, one or more of the disciplinary sanctions listed under s. UWS 14.04 (1)(d) through (h).

(1) Conference with student. When an instructor concludes that proceedings under this section are warranted, the instructor shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(2) Determination by the instructor that no academic misconduct occurred. If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(3) Process following determination by the instructor that academic misconduct occurred.

(a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 14.04 (1)(d) through (h) should be recommended, the instructor shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to request a hearing before the academic misconduct hearing committee; and
4. A copy of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or be mailed to the student by regular first class United States mail at his or her current address, as maintained at the institution. In addition, copies of the report shall be provided to the institution's student affairs officer and to others authorized by institutional procedures.

(c) A student who receives a written report under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both. If the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the student affairs officer within 10 days of personal delivery or mailing of the written report. If the student does not request a

hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

(4) Process following determination by the instructor that disciplinary probation, suspension or expulsion may be warranted.

(a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that disciplinary probation, suspension or expulsion under s. UWS 14.04(1)(i) or (j) should be recommended, the instructor shall provide a written report to the investigating officer, which shall contain the following:

1. A description of the misconduct; and
2. Specification of the sanction recommended.

(b) Upon receipt of a report under this subsection, the investigating officer may proceed, in accordance with s. UWS 14.07, to impose a disciplinary sanction.

**UWS 14.07 Disciplinary sanction imposed following a report of academic misconduct by the investigating officer.**

The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. UWS 14.04 (1)(g) through (j).

(1) Authority of investigating officer. The investigating officer may proceed in accordance with this section when he or she receives information that a student at the institution has engaged in alleged academic misconduct and:

- (a) Some or all of the alleged academic misconduct occurred outside the scope of any course for which the involved student is currently registered;
- (b) The involved student has previously engaged in academic misconduct subject to the disciplinary sanctions listed in s. UWS 14.04 (1)(d) through (j);
- (c) The alleged misconduct would, if proved to have occurred, warrant a sanction of disciplinary probation, suspension or expulsion; or
- (d) The instructor in the course is unable to proceed.

(2) Conference with student. When the investigating officer concludes that proceedings under this section are warranted, he or she shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the investigating officer to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(3) Conference with instructor. An investigating officer proceeding under this section shall discuss the matter with an involved instructor. This discussion may occur either

before or after the conference with the student. It may include consultation with the instructor on the facts underlying the alleged academic misconduct and on the propriety of the recommended sanction.

(4) Determination by the investigating officer that no academic misconduct occurred. If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(5) Process following determination by the investigating officer that academic misconduct occurred.

(a) If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 14.04 (1)(g) through (j) should be recommended, the investigating officer shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to a hearing before the academic misconduct hearing committee; and
4. A copy of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or mailed to the student by regular first class United States mail at his or her current address, as maintained at the institution. In addition, a copy of the report shall be provided to the instructor and to the institution's student affairs officer.

(c) A student who receives a written report under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both.

1. Except in cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, if the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the student affairs officer within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

2. In cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, the student affairs officer shall, upon receipt of the written report under par. (b), proceed under s. UWS 14.08 to schedule a hearing on the matter. The purpose of the hearing shall be to review the determination that academic misconduct



occurred and the disciplinary sanction recommended. A hearing will be conducted unless the student waives, in writing, the right to such a hearing.

#### **UWS 14.08 Hearing.**

- (1) If a student requests a hearing, or a hearing is required to be scheduled under s. UWS 14.07 (5)(c) 2, the student affairs officer shall take the necessary steps to convene the academic misconduct hearing committee and shall schedule the hearing within 10 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the student, instructor or investigating officer, and the members of the hearing committee.
- (2) Reasonably in advance of the hearing, the committee shall obtain from the instructor or investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide a copy of ch. UWS 14 to the student.
- (3) The hearing before the academic misconduct hearing committee shall be conducted in accordance with the following requirements:
  - (a) The student shall have the right to question adverse witnesses, the right to pre-sent evidence and witnesses, and to be heard in his or her own behalf, and the right to be accompanied by a representative of his or her choice.
  - (b) The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.
  - (c) The hearing committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. Any party to the hearing may obtain copies of the record at his or her own expense. Upon a showing of indigency and legal need, a party may be provided a copy of the verbatim record of the testimony without charge.
  - (d) The hearing committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.
  - (e) The hearing committee may find academic misconduct and impose a sanction of suspension or expulsion only if the proof of such misconduct is clear and convincing. In other cases, a finding of misconduct must be based on a preponderance of the credible evidence.
  - (f) The committee may impose a disciplinary sanction that differs from the recommendation of the instructor or investigating officer.
  - (g) The instructor or the investigating officer or both may be witnesses at the hearing conducted by the committee, but do not have responsibility for conducting the hearing.
  - (h) The decision of the hearing committee shall be served upon the student either by personal delivery or by first class United States mail and shall become final within 10 days of service, unless an appeal is taken under s. UWS 14.09.

**UWS 14.09 Appeal to the chancellor.**

(1) Where the sanction prescribed by the hearing committee is suspension or expulsion, the student may appeal to the chancellor to review the decision of the hearing committee on the record. In such a case, the chancellor shall sustain the decision of the academic misconduct hearing committee unless the chancellor finds:

(a) The evidence of record does not support the findings and recommendations of the hearing committee;

(b) Established procedures were not followed by the academic misconduct hearing committee and material prejudice to the student resulted; or

(c) The decision was based on factors proscribed by state or federal law regarding equal educational opportunities.

(2) If the chancellor makes a finding under sub. (1), the chancellor may remand the matter for consideration by a different hearing committee, or, in the alternative, may invoke an appropriate remedy of his or her own.

**UWS 14.10 Discretionary appeal to the board of regents.**

Institutional decisions under ss. UWS 14.05 through 14.09 shall be final, except that the board of regents may, at its discretion, grant a review upon the record.

**UWS 14.11 Settlement.**

The procedures set forth in this chapter do not preclude a student from agreeing that academic misconduct occurred and to the imposition of a sanction, after proper notice has been given. Required written reports, however, may not be waived.

**UWS 14.12 Effect of discipline within the university system.**

Suspension or expulsion shall be system-wide in effect.

(1) A student who is suspended or expelled from one institution in the university of Wisconsin system may not enroll in another institution in the system unless the suspension has expired by its own terms or one year has elapsed after the student has been suspended or expelled.

(2) Upon completion of a suspension period, a student may re-enroll in the institution which suspended him or her as if no suspension had been imposed.

**UWS 14.13 Right to petition for readmission.**

A student who has been expelled may petition for readmission, and a student who has been suspended may petition for readmission prior to the expiration of the suspension period. The petition for readmission must be in writing and directed to the chancellor of the institution from which the student was suspended or expelled. The petition may not be filed before the expiration of one year from the date of the final determination in expulsion cases, or before the expiration of one-half of the suspension period in suspension cases. The chancellor shall, after consultation with elected representatives of the faculty, academic staff, and students, adopt procedures for determining whether such petitions will be granted or denied.

**UWS 14.14 Investigating officer.**

The chancellor of each institution, in consultation with faculty, academic staff, and student representatives, shall designate an investigating officer or officers for student academic misconduct. The investigating officer shall have responsibility for investigating student academic misconduct and initiating procedures for academic misconduct under s. UWS 14.07. An investigating officer may also serve on the academic misconduct hearing committee for a case, if he or she has not otherwise been involved in the matter.

**UWS 14.15 Academic misconduct hearing committee: institutional option.**

The chancellor of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a student academic misconduct hearing committee or designation of a hearing examiner to fulfill the responsibilities of the academic misconduct hearing committee in this chapter.

(1) A student academic misconduct hearing committee shall consist of at least 3 persons, including a student or students, and the presiding officer shall be appointed by the chancellor. The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice.

(2) A hearing examiner shall be selected by the chancellor from the faculty and staff of the institution.

**UWS 14.16 Notice to students.**

Each institution shall publish and make freely available to students copies of ch. UWS 14 and any institutional policies implementing ch. UWS 14.

**UWS 14.17 Notice to instructors.**

Each institution shall adopt procedures to ensure that instructors are familiar with these policies. Each institution shall provide instructors with copies of ch. UWS 14 and any institutional policies implementing ch. UWS 14 upon employment with the university, and each department chair shall be provided such copies upon assuming the duties of the chair.

**UWS 14.18 Consistent institutional policies.**

Each institution is authorized to adopt policies consistent with this chapter. A copy of such policies shall be filed with the board of regents and the university of Wisconsin system office of academic affairs.

## **CHAPTER UWS 16 OTHER APPOINTMENTS**

**UWS 16.01 Other appointments**

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

**UWS 16.01 Other appointments.**

The board may make or authorize appointments of specified terms for student assistants and employes in training, such as residents, interns, post-doctoral fellows or trainees or associates. Appointments made pursuant to this section shall not be subject to the provisions of ss. 36.13

and 36.15, Stats., and chs. UWS 1-15. Policies and procedures for such appointments shall be determined as appropriate by the president or the chancellor of each institution after consultation with appropriate faculty and with appropriate student assistants and employees in training.

## **CHAPTER UWS 17 STUDENT NONACADEMIC DISCIPLINARY PROCEDURES**

### **UWS 17.01 Policy statement**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

### **UWS 17.02 Definitions**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am. (4),

Register, June, 1977, No. 258, eff. 7-1-77; am. (4), r.(8), renum. (9) and (10) to be (8) and (9),

Register, February, 1989, No. 398, eff. 3-1-89; am. (1), (4) and (9), cr. (10), (11) and (12),

Register, August, 1989, No. 404, eff. 9-1-89.

### **UWS 17.03 Right to petition for readmission**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

### **UWS 17.04 Effect of discipline within the university system**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

### **UWS 17.05 Systemwide disciplinary authority**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

### **UWS 17.06 Offenses defined**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; r. (2), renum.(1) and (1) (a) to (e) to be (intro.) and (1) to (6),

Register, February, 1989, No. 398, eff. 3-1-89; am. (intro.), renum. (1),(2) (intro.), (a), (b) and (c), (3), (4), (5) and (6) to be (3),(1) (intro.), (b), (c) and (d), (4), (5), (6) and (7) and am. (1)(intro.), cr. (1) (a) and (2),

Register, August, 1989, No. 404, eff. 9-1-89; r. and recr. (2),

Register, August, 1992, No. 440, eff. 9-1-92; r.(2),

Register, April, 1993, No. 448, eff. 5-1-93.

### **UWS 17.07 Disciplinary procedure**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am. (1),

Register, February, 1989, No. 398, eff. 3-1-89.

### **UWS 17.08 Student conduct hearing tribunal: campus option**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

### **UWS 17.09 Discipline involving suspension or expulsion**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

### **UWS 17.10 Appeal to the board of regents**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

**UWS 17.11 Intermediate appeals; campus option**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

**UWS 17.12 Temporary suspension**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

**UWS 17.13 Procedure for academic misconduct**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76;

r. Register, February, 1989, No. 398, eff. 3-1-89.

**UWS 17.14 Notice to students**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

**NOTE.** See ch. UWS 14 for student academic disciplinary procedures.

**UWS 17.01 Policy statement.**

The board of regents of the university of Wisconsin system adopts the following policy on the standards and procedures for student discipline in the university system, acknowledging both the need to preserve the orderly processes of the university with regard to its teaching, research, and public service missions, as well as the need to observe the student's procedural and substantive rights.

**UWS 17.02 Definitions.**

(1) "Chancellor" means the chancellor or designee.

(2) "Investigating officer" means investigating officer or designee.

(3) "Student," for the purpose of this chapter, means any person who is registered for study in any institution in the university for the current academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding academic period or until 14 calendar days have elapsed after the commencement of classes for the next succeeding academic period, whichever occurs first.

(4) "Disciplinary sanction" or "sanction" means any action affecting the status of an individual as a student which is taken by the university in response to student nonacademic misconduct. The term shall include probation, resignation or leave for misconduct, suspension or expulsion, written reprimand, denial of particular university privileges, and other less severe actions not enumerated herein. Disciplinary sanctions shall not include cut-off or revocation of a student's financial aids; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of the student for financial aid. Each institution is authorized to adopt a more explicit listing of sanctions and actions which is consistent with the provisions of this section.

(5) "Probation" means that the student is permitted to remain enrolled in the university only upon condition that he/she comply with all university rules or regulations or with other standards of conduct which the student is directed to observe for the duration of the period of

the probation and which may include loss of student privileges except those of attending classes and writing examinations. Probation may not exceed 2 semesters in duration for any given misconduct, except that violation of probationary conditions shall be cause for extension of the probation for more than 2 additional semesters or for suspension or expulsion.

(6) "Suspension" means a temporary loss of student status for a specified period of time, not to exceed 2 years, with resultant loss of all student rights and privileges. Upon completion of suspension, the student shall have the same standing to re-enroll as he/she would have had if no suspension had been imposed.

(7) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.

(8) "Instructor" for the purposes of this chapter means the faculty member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.

(9) "Institution" means any university, or an organizational equivalent designated by the board.

(10) "Days" means calendar days.

(11) "Intentional conduct" means conduct which the student knew or reasonably should have known would result in conduct prohibited by this chapter.

(12) "Members of the university community" means students and employes of the university.

### **UWS 17.03 Right to petition for readmission.**

A student who has been expelled or suspended may petition for readmission. The petition must be in writing and directed to the chancellor of the institution which initiated the charges for which the student was suspended or expelled. Such petition may not be filed before the expiration of one year from the date of the final determination in expulsion cases, or before the expiration of one-half of the suspension period in suspension cases. The chancellor shall after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, adopt procedures for determining whether such petitions will be granted or denied.

### **UWS 17.04 Effect of discipline within the university system.**

Suspension or expulsion shall be system-wide in effect. A student who is suspended or expelled from one institution in the university of Wisconsin system may not enroll in another institution in the system unless the suspension has expired by its own terms or one year has elapsed after the student has been suspended or expelled.

### **UWS 17.05 Systemwide disciplinary authority.**

The investigating officer for the institution at which a student was enrolled at the time that acts in violation of this chapter were alleged to have been committed by the student shall have authority to institute disciplinary proceedings against such student, notwithstanding that the

institution against which the acts were alleged to have been committed is not the same institution at which the student was enrolled at the time of the commission of such acts.

#### **UWS 17.06 Offenses defined.**

The university may discipline a student in nonacademic matters in the following situations.

(1) For intentional conduct which constitutes a serious danger to the personal safety of other members of the university community or guests. In order to illustrate the types of conduct which this paragraph is designed to cover, the following examples are set forth. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

(a) A student would be in violation if he or she attacked or otherwise physically abused, threatened to physically injure, or physically intimidated a member of the university community or a guest because of that person's race, sex, religion, color, creed, disability, sexual orientation, gender identity/expression, national origin, ancestry or age.

(b) A student would be in violation if he/she attacked or threw rocks or other dangerous objects at law enforcement personnel whose services had been retained or called for to protect members of the university community or university property, or if he/she incited others to do so when he/she knew or reasonably should have known that such conduct would result.

(c) A student would be in violation if he/she sold or delivered a controlled substance as defined by the Wisconsin Uniform Controlled Substance Act(ch. 161, Stats.) or if he/she possessed a controlled substance with intent to sell or deliver. For the purposes of this section "delivery" shall be defined as a delivery prohibited by ch. 161, Stats.

(d) A student would be in violation if he/she removed, tampered with, or otherwise rendered useless university equipment or property intended for use in preserving or protecting the safety of members of the university community such as fire exit signs, extinguishers, alarms, or hoses, first aid equipment, or emergency telephones, or if he/she obstructed or caused to be inoperable fire escape routes such as stairwells or elevators.

[**NOTE.** (2) was repealed but the remaining subsections were not renumbered.]

(3) For intentional conduct that seriously damages or destroys university property or attempts to seriously damage or destroy university property.

(4) For intentional conduct that obstructs or seriously impairs or attempts to obstruct or seriously impair university-run or university-authorized activities on any campus, including activities either outdoors or inside a classroom, office, lecture hall, library, laboratory, theater, union, residence hall, or other place where a university-run or university-authorized activity is carried on. The kind of intentional conduct referred to is conduct which by itself or in conjunction with the conduct of others prevents the effective carrying on of the activity--a result which the student knew or reasonably should have known would occur. In order to illustrate types of conduct which this paragraph is designed to cover, the following examples are set out. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

(a) A student would be in violation if he/she participated in conduct which he/she knew or should have known would prevent or block physical entry to, or exit from, a university building, corridor, or room to anyone apparently entitled to enter or leave in connection with a university-run or university-authorized activity.

(b) A student would be in violation if, in attending a speech or program on campus sponsored by or with permission of the university, he/she engaged in shouted interruptions, whistling, derisive laughter, or other means which by itself or in conjunction with the conduct of others prevented or seriously interfered with a fair hearing of the speech or program, under circumstances where the student knew or reasonably should have known this would occur.

(c) A student would be in violation if in a classroom he/she used techniques similar to those specified in the preceding paragraph, or filibuster-type tactics or other tactics, which by themselves or in conjunction with the conduct of others, prevented or seriously interfered with the carrying on of the teaching and learning process, under circumstances where the student knew or reasonably should have known this would occur.

(d) A student would be in violation if he/she intentionally obstructed a university official or employe engaged in the lawful performance of his/her duties.

(e) A student would be in violation if he or she removed pages from library books or parts of other materials or caused books or materials to be unavailable for use by others by removing them from their proper place without proper authorization or by hiding them in the library so that they are not available in the usual manner to persons wishing to use them.

(5) For unauthorized possession of university property or property of another member of the university community.

(6) For acts which violate the provisions concerning parking, traffic, I.D. cards, university keys, drugs, smoking in unauthorized places, carrying firearms, unauthorized peddling, unauthorized use of sound amplifying equipment, and other subjects covered by the published University of Wisconsin System Administrative Code (ch. UWS 18).

(7) For making a knowingly false statement, either orally or in writing, to any university employe or agent on a university-related matter.

### **UWS 17.07 Disciplinary procedure.**

(1) Investigating officer. The chancellor of each institution, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, shall designate a person as "investigating officer" who shall investigate cases of student conduct alleged to be in violation of s. UWS 17.06. Where it appears that a violation has occurred, the investigating officer shall proceed in accordance with the provisions of this chapter.

(2) Formal adjudication. If the maximum sanction sought by the investigating officer includes suspension or expulsion, the procedures in s. UWS 17.09 shall apply and the investigating



officer shall cause a statement of charges to be prepared and served upon the student involved. The statement of charges shall contain:

- (a) A concise summary--giving dates, time, place, and events--of the facts or conduct on which the charge is based.
- (b) A citation to and quotation from the rule(s) alleged to have been violated.
- (c) A statement of the maximum penalty sought by the investigating officer.
- (d) An explanation of the consequences of failure to answer the statement of charges.
- (e) Statements as to whether the university will or will not be represented by counsel and that the student may be represented by a person of his/her choice, including legal counsel, at his/her own expense.
- (f) A copy of this chapter.

(3) Informal adjudication.

(a) The chancellor shall, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, establish institution regulations for an informal system of adjudication for cases in which the maximum penalty sought by the investigating officer does not include suspension or expulsion except that if adjudication in this manner would result in disqualifying the student for financial aids, the procedures in s. UWS 17.09 shall apply. The informal system shall include the following and such other provisions as are not inconsistent with this chapter:

1. Representation of the student by a person of his or her choice, including legal counsel, at his/her own expense,
2. Written notice to the student of the offense with which he/she is charged, the facts or conduct on which that charge is based, and the penalties which may possibly be imposed,
3. Advance written notice of and an opportunity for a hearing at which the evidence against the student shall be reviewed and at which the student shall have an opportunity to present evidence and argument, including a written statement, to refute the charge, and
4. A written decision which shall include findings of fact and conclusions. The procedures shall also provide for an appeal of the disciplinary decision within the institution.

(b) If, during informal adjudication, the investigating officer concludes that suspension or expulsion should be sought rather than a lesser sanction, the investigating officer may cause a statement of charges to be served upon the student in accordance with sub. (2), in which event the procedures in s. UWS 17.09 shall apply.

(4) Settlement. Nothing contained in this chapter shall prevent the student, during an investigation of alleged misconduct, during informal adjudication, or after a statement of charges has been served but prior to a hearing provided in accordance with s. UWS 17.09, from submitting a written resignation from the university.

(a) In the event of such resignation, the investigating officer shall impose such sanction as he deems appropriate consistent with the statement of charges; provided, however, the student may, within 10 calendar days after receiving notice of the imposition of such sanction, request a hearing as provided by s. UWS 17.07.

(b) Nothing contained in this chapter shall limit the right of the university and the student during an investigation of alleged misconduct, during informal adjudication, or after a statement of charges has been served, to agree to a disciplinary sanction if the student agrees not to contest the charges (pleads "no contest"). Any such agreement shall be reduced to writing which, when signed by the student, shall conclude the case.

(5) Rights and privileges. Whenever charges or appeals under this chapter are pending, a student under charges, unless temporarily suspended pursuant to s. UWS 17.12, shall continue to have the same rights and privileges accorded other students. However, grades or diplomas may be withheld pending final determination of the charges; a current transcript shall be issued at the request of the student, but it may contain the notation "Disciplinary Charges Pending" on the face thereof.

(6) Service of notice or decisions. Each student shall be responsible for maintaining on file with the office specified by each institution current school and permanent home addresses. Notification of these addresses shall be in writing.

(a) For service of a statement of charges under sub. (2) and of actions taken pursuant to s. UWS 17.09, copies shall be served in person or by certified, return-receipt-requested mail to both the student's institution and permanent home address. Where service is by mail, the date of service shall be the second day after the day of mailing.

(b) For informal adjudications pursuant to sub. (3), correspondence and notices may be served in person or by mail to the student's institution address. Where service is by mail, the date of service shall be the second day after the day of mailing.

#### **UWS 17.08 Student conduct hearing tribunal: campus option.**

(1) The chancellor shall, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, adopt regulations providing for the establishment of a student conduct hearing tribunal which may be constituted in one of 2 manners as chosen by the student charged:

(a) A hearing examiner appointed by the chancellor upon the filing of charges under s. UWS 17.07(2) asking suspension or expulsion. The hearing examiner shall be appointed from among qualified personnel of the various state agencies or other qualified residents of the state with experience in conducting hearings. If an examiner is an employe of a state agency other than the university, his/her appointment must be approved by the head of the agency by which he/she is regularly employed and the university shall reimburse such agency for the salary of the examiner and shall pay expenses incidental to his/her duties for

the university. The examiner remains the employe of the agency by which he/she is regularly employed. The appointment of the hearing examiner from other state agencies shall be in compliance with ss. 16.24 and 20.901, Stats. (1971). If the examiner is not an employe of a state agency other than the university, appropriate arrangements for compensation and reimbursement for expenses shall be made by the chancellor; or

(b) A student conduct hearing committee with a membership of at least 3 persons some of whom shall be students [and] whose presiding officer shall be appointed by the chancellor. At any hearing held pursuant to due notice the presiding officer shall constitute a quorum.

(2) Institutional regulations adopted under this section shall provide that, upon the filing of charges under s. UWS 17.07 (2) asking for suspension or expulsion, the student shall be offered the choice of having his/her case heard by a tribunal described by either sub. (1)(a) or (b) above. The student shall be informed in writing of his/her right to choose the type of tribunal at the time charges are filed. At the time a request for a hearing is made under s. UWS 17.09 (1), the student shall also notify the chancellor of his/her choice; in the event timely notice is not received from the student, the chancellor shall decide which choice shall be used for adjudication of the case.

#### **UWS 17.09 Discipline involving suspension or expulsion.**

(1) A student charged in accordance with s. UWS 17.07 (2) has 10 calendar days from the day of service to request a hearing in accordance with this section. The request for a hearing shall be in writing directed to the chancellor and shall also include an answer to the statement of charges which shall specifically admit, deny, or explain each of the facts alleged in the statement of charges unless the student is without knowledge in which case he/she shall so state, such statement being a denial. If an answer is filed which does not specifically admit, deny, or explain every allegation in the statement of charges, those allegations which are not admitted, denied, or explained shall be deemed denied. An answer which denies some or all of the allegations but which does not request a hearing shall be construed as a request for a hearing.

(2) If the student does not file an answer to the statement of charges in accordance with sub. (1), the allegations in the statement of charges shall be accepted as true and the university may proceed to expel, suspend, or impose other punishment on the student unless good cause to the contrary is shown. The sanction imposed may not exceed that specified in the statement of charges. Notice of such action shall be served on the student and become effective upon service in accordance with s. UWS 17.07 (6).

(3) When a request for a hearing is made, the case shall be referred by the chancellor to the student conduct hearing tribunal established in accordance with s. UWS 17.08. Notice of referral to a hearing tribunal shall be sent to the student. The student shall also be notified of the name and address of the person who will present the university's case to the tribunal.

(4)(a) Hearing procedures. In this section, "presiding officer" shall mean the hearing examiner appointed in s. UWS 17.08 (1)(a), or the presiding officer of the student conduct hearing committee, established in s. UWS 17.08(1)(b). "Tribunal" shall mean the hearing examiner appointed in s. UWS 17.08 (1)(a) or the student conduct hearing committee established in s. UWS 17.08 (1)(b).

(b) Duties of the presiding officer.

1. Take custody of the case file and papers.
2. Schedule hearings in accordance with these rules.
3. Issue subpoenas and administer oaths.
4. Rule upon offers of proof and receive relevant evidence.
5. Regulate the course of the hearing, dispose of motions, procedural matters or requests, and, if appropriate or necessary, order the removal of persons who unreasonably obstruct or impair the tribunal's proceedings in its presence, and/or if such persons are students, order the investigating officer to commence disciplinary proceedings.
6. Schedule filing of briefs and proposed findings by the student and the university.
7. Produce a summary of the evidence.
8. Take any other actions necessary to conduct the hearing.

(c) Duties and powers of the tribunal. Individual members of the tribunal:

1. May challenge any ruling by the presiding officer and may, by majority vote, overrule such ruling but such matters unless otherwise convenient should be decided in closed session.
2. Shall, by majority vote, render written findings of fact, decision, and disciplinary sanction which does not exceed that specified by the statement of charge.
3. May examine witnesses.

(d) Evidence. Evidence having reasonable probative value shall be admitted, but irrelevant, immaterial and unduly repetitious evidence shall be excluded. The presiding officer and the tribunal are not bound by common law or statutory rules of evidence.

(e) Burden of proof. The burden of proof shall be on the university to establish by a preponderance of the credible evidence that conduct violative of university rules occurred.

(f) Record of the hearings. A record of the testimony and a file of the exhibits shall be made of all hearings conducted in accordance with this section. Either party may, at its own expense, have the record transcribed.

(g) Procedural rights of the students. The students shall have the right to confront and cross-examine witnesses against him/her, the right to present evidence and to be heard on his/her own behalf, the right to be represented by counsel at his/her own expense, and the right to a transcript of the proceedings at his/her own expense.

(h) Public hearings. Hearings to receive evidence or hear argument shall be public unless the student whose case is being heard requests a closed hearing or the tribunal determines in extraordinary circumstances that it is necessary to hold a closed hearing, pursuant to s. 66.77 (3) (e), Stats., to avoid unduly damaging the reputation of innocent persons. A record shall be made of the reasons for closing any hearing. The deliberations of the tribunal shall not be public.

(i) Schedule of hearings. The presiding officer shall schedule the hearing as expeditiously as possible. The hearing shall be held on the date scheduled, except for good cause shown.

(j) Failure to proceed. Failure of a party to proceed shall constitute default. The tribunal may either dismiss the charges, or, upon a prima facie showing, find that the student committed the conduct alleged.

(k) Decision.

1. The tribunal's decision shall be rendered in writing within 10 calendar days after the close of the hearing, or within 10 calendar days after a written transcript is available if one of the parties requests a transcript pursuant to par. (g), and shall consist of a summary of the evidence, findings of fact, decision, and specification of the disciplinary sanction which does not exceed that specified in the statement of charges.

2. The tribunal's decision shall be served on the student in accordance with s. UWS 17.07 (6) and on the chancellor's office.

3. The tribunal's decision shall become final 10 calendar days after service on the student unless a timely appeal is filed pursuant to s. UWS 17.10 or 17.11.

**UWS 17.10 Appeal to the board of regents.**

(1) The student or administration may appeal on the record to the committee on student discipline of the board of regents. Said appeal must be filed within 10 calendar days of service upon the party of the decision appealed from and shall consist of written exceptions to the decision's findings of fact, decision, or disciplinary sanction.

(2) Upon receipt of the appeal and written exceptions, the secretary of the board shall transmit the written exceptions to the chairman of the committee and shall cause the person with custody of the decision(s), file, exhibits, and transcript or recording of the hearing(s) to transmit them to the chairman of the committee.

(3) If exceptions are filed under sub. (1), the committee shall afford the parties an opportunity to file briefs and present oral argument.

(4) The committee shall render written findings of fact, decision, and disciplinary sanction which does not exceed that specified by the statement of charges.

(5) The committee's decision shall become final upon service upon the student in accordance with s. UWS 17.07 (6).

(6) The board of regents reserves jurisdiction to review, upon its own motion, any disciplinary action against a student.

**UWS 17.11 Intermediate appeals; campus option.**

(1) The chancellor of each institution is authorized, but not required by this section, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, to establish appellate tribunals and procedures which are not inconsistent with this chapter for adjudication of appeals from decisions rendered in accordance with s. UWS 17.09. Such tribunals may include review by an all-student, student-faculty, or all faculty committee, and/or review by the chancellor.

(2) An appeal to an appellate tribunal must be filed within 10 calendar days of service upon the party of the decision appealed from and shall consist of written exceptions to the findings of fact, decision, or disciplinary sanction.

(3) The parties shall have an opportunity to file briefs and present oral argument. Appeals shall be heard as soon as practicable but no later than 7 calendar days after the written exceptions are filed in accordance with sub. (2).

(4) A record shall be made of appellate tribunal proceedings.

(5) Appellate decisions shall be rendered within 5 calendar days of the hearing and shall consist of a summary of the evidence, written findings of fact, decision, and disciplinary sanction which shall in no event be more severe than the sanction imposed by the student conduct hearing tribunal.

(6) Appellate decisions shall become final 10 calendar days after service upon the student in accordance with s. UWS 17.07 (6) unless a timely appeal is filed either under this section, if further appeal is available, or under s. UWS 17.10.

(7) The student shall have the right at any time to appeal to the regents in accordance with s. UWS 17.10. Intermediate appellate proceedings shall be terminated immediately upon the appellate tribunal's receipt of notice from the student that an appeal to the regents has been filed.

**UWS 17.12 Temporary suspension.**

(1) A student may be temporarily suspended by the chancellor pending final action on the charges against him/her if his/her continued presence on campus would constitute a potential for serious harm to himself/herself or to the safety of other members of the university community or of university property. Except as otherwise provided in sub. (3), the student shall be afforded an opportunity for a preliminary hearing prior to imposition of the temporary suspension. In order to illustrate the types of conduct which warrant temporary suspension, the following examples are set forth. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

(a) A student who was arrested and charged with possession of controlled sub-stances with intent to deliver was discovered to have large quantities of LSD, heroin, methamphetamines, or barbiturates in his/her university dormitory room.

(b) A student who was arrested for throwing a fire bomb into a university classroom building.

(c) A student who assaulted another student in the student union was arrested for engaging in conduct regardless of human life.

(d) A student whose behavior was judged by a psychiatrist to be psychotic, posing a threat to safety of himself/herself or others.

(2) Before a temporary suspension may be imposed, the chancellor shall make an initial evaluation of the reliability of the information received and make such further investigation as circumstances permit. If the chancellor concludes that the conduct alleged warrants temporary suspension of the student, the chancellor shall notify the student of an intention to temporarily suspend the student and, at the earliest practicable opportunity, provide the student with an opportunity to be heard.

(3) The chancellor shall maintain records of all attempts to notify the student in accordance with sub. (2), and, if all reasonable efforts to notify the student are unsuccessful, the chancellor may impose the temporary suspension without a preliminary hearing, provided, however, attempts to notify the student continue, and the student is afforded a preliminary hearing at the earliest practicable opportunity.

(4)(a) The preliminary hearing shall be held as soon as practicable.

(b) At the hearing, the student shall be given a statement of charges as required by s. UWS 17.07 (2)(a) and (b) and a summary of the reason(s) for concluding that the alleged conduct warrants temporary suspension.

(c) The issues shall be limited to consideration of the reliability of the evidence against the student and whether the alleged conduct warrants temporary suspension.

(d) The chancellor's decision may be rendered orally but shall be confirmed in writing, as soon as practicable. The decision must be supported by credible evidence which is sufficient to indicate that there is probable cause to believe that the student engaged in the alleged conduct and that such conduct warrants temporary suspension.

(5) The hearing on the charges as required by s. UWS 17.09 shall be commenced not later than 15 calendar days after the imposition of the temporary suspension unless the student requests a delay of the hearing and continuation of the temporary suspension until a later date.

### **UWS 17.13 Procedures for academic misconduct.**

[Repealed; see Chapter UWS 14.]

### **UWS 17.14 Notice to students.**

Each institution shall publish and make freely available to students, a copy of the foregoing UW system disciplinary code together with an appendix reprinting the UW system administrative code, any amendments to these 2 codes that are made after the board of regents adoption of a disciplinary code, and any provisions that have been adopted by the

particular campus pursuant to the campus options allowed by this disciplinary code, and any other supplementary provisions not inconsistent with this code.

## **CHAPTER UWS 18 CONDUCT ON UNIVERSITY LANDS**

### **UWS 18.01 Jurisdiction**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76.

### **UWS 18.02 Definitions**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; cr. (5) to (7),

Register, September, 1996, No. 489, eff. 10-1-96.

### **UWS 18.03 Law enforcement**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am. (2),

Register, November, 1991, No. 431, eff. 12-1-91; correction in (1) made under s. 13.93 (2m) (b) 7., Stats.,

Register, November, 1991, No. 431.

### **UWS 18.04 Traffic rules**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; corrections made under s. 13.93 (2m) (b) 7., Stats.,

Register, November, 1991, No. 431.

### **UWS 18.05 Parking rules**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am. (6),

Register, November, 1991, No. 431, eff. 12-1-91; correction in (5) made under s. 13.93 (2m) (b) 7., Stats.,

Register, November, 1991, No. 431.

### **UWS 18.06 Conduct on university lands**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am. (13), cr. (16m),

Register, December, 1986, No. 372, eff. 1-1-87; reprinted to restore dropped copy in (13),



Register, February, 1987, No. 374; am. (5), (10), (22) (b) and (d), (27) and (28), cr. (10) (b) and (d), (12) (d) and (29) to (41),

Register, November, 1991, No. 431, eff. 12-1-91; correction in (7) (c) made under s. 13.93 (2m) (b) 7., Stats.,

Register, November, 1991, No. 431; am. (1),

Register, September, 1996, No. 489, eff. 10-1-96; corrections in (36) made under s. 13.93 (2m) (b) 7., Stats.,

Register, September, 1996, No. 489.

### **UWS 18.07 Penalties**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am.

Register, November, 1991, No. 431, eff. 12-1-91.

### **UWS 18.09 Institutional regulations**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76.

### **UWS 18.10 Additional statutory provisions regulating conduct on university lands**

History: Cr. Register, March, 1976, No. 243, eff. 4-1-76; am. (1),

Register, November, 1991, No. 431, eff. 12-1-91; correction in (2) made under s. 13.93 (2m) (b) 7, Stats.,

Register, November, 1991, No. 431; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats.,

Register, September, 1996, No. 489.

### **UWS 18.01 Jurisdiction.**

These rules shall regulate conduct on all lands subject to the control of the board of regents of the university of Wisconsin system.

### **UWS 18.02 Definitions.**

For purposes of this chapter:

(1) The "chief administrative officer" means the chancellor of an institution or dean of a campus or their designees.

(2) "Lands" means all real property owned by, leased by, or otherwise subject to the control of the board of regents.

(3) "Board of regents" or "board" means the board of regents of the university of Wisconsin system.

(4) "Building" means any structure, including stadia, on university lands.

(5) "Discharge pollutants into storm sewers" means placing pollutants or water containing pollutants into any storm sewer on or serving university lands.

(6) "Discharge pollutants to storm water" means placing pollutants onto university lands so that they are carried by storm water to waters of the state.

(7) "Pollutants" has the meaning described in s. 147.015 (13), Stats.

### **UWS 18.03 Law enforcement.**

(1) The board may designate peace officers who are authorized to enforce these rules and regulations and to police all lands under the control of the board. These officers shall have all the powers provided in s. 36.11 (2), Stats., except where such powers are specifically limited or modified by the board. These officers may accept concurrent appointments as deputy sheriffs.

(2) Uniformed peace officers shall be identified by an appropriate shield or badge bearing the word "Police" and a number or name plate, which shall be conspicuously worn when enforcing this chapter. Peace officers assigned to non-uniformed duties shall identify themselves with an appropriate badge or police identification card when enforcing this chapter.

(3) Parking attendants are authorized to enforce the parking regulations in s. UWS 18.05.

### **UWS 18.04 Traffic rules.**

(1) No person may operate any motor vehicle (self-propelled vehicle) on any roadway under the control of the board without a valid and current operator's license issued under ch. 343, Stats., except a person exempt under the provisions of s. 343.05, Stats.

(2) No person may operate any motor vehicle on any roadway under the control of the regents unless the same has been properly registered as provided by ch. 341, Stats., unless exempt under the provisions of s. 341.05, Stats.

(3) All provisions of ch. 346, Stats., entitled "Rules of the Road," which are applicable to highways as defined in s. 340.01 (22), Stats., and which are not in conflict with any specific provisions of these regulations, are hereby adopted for the regulation of all vehicular traffic, including bicycles, on all roadways, including those off-street areas designated as parking facilities, under the control of the board and are intended to apply with the same force and effect. All traffic shall obey the posted signs approved by the chief administrative officer regulating such traffic.

(4) All provisions of ch. 347, Stats., entitled "Equipment of Vehicles" which are applicable to highways as defined in s. 340.01 (22), Stats., are hereby adopted for the regulation of all vehicular traffic on the roadways under the control of the board and are intended to apply with the same force and effect, except those provisions of ch. 347, Stats., which conflict with specific provisions of these regulations.

(5) The chief administrative officer may require the registration of all student, faculty, or staff motor vehicles or bicycles on lands under said officer's jurisdiction and may limit or prohibit their use in designated areas during designated hours. Any person who violates institutional regulations promulgated under this subsection may be fined up to \$25.

#### **UWS 18.05 Parking rules.**

(1) Parking is prohibited at all times on roads, drives and fire lanes traversing university lands, except that the chief administrative officer is authorized to establish parking areas, parking limits, and methods of parking on the lands under said officer's jurisdiction, and may designate parking areas for specific groups at specific times, providing such areas are properly posted as parking areas. Parking in university parking facilities may be restricted or prohibited as required for reasons of maintenance and snow removal.

(2) Except as provided in sub. (3), parking in university parking areas shall be prohibited during posted times to persons other than those specifically assigned to those areas. Motor vehicles so assigned to any parking areas shall be identified by a valid parking permit affixed to the vehicle in a manner prescribed by the chief administrative officer.

(3) (a) In order to provide parking in university parking facilities for patrons of public university events, motor vehicles may be permitted to park in facilities designated for this purpose by the chief administrative officer. Public events parking shall be for a limited time only, not exceeding 12 hours continuously, and appropriate fees may be established. Otherwise valid permits are voidable during this period.

(b) The chief administrative officer may establish visitor parking lots and set appropriate fees for parking in those lots.

(c) Unrestricted and unassigned parking areas for students, faculty, staff and visitors may be established by the chief administrative officer.

(4) (a) Parking shall be prohibited at all times in areas which must be kept clear for the passage of fire apparatus. These areas shall be designated by standard signs reading "Fire Zone, No Parking at Any Time, Day or Night" or "Fire Lane, No Parking at Any Time, Day or Night."

(b) Parking is prohibited at all times in areas which must be kept clear for vehicles to load and unload. These areas shall be designated by appropriate signs.

(5) Motor vehicles parked in a restricted parking area without a valid permit or motor vehicles parked in a fire zone, fire lane, loading zone, or no parking zone, and unlicensed or partially dismantled motor vehicles may, at the owner's expense, be towed from the restricted parking areas and stored. Towed vehicles, if not claimed after notice to the owner, shall be considered abandoned and shall be disposed of as provided in s. 20.909 (1), Stats.

(6) Any person who violates any of the provisions of this section may be fined up to \$200. Each institution shall establish a schedule of fines, which may include penalties for late payment.

#### **UWS 18.06 Conduct on university lands.**

(1) PROHIBITED DUMPING; PROHIBITED DISCHARGES TO STORM WATER.

(a) No person may dump any waste, trash, debris, rubbish, earth or other fill, on any university lands unless authorized by the chief administrative officer.

(b) No person may discharge pollutants to storm water or into storm sewers on or serving university lands, except where authorized by the chief administrative officer and in conformance with state law.

(2) PROHIBITED ACTS. No person may remove any shrubs, vegetation, wood, timber, rocks, stone, earth, signs, fences, or other materials from university lands, unless authorized by the chief administrative officer.

(3) PROHIBITED ACTS. No person may remove, destroy, or molest any bird, animal or fish life within the boundaries of university lands except as authorized by the chief administrative officer or except when this provision conflicts with a special order of the department of natural resources.

(4) VANDALISM. No person may break, tear up, mar, destroy or deface any notice, tree, vine, shrub, flower or other vegetation, or dislocate any stones, or disfigure natural conditions, or deface, alter, destroy or damage in any way any other property, real or personal, within the boundaries of any university lands unless authorized by the chief administrative officer.

(5) ANIMALS. The presence of dogs, cats, and other pets is prohibited in all university buildings and in arboretums at all times except as authorized by the chief administrative officer. Dogs specially trained or being specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons, and wearing harnesses or leashes and special capes, shall be exempt from these provisions. The presence of dogs, cats and other pets shall be prohibited on all other university lands unless they are on leash under the control of and accompanied by a person. Any dog, cat or other pet found in violation of this subsection may be impounded and its owner subject to the penalty provisions in s. UWS 18.07.

(6) LIMITED ENTRANCE. The chief administrative officer may, by posting appropriate signs, limit or prohibit entrance to university lands, or portions thereof, in order to maintain or preserve an instruction or research area.

(7) CLOSING HOURS.

(a) Except as specifically provided in this code, the chief administrative officer may establish closing hours and closed periods for university lands, buildings, or portions thereof. These closing hours and closed periods shall be posted in at least one conspicuous place adjacent to or at the periphery of the area to be closed or, in the case of buildings, on the building.

(b) No person, unless authorized to be present during closed periods, may enter or remain within the designated university lands, buildings, or portions thereof during a closed period established under this section.

(c) For the purpose of par. (b), "person authorized to be present" means a person authorized to be present by an order issued pursuant to par. (a) or s. 36.35 (2), Stats.

(d) No person, except those authorized to be present after the posted closing hour, may enter or remain in any university arboretum or picnic area unless traversing those areas or on park roads at the times the roads are open to the public.

(8) BICYCLES. No person may park or store his bicycle in buildings, on sidewalks or driveways, or in motor vehicle parking spaces, except in areas designated for that purpose or in bicycle racks. Bicycles shall be parked so as not to obstruct free passage of vehicles and pedestrians.

(9) CLIMBING; WALKING ON ROOF. No person may climb into, out of or on university buildings or maintenance facilities or walk upon the roof of a university building; except when emergency access to a fire escape is necessary, or for required maintenance, or when authorized by the chief administrative officer.

(10) DANGEROUS WEAPONS.

(a) No person may carry, possess or use any dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer or for law enforcement purposes.

(b) No person may display or portray as real any object that resembles a dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer.

(c) Dangerous weapons in violation of this subsection may be confiscated and removed from university lands by police.

(d) In this subsection, the term "dangerous weapon" has the meaning specified in s. 939.22 (10), Stats.

(11) FIRES. No person may light, build, or use any fires except in such places as are established for this purpose and designated by the chief administrative officer. No person may throw away any cigarette, cigar, pipe ash, or other burning material without first extinguishing it.

(11) KEYS.

(a) No person may duplicate a university key or request the unauthorized duplication of a university key.

(b) No person may transfer any university key from an individual entrusted with its possession to an unauthorized person, or be in unauthorized possession of a university key.

(c) Keys in the possession of unauthorized persons may be confiscated.

(d) No person shall replace without permission, damage, tamper with or vandalize any university lock or security device.

(12) ALCOHOL BEVERAGES.

(a) The use or possession of alcohol beverages is prohibited on all university premises, except in faculty and staff housing and as permitted by the chief administrative officer, subject to statutory age restrictions. The chief administrative officer may generally permit the use or possession of alcohol beverages by promulgating institutional regulations in consultation with appropriate staff and students, or in specific instances by written permission.

(b) No person may procure, sell, dispense or give away alcohol beverages to any person contrary to the provisions of ch. 125, Stats.

(c) In this subsection, "alcohol beverages" means fermented malt beverages and intoxicating liquors containing 0.5% or more of alcohol by volume.

(d) Notwithstanding s. UWS 18.09, institutional regulations developed pursuant to this subsection shall be reported to the president of the system for review and approval.

(14) PICNICKING AND CAMPING. No person may picnic or camp on university lands, except in those areas specifically designated as picnic or camping grounds. No person may violate any rules and regulations for picnicking or camping established and posted by the chief administrative officer. For purposes of this regulation, camping shall include the pitching of tents or the overnight use of campers or camp trailers.

(15) STRUCTURES. No person may place or erect any facility or structure upon university lands unless authorized by the chief administrative officer.

(16) SELLING, PEDDLING AND SOLICITING.

(a) No person may sell, peddle or solicit for the sale of goods, services, or contributions on any university lands except:

1. When the occupant of a specific university office, or university house, apartment, or dormitory room has given specific permission in advance for a person engaged in that activity to come to that particular office, house, apartment, or dormitory room for that purpose.

2. Sales by an individual of personal property owned or acquired by the seller primarily for his/her own use pursuant to an allocation of space for that purpose by an authorized university official.

3. Hawking newspapers and similar printed matter outside university buildings.

4. Subscription, membership, ticket sales solicitation, fund-raising, selling, and soliciting activities by or under the sponsorship of a university or registered student organization pursuant to a contract with the university for the allocation or rental of space for that purpose.

5. Admission events in a university building pursuant to contract with the university, and food, beverage or other concessions conducted pursuant to a contract with the university.

6. Solicitation of political contributions under ch. 11, Stats., and institutional regulations governing time, place and manner.

(16m) CAMPAIGNING IN STATE-OWNED RESIDENCE HALLS.

(a) The residence halls students of each institution, subject to the approval of the chief administrative officer, shall establish policies and procedures assuring that political literature may be distributed and political campaigning may be conducted in state-owned residence halls consistent with the rights of residence halls students, and prescribing the time, place and manner in which these activities may be conducted.

(b) Where appropriate and consistent with the rights of residence halls students, the policies and procedures developed under this subsection shall apply to all residence halls at an institution. Matters to be addressed in institutional policies and procedures shall include at least the following:

1. The hours of the day and the time of year, if any, to which particular activities shall be limited.

2. The locations in residence halls, if any, to which particular activities shall be limited.

3. Any requirement for registering or obtaining permission to enter a residence hall before engaging in a particular activity.

(c) Notwithstanding s. UWS 18.09, institutional policies and procedures developed pursuant to this subsection shall be reported to the board of regents for approval.

(d) Institutional policies and procedures developed pursuant to this subsection shall be available at each residence hall, at the office of each chief administrative officer of an institution, and at the office of the secretary to the board of regents.

(17) **SIGNS.** No person may erect, post or attach any signs, posters, pictures or any item of a similar nature in or on any building or upon other university lands except on regularly established bulletin boards, or as authorized by the provisions of this code or by the chief administrative officer.

(18) **SMOKING.** No person may smoke in any university building except in those areas designated for that purpose.

(19) **RECREATIONAL ACTIVITIES.**

(a) No person may swim, fish, boat, snowmobile, ride horseback or use any type of all-terrain or off-road vehicle on university lands except in those areas and at times expressly designated by the chief administrative officer and denoted by official signs.

(b) No person may dock, moor, park, or store any boats, boating gear, snowmobiles, or similar equipment on university lands except under conditions specified by the chief administrative officer.

(20) **RESTRICTED USE OF UNIONS.** No person, except members of the union, university faculty and staff, invited guests, and university-sponsored conference groups, may use union buildings and union grounds except on occasions when, and in those areas where, the buildings or grounds are open to the general public.

(20) **UNAUTHORIZED PRESENCE.**

(a) No person may be present in any class, lecture, laboratory period, orientation session, examination, or other instructional session or in any room, office, or laboratory without the consent of an authorized university official or faculty member.

(b) A person shall be deemed present without consent in any class, lecture, laboratory period, orientation session, examination, or other instructional session as prohibited by par. (a), if: 1) such person is not then enrolled and in good standing as a member of the instructional session, or 2) such person refuses to provide identification and refuses to leave such session upon request of a member of the university administration or faculty or other person in charge thereof.

(21) **PERSONS PROHIBITED FROM ENTERING CAMPUS.**

(a) No person, who is in a state of suspension or expulsion from the university under ch. UWS 17, or who takes leave or resigns under charges after being charged by the university under ch. UWS 17, may enter any campus without the written consent of the chief administrative officer.

(b) No person who is convicted of any crime involving danger to property or persons as a result of conduct by him or her on university lands may enter any university lands within 2 years of the effective date of his or her conviction without the written consent of the chief administrative officer.

(c) In granting or denying consent to enter a campus under s. 36.35 (3), Stats., or par. (a) or (b), the following shall be considered:

1. The probability that the offensive conduct will be continued or repeated by the applicant.

2. The need for the applicant to enter university lands, for example, to attend a university disciplinary hearing in which the applicant is being tried or is to be a witness, or to receive treatment in university hospitals.

(d) For the purposes of s. 36.35 (3), Stats., and par. (b), "crime involving danger to property or persons" shall mean any crime defined in ch. 940, Stats. (crimes against life and

bodily security); s. 941.12, Stats. (interfering with fire fighting); s. 941.13, Stats. (false alarms); s. 941.20, Stats. (endangering safety by use of dangerous weapon); s. 941.21, Stats. (disarming a peace officer); s. 941.23, Stats. (carrying concealed weapon); s. 941.235, Stats. (carrying firearm in public building); s. 941.24, Stats. (possession of switchblade knife); s. 941.26, Stats. (machine guns and other weapons); s. 941.28, Stats. (possession of short-barreled shotgun or short-barreled rifle); s. 941.29, Stats. (possession of firearm); s. 941.295, Stats. (possession of electric weapon); s. 941.30, Stats. (recklessly endangering safety); s. 941.32, Stats. (administering dangerous or stupefying drug); s. 942.37, Stats. (obstructing emergency or rescue personnel); s. 943.01, Stats. (criminal damage to property); s. 943.02, Stats. (arson of buildings; damage of property by explosives); s. 943.03, Stats. (arson of property other than building); s. 943.05, Stats. (placing of combustible materials an attempt); s. 943.06, Stats. (Molotov cocktails); s. 943.10, Stats. (burglary); s. 943.11, Stats. (entry into locked vehicle); s. 943.14, Stats. (criminal trespass to dwellings); s. 943.32, Stats. (robbery); s. 944.20, Stats. (lewd and lascivious behavior); s. 946.41, Stats. (resisting or obstructing officer); s. 947.015, Stats. (bomb scares); s. 167.10, Stats. (fireworks regulated); or attempts to commit any of the above crimes as defined in s. 939.32, Stats.

(22) PICKETING, RALLIES, PARADES, DEMONSTRATIONS AND OTHER ASSEMBLIES.

(a) In order to preserve the order which is necessary for the enjoyment of freedom by members of the university community, and in order to prevent activities which physically obstruct access to university lands or buildings and prevent the university from carrying on its instructional, research, public service, or administrative functions, any picketing, rally, parade, demonstration, other assembly, or congregation of spectators to such activity may be declared unlawful if its participants:

1. Intentionally gather or intentionally remain assembled outside any university building in such numbers, in such proximity to each other or in such fashion as to physically hinder entrance to, exit from, or normal use of the building.

2. Intentionally congregate or assemble within any university building in such fashion as to obstruct or seriously impair university-sponsored or university-authorized activities, or in such fashion as to violate any of the following conditions:

a. No group may be admitted into the private office of any faculty member or other university employe unless invited by the authorized occupant of that office, and then not in excess of the number designated or invited by that person.

b. No group may obstruct or seriously impair passage through corridors, stairways, doorways, building entrances, fire exits, and reception areas leading to offices.

c. No group, not authorized to do so by the person in immediate charge of the room, or by a person designated by the chief administrative officer to approve requests for the use of rooms for meetings, may enter or occupy any university building or part thereof.

d. No group may assemble immediately outside rooms at times when they are normally in use for classes, study, or research.

e. No signs supported by standards or sticks shall be permitted in any assembly in a university building.

3. Intentionally create a volume of noise that unreasonably interferes with university-sponsored or university-authorized activities.

4. Intentionally employ force or violence, or intentionally constitute an immediate threat of force or violence, against members of the university community or university property.

(b) For the purpose of par. (a), "intentionally" means that the participant or spectator knew or reasonably should have known that his/her conduct by itself or in conjunction with the conduct of others would have the prohibited effect.



(c) The chief administrative officer may designate a university official or officials who shall have primary authority to implement par. (a). He/she may prescribe limitations for any picketing, rally, parade, demonstration or other assembly in order that it will meet the requirements of par. (a). When informed of any picketing, rally, parade, demonstration, or other assembly which may not comply with par. (a), the chief administrative officer or the designee may proceed immediately to the site and determine if there is compliance with par. (a). If he/she finds a violation of par. (a), he/she may declare the assembly unlawful or he/she may prescribe those limitations on numbers, location or spacing of participants in the demonstration which are reasonably necessary to ensure compliance with par. (a). If he/she prescribes limitations, and if his/her limitations are not observed by the assembly, he/she may then declare the assembly unlawful. Any declaration of illegality or prescription of limitations shall be effective and binding upon the participants in the assembly unless and until modified or reversed.

(d) Any participant or spectator within the group constituting an unlawful assembly who intentionally fails or refuses to withdraw from the assembly after it has been declared unlawful under this section shall be subject to immediate arrest and liable to the penalties of s. UWS 18.07.

(24) PROHIBITIONS ON BLOCKING ENTRANCES. No person may intentionally physically block or restrict entrance to or exit from any university building or portion thereof with intent to deny to others their right of ingress to, egress from, or use of the building.

(25) SOUND-AMPLIFYING EQUIPMENT.

(a) In order to permit the use of sound-amplifying equipment on university lands, if needed for the dissemination of ideas to large audiences, but to prevent its use from interfering with university functions which inherently require quiet, the following provisions shall apply:

1. No person may use sound-amplifying equipment on any lands without the permission of the chief administrative officer, except as provided in par. (c).

2. In granting or denying permission, the following principles shall govern:

a. Except in extraordinary circumstances, permission may be granted to use the equipment only during the following hours, 12 noon to 1:30 p.m. and 5:00 p.m. to 7:00 p.m. every day, and only when the equipment is more than 50 feet from and directed away from any classroom building, residence hall, library or building being used as a study hall.

b. An applicant for permission shall have the burden of establishing the need for amplification to communicate with the anticipated audience. In particular, the applicant must show that the audience can reasonably be anticipated to include at least 250 people.

c. An applicant for permission shall have the burden of establishing that the volume and direction of the sound from the equipment will minimize interference with other activities.

3. Any request for the permission required by this section must be submitted in writing to the chief administrative officer at least 24 hours prior to the intended use of the sound-amplifying equipment and must be signed by a student or employee of the institution where the equipment is to be used. The request shall contain:

a. The proposed hours, date and location where the equipment is to be used.

b. The size of the anticipated audience and the reasons why the equipment is needed.

c. A description of the proposed equipment which includes the manufacturer, model number, and wattage.

d. The names of the owner of the equipment and of any person or persons, in addition to the person signing the application, who will be responsible for seeing that the equipment is operated in compliance with the terms of the permit and the provisions of this rule. The chief

administrative officer may require the presence of additional persons if said officer believes this is necessary to ensure compliance.

(b) Permits issued by the chief administrative officer shall not be required for the use of university sound-amplifying equipment used with the permission of the university employee having control of the equipment for authorized university classes, research, or meetings in university buildings, or for university sponsored academic, recreational or athletic activities, or for crowd control by authorized university officials.

(c) For the purpose of this section, "sound-amplifying equipment" means any device or machine which is capable of amplifying sound and capable of delivering an electrical input of one or more watts to the loudspeaker.

(26) CONTAINERS IN SPECTATOR FACILITIES. No person may carry or possess any disposable container within the confines of public areas in spectator facilities. As used in this subsection "disposable container" means any bottle, can, or other container designed or used for carrying liquids or solids, but does not include a personally owned container designed for reuse and originally sold or purchased exclusively as a refillable container. The provisions of this section shall not apply to containers used or supplied by authorized concessionaires who are required to dispense beverages to consumers in either paper or plastic containers.

(27) THROWING HARD OBJECTS. No person may, in a manner likely to cause physical harm or property damage, throw, drop, kick, hit or otherwise project any hard object, bottle, can, container, snowball or other item of a similar nature on university lands or within or from within university buildings or facilities.

(28) TICKET SCALPING.

(a) Every ticket or other evidence of the right of entry to any amusement, game, contest, exhibition, or performance given by or under the auspices of the university of Wisconsin system, or an institution or center of the university of Wisconsin system, shall be considered a revocable license to the person to whom the ticket has been issued and shall be transferable only on the terms and conditions prescribed.

(b) No person may buy or sell a ticket or other evidence of the right of entry for more than the price printed upon the face of the ticket.

(29) SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES. No person may skateboard, roller skate, or use roller blades or any other similar wheeled device in or on university buildings, or on sidewalks, roadways or parking areas on university lands, except in areas designated for this purpose by the chief administrative officer.

Note: This section is initially applicable at the time the chief administrative officer first exercises the authority to designate areas for skateboarding, roller skating, roller blading or similar activities.

(30) DISORDERLY CONDUCT. No person may engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance, in university buildings or on university lands.

(31) RETAIL THEFT.

(a) No person may intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant, or property of the merchant, without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise.

(b) In this subsection, "merchant" includes any "merchant" as defined in s. 402.104 (3), Stats., and any vendor or bookstore authorized to sell in university buildings or on university lands.

**(32) IMPROPER USE OF UNIVERSITY IDENTIFICATION CARDS.**

(a) No person may falsify, alter or duplicate, or request the unauthorized falsification, alteration or duplication, of a university identification card.

(b) No person may knowingly present a false, altered or duplicate university identification card with the intent that such card be relied upon by university employees or agents in connection with obtaining university services, privileges or goods.

(c) No person may knowingly use or permit another person to use a university identification card for the purpose of making a false statement with respect to the identity of the user, and with the intent that such statement be relied upon by university employees or agents in connection with obtaining university services, privileges or goods.

(d) University officials may confiscate false, altered or duplicate university identification cards, or university identification cards used in violation of par. (c).

**(33) IMPROPER USE OF TELEPHONES.**

(a) No person may make or cause the telephone of another repeatedly to ring with intent to harass any person at the called number.

(b) No person may make repeated telephone calls, whether or not conversation ensues, with intent to harass any person at the called number.

(c) No person may intentionally use an emergency telephone in a university building or on university lands when the person knows or reasonably should know that no emergency exists.

**(34) PROVIDING FALSE INFORMATION.** No person may knowingly give false information to a university peace officer with the intent to mislead him or her in the performance of his or her duty.

**(35) FALSE FIRE ALARMS.** No person may intentionally give a false fire alarm, whether by means of a fire alarm system or otherwise.

**(36) POSSESSION OF MARIJUANA.**

(a) No person may intentionally use or possess marijuana on university lands, except when such use or possession is authorized under ch. 961, Stats. or is permitted under s. 46.60, Stats.

(b) In this subsection, the term "marijuana" has the meaning specified in s. 961.01 (14), Stats.

**(37) ISSUING WORTHLESS CHECK UNDER \$500.**

(a) No person may issue any check or other order for the payment of money less than \$500 which, at the time of issuance, he or she intends shall not be paid.

(b) In this subsection, prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid, has the meaning and includes the items of proof set forth in s. 943.23, Stats.

(c) This subsection does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

**(38) FRAUD IN UNIVERSITY ACCOMMODATIONS OR EATING PLACES.**

(a) No person may, after having received any food, lodging or other service or accommodation at any university housing facility or eating place, intentionally abscond without paying for it.

(b) No person may, while in any university housing or lodging facility or eating place, intentionally defraud the university or its employees or agents in charge of the facility or eating place, in any transaction arising out of the relationship as a user of the housing or lodging facility or eating place.

**(39) USE OF CHEATING TOKENS.** No person may obtain the property or services of another by depositing anything which he or she knows is not lawful money or is an unauthorized token in any receptacle used for the deposit of coins or tokens.

**(39) POSSESSION OF FIREWORKS.**

(a) No person may possess or use fireworks on university lands without authorization from the chief administrative officer.

(b) In this subsection, the term "fireworks" has the meaning specified in s. 167.10 (1), Stats.

**(41) PETTY THEFT UNDER \$100.** No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another with a value of under \$100, without consent and with intent to deprive the owner permanently of such property.

**UWS 18.07 Penalties.**

Unless otherwise specified, the penalty for violating any of the rules in s. UWS 18.06 shall be a forfeiture of not more than \$500, as provided in s. 36.11 (1) (c), Stats.

Note: Violations of the rules in s. UWS 18.06 will be processed in accordance with the citation procedure established in s. 778.25, Stats.

**UWS 18.09 Institutional regulations.**

Institutional regulations promulgated under ss. UWS 18.04 to 18.06 shall take effect when filed with the secretary of the board.

**UWS 18.10 Additional statutory provisions regulating conduct on university lands.**

**(1) CONTROLLED SUBSTANCES.** The use or possession of controlled substances as defined in s. 961.01 (4), Stats., is prohibited on all university property with the specific exemptions set forth in ch. 961, Stats., and as permitted under s. 46.60, Stats. The penalty provisions of ch. 961, Stats., chs. UWS 17 and 18 may apply to violations occurring on university lands.

**(2) PERSONS PROHIBITED FROM ENTERING CAMPUSES.** Student convicted of dangerous and obstructive crime. Section 36.35 (3), Stats., provides: "Any person who is convicted of any crime involving danger to property or persons as a result of conduct by him which obstructs or seriously impairs activities run or authorized by an institution and who, as a result of such conduct, is in a state of suspension or expulsion from the institution, and who

enters property of that institution without permission of the chancellor of the institution or the chancellor's designee within 2 years, may for each such offense be fined not more than \$500 or imprisoned not more than 6 months, or both."

## **CHAPTER UWS 19 SICK LEAVE**

### **UWS 19.01 Definition**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

### **UWS 19.02 Persons who earn sick leave**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am. (1) (intro.), (2) (c) and (f), cr. (1) (a) to (d),

Register, May, 1992, No. 437, eff. 6-1-92.

### **UWS 19.03 Cancellation and reinstatement**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am.

Register, May, 1992, No. 437, eff. 6-1-92.

### **UWS 19.04 Income continuation insurance**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; r.

Register, May, 1992, No. 437, eff. 6-1-92.

### **UWS 19.05 Recording and use of sick leave**

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76.

### **UWS 19.01 Definition.**

Sick leave refers to absences of faculty, academic staff and limited appointees of the university of Wisconsin system due to personal illness, injury, disability or pregnancy as well as attendance on a member of the immediate family of the employee whose condition or death requires the employee's direct care, if such absences are being charged against the employee's accumulated sick leave credits.

### **UWS 19.02 Persons who earn sick leave.**

#### **(1) Eligibility.**

(a) All faculty, academic staff, and limited appointees as defined in s. UWS 15.01 (2), shall earn sick leave while in pay status, unless the following conditions apply:

1. The employee is not expected to work at least one-third of what is considered full-time employment, or
2. The employee's expected duration of employment is less than one year.

(b) An employee who is not expected to work at least one-third of what is considered full-time employment shall earn sick leave under par. (a) if he or she is subsequently employed

within the university of Wisconsin system for at least one year for at least one-third of what is considered full-time employment during the immediately preceding 12-month period.

(c) Any employee who becomes eligible to earn sick leave under par. (a) shall continue to be eligible to earn sick leave, notwithstanding the requirements of par. (a), unless his or her employment within the university of Wisconsin system is terminated for 12 or more consecutive calendar months or unless the employee receives a benefit that would have the effect of closing his or her retirement account under s. 40.25, Stats.

(d) In this subsection, "one-third of what is considered full-time employment" means employment within the university of Wisconsin system with the expectation that there will be at least 440 hours of actual performance of duty during an annual earnings period.

## (2) Accrual of sick leave.

(a) As of March 1, 1976, each employee's account shall reflect the accrued balance of unused sick leave earned under the board of regents' sick leave policy adopted on June 8, 1973.

(b) Employees whose initial appointments are for 9 months or more shall be credited with 22 working days of sick leave which they may draw upon as required consistent with s. UWS 19.01.

(c) In addition to sick leave credited under par. (b), after 1.5 years of service, each employee shall earn additional non-lapsing sick leave at the rate of 1 day per month for persons holding annual basis appointments and at the rate of 6 days per semester or 4 days per quarter for persons who hold academic year basis appointments, with a maximum annual accumulation limited to not more than 12 days.

(d) Unused sick leave shall accumulate from year to year in the employee's sick leave account pursuant to s. 36.30 (1), Stats.

(e) An employee utilizing paid sick leave shall continue to accumulate sick leave credits during the period of the sick leave absence.

(f) An employee does not accumulate sick leave credits while on an unpaid leave of absence.

(g) Part-time employees have an initial entitlement, earn and are charged sick leave in the same proportion as their appointment bears to a full-time appointment.

**NOTE.** Consistent with general leave accounting principles within the UW system, the reference to "year" in this section refers to the academic year for academic year-basis appointees, and to the fiscal year for annual basis appointees.

### **UWS 19.03 Cancellation and reinstatement.**

If the employee terminates employment with the university of Wisconsin system other than through retirement or death, unused sick leave shall be terminated but shall be reinstated if the employee is reappointed to any position within the system within 3 years.

**UWS 19.04 Income continuation insurance.**

[Repealed.]

**UWS 19.05 Recording and use of sick leave.**

Each department or equivalent unit shall maintain records of each employee's sick leave entitlement and use.

**CHAPTER UWS 20  
NONRESIDENT TUITION DETERMINATION PROCEDURES AND APPEALS**

**UWS 20.01 Minimum requirements**

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**UWS 20.02 Finality of decisions**

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**UWS 20.30 Students transferring between institutions**

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

**UWS 20.01 Minimum requirements.**

(1) The chancellor of each institution in the university of Wisconsin system which classifies students for tuition purposes under s. 36.27(2), Stats., shall develop and file with the secretary of the board of regents procedures for determination of classifications and provide for appeals from classifications of non-residency which shall, at minimum, provide for the following:

(a) Designation of authorized personnel to make initial determinations of residency for tuition purposes;

(b) A mechanism for reconsideration of an initial determination of non-residency when a petitioner has new or different information to present concerning resident status which was not available at the time of the initial determination or which was available but, for good reason shown, the petitioner did not know about at the time of the initial determination;

(c) A mechanism for appeal from an initial determination of non-residency to a designated person or body at the institution;

(d) Appeal procedures, which shall include:

1. A time limit of 14 calendar days for filing an appeal from date of notification of classification from the initial determination, or, if a reconsideration is requested, from the date of notification of that classification;

2. Notice to the petitioner of the appeal hearing which shall:

a. Be served at least 10 days before the hearing date either by personal service or by mailing;

b. Specify the time and place of the hearing and the body or person hearing the appeal; and

c. State that the hearing is a class 3 proceeding under ch. 227, Stats., is for the purpose of determining petitioner's residency status for tuition purposes under the authority conferred on the board of regents of the university of Wisconsin system by s. 36.27, Stats., and is conducted under authority conferred on the institution by ch. UWS 20.

3. A right of personal appearance at an appeal;

4. A right of a petitioner to have assistance, including private legal counsel, in making a personal appearance at an appeal hearing;

5. A time limit for issuing a written decision of 30 calendar days following the appeal hearing;

6. Observing applicable statutory requirements concerning open and closed hearings;

7. A stenographic, electronic or other record of the hearing. This record shall be transcribed and a copy of the written transcription provided to the petitioner at no cost in the event judicial review of the appeal decision is sought under ch. 227, Stats.; a copy of the written transcription shall otherwise be provided to the petitioner upon payment of a reasonable compensatory fee.

#### **UWS 20.02 Finality of decisions.**

Decisions by the appeal person or body of an institution in the university of Wisconsin system concerning residence classification for tuition purposes shall be final in the university of Wisconsin system. The decisions shall note that it is subject to judicial review within 30 days after service of the decision, pursuant to s. 227.16, Stats.

#### **UWS 20.03 Students transferring between institutions.**

A decision that a student is a resident for tuition purposes at one institution in the university of Wisconsin system shall require that the student be treated as a resident for tuition purposes in other institutions in the university of Wisconsin system, if the student transfers to another institution in the university of Wisconsin system and has maintained substantially the same determining factors.

### **CHAPTER UWS 21 USE OF UNIVERSITY FACILITIES**

#### **UWS 21.01 Declaration of policy**

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

#### **UWS 21.02 Definitions**

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

#### **UWS 21.03 Use of facilities by organizations associated with an institution**



History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

**UWS 21.04 Use of facilities by persons or organizations not associated with an institution**

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

**UWS 21.06 Institutional procedures**

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

**UWS 21.05 Access to public events held at university facilities**

History: Cr. Register, December, 1986, No. 372, eff. 1-1-87.

**UWS 21.01 Declaration of policy.**

It is the policy of the board of regents that the facilities of the university are to be used primarily for purposes of fulfilling the university's missions of teaching, research and public service. University facilities are not available for unrestricted use for other purposes. In order to preserve and enhance the primary functions of university facilities, the board of regents adopts this chapter to govern the use of university facilities.

**UWS 21.02 Definitions.**

In this chapter:

- (1) "Board of regents" or "board" has the meaning given under s. UWS 1.02.
- (2) "Chancellor" means the chief executive officer of a university, the university of Wisconsin centers, or the university extension.
- (3) "Facilities" or "university facilities" means the publicly owned or leased buildings and grounds which are subject to the custody and control of the board.
- (4) "Institution" has the meaning given under s. UWS 1.06.
- (5) "Organization associated with an institution" means that an organization is an officially recognized staff or student group, or an administrative or academic unit, or a state agency.
- (6) "Staff" means all employes of the university of Wisconsin system.
- (7) "Student" means any person who is registered for study in an institution of the university of Wisconsin system for the current academic period.
- (8) "University" has the meaning given under s. UWS 1.07.

**UWS 21.03 Use of facilities by organizations associated with an institution.**

(1) The chancellor of each institution, or his or her designee, shall permit organizations associated with that institution to use university facilities for events for staff and students, if he or she determines that:

- (a) The proposed use will not interfere with or detract from the teaching, research and public service missions of the institution;

(b) The institution has appropriate facilities available for the proposed use; and

(c) The organization has complied with institutional procedures adopted under s. UWS 21.06.

(2) The chancellor of each institution, or his or her designee, may permit organizations associated with that institution to use university facilities for public events if he or she determines that:

(a) The proposed use will not interfere with or detract from the teaching, research and public service missions of the institution;

(b) The institution has appropriate facilities available for the proposed use; and

(c) The organization has complied with institutional procedures adopted under s. UWS 21.06.

(3) The organizations using university facilities under this section may be required to reimburse the institution for the costs, if any, incident to the use of the facilities.

(4) Organizations using university facilities under this section may be required to pay rental charges for use of the facilities if the use is revenue producing.

**UWS 21.04 Use of facilities by persons or organizations not associated with an institution.**

(1) The chancellor of each institution, or his or her designee, may permit persons, or organizations not associated with that institution, to use university facilities at his or her institution if he or she determines that:

(a) The proposed use is under the sponsorship or at the invitation of an organization associated with the institution;

(b) The proposed use will not interfere with or detract from the teaching, research and public service missions of the institution, or the use of the facilities by organizations associated with the institution;

(c) The institution has appropriate facilities available for the proposed use; and

(d) The person or organization has complied with institutional procedures adopted under s. UWS 21.06.

(2) Persons or organizations using university facilities under this section must reimburse the institutions for the costs, if any, incident to the use of the facilities.

(3) Persons or organizations using university facilities under this section may be required to pay rental charges for use of facilities if the use is revenue producing.

**UWS 21.05 Access to public events held at university facilities.**

(1) It is the policy of the board to ensure maximum access to public events held in university facilities, consistent with the legally recognized rights and interests of performers, lecturers, artists and speakers.

(2) Where a person or organization has secured the use of university facilities for a public event, any contemplated restriction or condition on access to the event must be made known prior to the event, and must be embodied in a written agreement with the institution, which agreement shall be open to public inspection. However, such agreements may not deny or restrict access to university facilities in a manner contrary to other applicable laws or regulations or on any basis prohibited by law.

#### **UWS 21.06 Institutional procedures.**

The chancellor of each institution, in consultation with appropriate staff and students, shall develop procedures for the administration of this chapter which shall, at a minimum, include the following:

- (1) Procedures for securing permission to use university facilities;
- (2) A schedule of the costs and rental fees, if any, assessed for the use of facilities; and
- (3) A description of any institutional limitations concerning the time of availability and manner of the use of institutional facilities.

## **CHAPTER UWS 22 ACCOMMODATION OF RELIGIOUS BELIEFS**

#### **UWS 22.01 Declaration of policy**

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

#### **UWS 22.02 Definitions**

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

#### **UWS 22.03 Accommodation of religious beliefs**

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

#### **UWS 22.01 Declaration of policy.**

It is the policy of the board of regents that students' sincerely held religious beliefs shall be reasonably accommodated with respect to all examinations and other academic requirements. The board of regents adopts this chapter in order to ensure that all institutions of the university of Wisconsin system have in place appropriate mechanisms for ensuring the reasonable accommodation of students' sincerely held religious beliefs, and for appeals related to these matters.

#### **UWS 22.02 Definitions.**

In this chapter:

- (1) "Board of regents" or "board" has the meaning given under s. UWS 1.02.

- (2) "Chancellor" means the chief executive officer of a university, the university of Wisconsin centers, or the university extension.
- (3) "Examination or other academic requirement" means any course requirement established by an instructor which will be considered in awarding the student's grade in the course.
- (4) "Institution" has the meaning given under s. UWS 1.06.
- (5) "Instructor" has the meaning given under s. UWS 14.02 (11).
- (6) "Student" means any person who is registered for study in an institution of the university of Wisconsin system for the current academic period.

**UWS 22.03 Accommodation of religious beliefs.**

- (1) A student shall be permitted to make up an examination or other academic requirement at another time or by an alter-native method, without any prejudicial effect, where:
  - (a) There is a scheduling conflict between the student's sincerely held religious beliefs and taking the examination or meeting the academic requirements; and
  - (b) The student has notified the instructor, within the first three weeks of the beginning of classes (within the first week of summer session and short courses), of the specific days or dates on which he or she will request relief from an examination or academic requirement.
- (2) Instructors may schedule a make-up examination or other academic requirement before or after the regularly scheduled examination or other academic requirement.
- (3) Instructors shall accept, at face value, the sincerity of students' religious beliefs.
- (4) Student notification of instructors and requests for relief under sub. (1) shall be kept confidential.
- (5) Complaints of failure to provide reasonable accommodation of a student's sincerely held religious beliefs as required by this rule may be filed under institutional complaint and grievance procedures adopted pursuant to Chs. UWS 6 and 13.
- (6) The chancellor of each institution shall, through appropriate institutional publications (to include at a minimum the timetable and catalog), provide notification to students and instructors of the rules for accommodation of religious beliefs, and of the procedure and appropriate office for filing complaints.

## **SECTION 17**

### **CHAPTER UWSP 17** **STUDENT NONACADEMIC DISCIPLINARY PROCEDURES**

#### **UWSP 17.01 Policy statement.**

The board of regents of the university of Wisconsin system adopts the following policy on the standards and procedures for student discipline in the university system, acknowledging both the need to preserve the orderly processes of the university with regard to its teaching, research, and public service missions, as well as the need to observe the student's procedural and substantive rights.

The university of Wisconsin-Stevens Point expects appropriate and responsible behavior from its students. Officers of the university become directly involved in student conduct disciplinary proceedings when actions of individuals conflict with the welfare and integrity of the institution or disregard the rights of other members of the university community, including guests and visitors to the campus.

#### **UWSP 17.02 Definitions.**

- (1) "Chancellor" means the chancellor or designee. The chancellor's designee for UWSP is the vice chancellor for student affairs, who shall act on behalf of the chancellor in accordance with the provisions of this chapter.
- (2) "Investigating officer" means investigating officer or designee. The investigating officer for UWSP is the director of student conduct.
- (3) "Student," for the purpose of this chapter, means any person who is registered for study in any institution in the university for the current academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding academic period or until 14 calendar days have elapsed after the commencement of classes for the next succeeding academic period, whichever occurs first.
- (4) "Disciplinary sanction" or "sanction" means any action affecting the status of an individual as a student which is taken by the university in response to student non-academic misconduct. The term shall include probation, resignation or leave for misconduct, suspension or expulsion, written reprimand, denial of particular university privileges, and other less severe actions not enumerated herein. Disciplinary sanctions shall not include cut-off or revocation of a student's financial aids; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of the student for financial aid. Each institution is authorized to adopt a more explicit listing of sanctions and actions which is consistent with the provisions of this section.

In order to illustrate the kinds of sanctions utilized by UWSP, the following examples are set out. These examples are not meant to illustrate the only sanctions which may be used by the university.

- (a) Probation;
- (b) probation with stipulated conditions, e.g.,
  1. alcohol abuse evaluation;
  2. required counseling or other assessments/tests;
  3. not returning to the campus, or to specified buildings, in an intoxicated state;
  4. denial of access to certain university buildings and/or functions;
- (c) removal from the residence halls and cancellation of residence contract;
- (d) assignment to a different room, wing, or hall;
- (e) visitation limitations;
- (f) restitution for damages (financial or compensatory work); and
- (g) leave for misconduct, suspension, or expulsion.

(5) "Probation" means that the student is permitted to remain enrolled in the university only upon condition that the student comply with all university rules or regulations or with other standards of conduct which the student is directed to observe for the duration of the period of the probation and which may include loss of student privileges except those of attending classes and writing examinations. Probation may not exceed 2 semesters in duration for any given misconduct, except that violation of probationary conditions shall be cause for extension of the probation for more than 2 additional semesters or for suspension or expulsion.

(6) "Suspension" means a temporary loss of student status for a specified period of time, not to exceed 2 years, with resultant loss of all student rights and privileges. Upon completion of suspension, the student shall have the same standing to re-enroll as the student would have had if no suspension had been imposed.

(7) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.

(8) "Instructor" for the purposes of this chapter means the faculty member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.

(9) "Institution" means any university, or an organizational equivalent designated by the board.

(10) "Days" means calendar days.

(11) "Intentional conduct" means conduct which the student knew or reasonably should have known would result in conduct prohibited by this chapter.

(12) "Members of the university community" means students and employees of the university.

**UWSP 17.03 Right to petition for readmission.**

A student who has been expelled or suspended may petition for readmission. If the charges which resulted in expulsion or suspension were initiated by UWSP, the petition must be in writing and directed to the vice chancellor for student affairs; in all other cases, the petition must be in writing and directed to the chancellor of the institution which initiated the charges for which the student was suspended or expelled. Such petition may not be filed before the expiration of one year from the date of the final determination in expulsion cases, or before the expiration of one-half of the suspension period in suspension cases. The vice chancellor for student affairs shall, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, adopt procedures for determining whether such petitions will be granted or denied.

A subcommittee of the University Affairs Committee, appointed by the chairperson of the committee, will hear the petition for readmission or early readmission and make recommendations to the vice chancellor for student affairs. Neither the vice chancellor for student affairs, the director of student conduct, nor any investigating officer designee, if a member of the university affairs committee, is eligible to serve on the petition review subcommittee. The guidelines for the subcommittee are

- (1) the subcommittee shall be made up of 6 members: 3 students and 3 faculty; and
- (2) a simple majority vote is required for action.

**UWSP 17.04 Effect of discipline within the university system.**

Suspension or expulsion shall be system-wide in effect. A student who is suspended or expelled from one institution in the university of Wisconsin system may not enroll in another institution in the system unless the suspension has expired by its own terms or one year has elapsed after the student has been suspended or expelled.

**UWSP 17.05 Systemwide disciplinary authority.**

The investigating officer for the institution at which a student was enrolled at the time that acts in violation of this chapter were alleged to have been committed by the student shall have authority to institute disciplinary proceedings against such student, notwithstanding that the institution against which the acts were alleged to have been committed is not the same institution at which the student was enrolled at the time of the commission of such acts.

**UWSP 17.06 Offenses defined.**

The university may discipline a student in nonacademic matters in the following situations.

- (1) For intentional conduct which constitutes a serious danger to the personal safety of other members of the university community or guests. In order to illustrate the types of conduct which this paragraph is designed to cover, the following examples are set forth. These

examples are not meant to illustrate the only situations or types of conduct intended to be covered.

(a) A student would be in violation if the student attacked or otherwise physically abused, threatened to physically injure, or physically intimidated a member of the university community or a guest because of that person's race, sex, religion, color, creed, disability, sexual orientation, gender identity/expression, national origin, ancestry or age.

(b) A student would be in violation if the student attacked or threw rocks or other dangerous objects at law enforcement personnel whose services had been retained or called for to protect members of the university community or university property, or if the student incited others to do so when the student knew or reasonably should have known that such conduct would result.

(c) A student would be in violation if the student sold or delivered a controlled substance as defined by the Wisconsin Uniform Controlled Substance Act (161 Wis. Stats.) or if the student possessed a controlled substance with intent to sell or deliver. For the purposes of this section "delivery" shall be defined as a delivery prohibited by 161 Wis. Stats.

(d) A student would be in violation if the student removed, tampered with, or otherwise rendered useless university equipment or property intended for use in preserving or protecting the safety of members of the university community such as fire exit signs, extinguishers, alarms, or hoses, first aid equipment, or emergency telephones, or if the student obstructed or caused to be inoperable fire escape routes such as stairwells or elevators.

(e) A student would be in violation if the student engaged in sexual harassment. Sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature where

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
2. submission or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or demeaning employment or educational environment. This includes sexual advances or demeaning verbal behavior which has a harmful effect on a person's ability to study or work in the academic setting, or sexual advances or demeaning verbal behavior which has a harmful effect on a person's living environment.

**SPECIAL NOTE.** This provision is intended to cover a broad range of intentional conduct threatening personal safety, including the four degrees of criminal sexual contact or sexual intercourse with another person without that person's consent as defined in Section 940.225, Wis. Stats.

[**NOTE.** (2) was repealed but the remaining subsections were not renumbered.]



(3) For intentional conduct that seriously damages or destroys university property or attempts to seriously damage or destroy university property.

(4) For intentional conduct that obstructs or seriously impairs or attempts to obstruct or seriously impair university-run or university-authorized activities on any campus, including activities either outdoors or inside a classroom, office, lecture hall, library, laboratory, theater, union, residence hall, or other place where a university-run or university-authorized activity is carried on. The kind of intentional conduct referred to is conduct which by itself or in conjunction with the conduct of others prevents the effective carrying on of the activity--a result which the student knew or reasonably should have known would occur. In order to illustrate types of conduct which this paragraph is designed to cover, the following examples are set out. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

(a) A student would be in violation if the student participated in conduct which the student knew or should have known would prevent or block physical entry to, or exit from, a university building, corridor, or room to anyone apparently entitled to enter or leave in connection with a university-run or university-authorized activity.

(b) A student would be in violation if, in attending a speech or program on campus sponsored by or with permission of the university, the student engaged in shouted interruptions, whistling, derisive laughter, or other means which by itself or in conjunction with the conduct of others prevented or seriously interfered with a fair hearing of the speech or program, under circumstances where the student knew or reasonably should have known this would occur.

(c) A student would be in violation if in a classroom the student used techniques similar to those specified in the preceding paragraph, or filibuster-type tactics or other tactics, which by themselves or in conjunction with the conduct of others, prevented or seriously interfered with the carrying on of the teaching and learning process, under circumstances where the student knew or reasonably should have known this would occur.

(d) A student would be in violation if the student intentionally obstructed a university official or employee engaged in the lawful performance of the individual's duties.

(e) A student would be in violation if the student removed pages from library books or parts of other materials or caused books or materials to be unavailable for use by others by removing them from their proper place without proper authorization or by hiding them in the library so that they are not available in the usual manner to persons wishing to use them.

(f) For misuse of computers, information systems, computer software, computer data, or computer equipment or supplies which belong to the university or another member of the university community. Such conduct would include, but is not limited to, the unauthorized destruction of, modification of, possession of, or access to any of the above. In order to illustrate types of conduct which this paragraph is designed to cover, the following examples are set out. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

1. A student would be in violation if the student copied software without authorization.
2. A student would be in violation if the student engaged in conduct which resulted in the restriction or denial of access of others to university computing resources.
3. A student would be in violation if the student destroyed or modified computer software or data without authorization.
4. A student would be in violation if the student disclosed restricted access codes or information to unauthorized person(s).
5. A student would be in violation if the student accessed or attempted to access restricted information without authorization.

(5) For unauthorized possession of university property or property of another member of the university community.

(6) For acts which violate the provisions concerning parking, traffic, I.D. cards, university keys, drugs, smoking in unauthorized places, carrying firearms, unauthorized peddling, unauthorized use of sound amplifying equipment, and other subjects covered by the published university of Wisconsin system administrative code (chapter UWS 18).

(7) For making a knowingly false statement, either orally or in writing, to any university employee or agent on a university-related matter.

#### **UWSP 17.07 Disciplinary procedure.**

(1) Investigating officer. The vice chancellor for student affairs, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, shall designate a person as "investigating officer" who shall investigate cases of student conduct alleged to be in violation of UWSP 17.06 or of the UWSP Contract for Housing and Food Service. The director of student conduct shall be the investigating officer for UWSP. Where it appears that a violation has occurred, the investigating officer shall proceed in accordance with the provisions of this chapter.

(2) Formal adjudication. If the maximum sanction sought by the investigating officer includes suspension or expulsion, the procedures in UWSP 17.09 shall apply and the investigating officer shall cause a statement of charges to be prepared and served upon the student involved. The statement of charges shall contain:

- (a) A concise summary--giving dates, time, place, and events--of the facts or conduct on which the charge is based.
- (b) A citation to and quotation from the rule(s) alleged to have been violated.
- (c) A statement of the maximum penalty sought by the investigating officer.
- (d) An explanation of the consequences of failure to answer the statement of charges.

(e) Statements as to whether the university will or will not be represented by counsel and that the student may be represented by a person of the student's choice, including legal counsel, at the student's own expense.

(f) A copy of this chapter.

(3) Informal adjudication.

(a) The vice chancellor for student affairs shall, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, establish institution regulations for an informal system of adjudication for cases in which the maximum penalty sought by the investigating officer does not include suspension or expulsion except that if adjudication in this manner would result in disqualifying the student for financial aids, the procedures in ~~§~~ UWSP 17.09 shall apply. The informal system shall include the following and such other provisions as are not inconsistent with this chapter:

1. Representation of the student by a person of the student's choice, including legal counsel, at the student's own expense.
2. Written notice to the student of the offense with which the student is charged, the facts or conduct on which that charge is based, and the penalties which may possibly be imposed.
3. Advance written notice of and an opportunity for a hearing at which the evidence against the student shall be reviewed and at which the student shall have an opportunity to present evidence and argument, including a written statement, to refute the charge.
4. A written decision which shall include findings of fact and conclusions. The procedures shall also provide for an appeal of the disciplinary decision within the institution. The student who chooses to appeal must appeal an informal adjudication decision in writing within ten (10) days from the date of service of the written decision, and shall state in the appeal exactly what is being appealed, whether the findings, decision, or sanctions, or all three.

In cases heard by an investigating officer designee, the appeal shall be to the director of student conduct. In cases heard by the director of student conduct, the appeal shall be to the vice chancellor for student affairs. An appellate decision by the vice chancellor may be appealed to the chancellor, who may review the decision at his/her discretion.

(b) If, during informal adjudication, the investigating officer concludes that suspension or expulsion should be sought rather than a lesser sanction, the investigating officer may cause a statement of charges to be served upon the student in accordance with (2), in which event the procedures in UWSP 17.09 shall apply.

(4) Settlement. Nothing contained in this chapter shall prevent the student, during an investigation of alleged misconduct, during informal adjudication, or after a statement of charges has been served but prior to a hearing provided in accordance with UWSP 17.09, from submitting a written resignation from the university.

(a) In the event of such resignation, the investigating officer shall impose such sanction as the investigating officer deems appropriate consistent with the statement of charges; provided, however, the student may, within 10 calendar days after receiving notice of the imposition of such sanction, request a hearing as provided by UWSP 17.07.

(b) Nothing contained in this chapter shall limit the right of the university and the student during an investigation of alleged misconduct, during informal adjudication, or after a statement of charges has been served, to agree to a disciplinary sanction if the student agrees not to contest the charges (pleads "no contest"). Any such agreement shall be reduced to writing which, when signed by the student, shall conclude the case.

(5) Rights and privileges. Whenever charges or appeals under this chapter are pending, a student under charges, unless temporarily suspended pursuant to UWSP 17.12, shall continue to have the same rights and privileges accorded other students. However, grades or diplomas may be withheld pending final determination of the charges; a current transcript shall be issued at the request of the student, but it may contain the notation "Disciplinary Charges Pending" on the face thereof.

(6) Service of notice or decisions. Each student shall be responsible for maintaining on file with the office specified by each institution current school and permanent home addresses. At UWSP, the specified office is the Office of Records and Registration. Notification of these addresses shall be in writing.

(a) For service of a statement of charges under (2) and of actions taken pursuant to UWSP 17.09, copies shall be served in person or by certified, return-receipt-requested mail to both the student's institution and permanent home address. Where service is by mail, the date of service shall be the second day after the day of mailing.

(b) For informal adjudications pursuant to (3), correspondence and notices may be served in person or by mail to the student's institution address. Where service is by mail, the date of service shall be the second day after the day of mailing.

#### **UWSP 17.08 Student conduct hearing tribunal: campus option.**

(1) The vice chancellor for student affairs shall, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, adopt regulations providing for the establishment of a student conduct hearing tribunal which may be constituted in one of 2 manners as chosen by the student charged:

(a) A hearing examiner appointed by the vicechancellor for student affairs upon the filing of charges under UWSP 17.07 (2) asking suspension or expulsion. The hearing examiner shall be appointed from among qualified personnel of the various state agencies or other qualified residents of the state with experience in conducting hearings. If an examiner is an employee of a state agency other than the university, the examiner's appointment must be approved by the head of the agency by which the examiner is regularly employed and the university shall reimburse such agency for the salary of the examiner and shall pay expenses incidental to the examiner's duties for the university. The examiner remains the employee of the agency by which the examiner is regularly employed. The appointment of

the hearing examiner from other state agencies shall be in compliance with 16.24 and 20.901, Stats. (1971). If the examiner is not an employee of a state agency other than the university, appropriate arrangements for compensation and reimbursement for expenses shall be made by the vice chancellor for student affairs; or

(b) A student conduct hearing committee with a membership of at least 3 persons, some of whom shall be students, and whose presiding officer shall be appointed by the vice chancellor for student affairs. At any hearing held pursuant to due notice the presiding officer shall constitute a quorum.

(2) Institutional regulations adopted under this section shall provide that, upon the filing of charges under UWSP 17.07 (2) asking for suspension or expulsion, the student shall be offered the choice of having the student's case heard by a tribunal described by either (1)(a) or (b) above. The student shall be informed in writing of the student's right to choose the type of tribunal at the time charges are filed. At the time a request for a hearing is made under UWSP 17.09 (1), the student shall also notify the vice chancellor for student affairs of the student's choice; in the event timely notice is not received from the student, the vice chancellor for student affairs shall decide which choice shall be used for adjudication of the case.

The student conduct hearing committee for UWSP shall be composed of seven members. Three members shall be chosen from among the student body and appointed by the student government. Three members shall be chosen from among the faculty and academic staff and appointed by the executive committee of the Faculty Senate. One member, who shall serve as chairperson, shall be appointed by the vice chancellor for student affairs.

(a) Seven alternate members shall be chosen in the same manner as the seven regular members as stated above. Two alternate members, on a rotating basis established by the chairperson of the committee, shall attend all hearings. Alternate members shall normally attend all regular committee meetings, but may be excused at the discretion of the chairperson.

(b) Reports of incidents of inappropriate conduct may be made by students, faculty, academic staff, classified personnel, or member of the community by filing a statement in the office of student conduct. Except for allegations of misconduct dealt with by residence hall directors acting as investigating officers designee, such statements shall be submitted to the director of student conduct within five days after the alleged incident becomes known to the person filing the statement.

(c) Within ten days after a completed allegation of misconduct has been submitted to the director of student conduct, a notification letter which includes the following must be sent to the student(s) involved:

1. A statement of the exact charges, including the maximum penalty sought by the investigating officer.
2. A concise summary of the facts or conduct on which the charges are based.
3. A citation to and quotation from the rule(s) alleged to have been violated.

4. The hearing options available to the student including the consequences of failing to respond to the charges according to the requirements cited in UWSP 17.09 (1) and 17.09 (2).

5. A copy of this chapter.

(d) Whatever hearing option the student selects, the student shall be informed of the time and place of the hearing at least two working days prior to the hearing and the name, address, and phone number of the hearing officer or committee.

**UWSP 17.09 Discipline involving suspension or expulsion.**

(1) A student charged in accordance with UWSP 17.07 (2) has 10 calendar days from the day of service to request a hearing in accordance with this section. The request for a hearing shall be in writing directed to the vice chancellor for student affairs and shall also include an answer to the statement of charges which shall specifically admit, deny, or explain each of the facts alleged in the statement of charges unless the student is without knowledge in which case the student shall so state, such statement being a denial. If an answer is filed which does not specifically admit, deny, or explain every allegation in the statement of charges, those allegations which are not admitted, denied, or explained shall be deemed denied. An answer which denies some or all of the allegations but which does not request a hearing shall be construed as a request for a hearing.

(2) If the student does not file an answer to the statement of charges in accordance with (1), the allegations in the statement of charges shall be accepted as true and the university may proceed to expel, suspend, or impose other punishment on the student unless good cause to the contrary is shown. The sanction imposed may not exceed that specified in the statement of charges. Notice of such action shall be served on the student and become effective upon service in accordance with UWSP 17.07 (6).

(3) When a request for a hearing is made, the case shall be referred by the vice chancellor for student affairs to the student conduct hearing tribunal established in accordance with UWSP 17.08. Notice of referral to a hearing tribunal shall be sent to the student. The student shall also be notified of the name and address of the person who will present the university's case to the tribunal.

(4)(a) Hearing procedures. In this section, "presiding officer" shall mean the hearing examiner appointed in UWSP 17.08 (1)(a), or the presiding officer of the student conduct hearing committee, established in UWSP 17.08(1)(b). "Tribunal" shall mean the hearing examiner appointed in UWSP 17.08 (1)(a) or the student conduct hearing committee established in UWSP 17.08 (1)(b).

(b) Duties of the presiding officer.

1. Take custody of the case file and papers.
2. Schedule hearings in accordance with these rules.
3. Issue subpoenas and administer oaths.

4. Rule upon offers of proof and receive relevant evidence.
5. Regulate the course of the hearing, dispose of motions, procedural matters or requests, and, if appropriate or necessary, order the removal of persons who unreasonably obstruct or impair the tribunal's proceedings in its presence, and/or if such persons are students, order the investigating officer to commence disciplinary proceedings.
6. Schedule filing of briefs and proposed findings by the student and the university.
7. Produce a summary of the evidence.
8. Take any other actions necessary to conduct the hearing.

(c) Duties and powers of the tribunal. Individual members of the tribunal:

1. May challenge any ruling by the presiding officer and may, by majority vote, overrule such ruling but such matters unless otherwise convenient should be decided in closed session.
2. Shall, by majority vote, render written findings of fact, decision, and disciplinary sanction which does not exceed that specified by the statement of charge.
3. May examine witnesses.

(d) Evidence. Evidence having reasonable probative value shall be admitted, but irrelevant, immaterial and unduly repetitious evidence shall be excluded. The presiding officer and the tribunal are not bound by common law or statutory rules of evidence.

(e) Burden of proof. The burden of proof shall be on the university to establish by a preponderance of the credible evidence that conduct in violation of university rules occurred.

(f) Record of the hearings. A record of the testimony and a file of the exhibits shall be made of all hearings conducted in accordance with this section. Either party may, at its own expense, have the record transcribed.

(g) Procedural rights of the students. The students shall have the right to confront and cross-examine witnesses against him/her, the right to present evidence and to be heard on the student's own behalf, the right to be represented by counsel at the student's expense, and the right to a transcript of the proceedings at the student's expense.

(h) Public hearings. Hearings to receive evidence or hear argument shall be public unless the student whose case is being heard requests a closed hearing or the tribunal determines in extraordinary circumstances that it is necessary to hold a closed hearing, pursuant to 66.77 (3) (e), Stats., to avoid unduly damaging the reputation of innocent persons. A record shall be made of the reasons for closing any hearing. The deliberations of the tribunal shall not be public.

(i) Schedule of hearings. The presiding officer shall schedule the hearing as expeditiously as possible. The hearing shall be held on the date scheduled, except for good cause shown.

(j) Failure to proceed. Failure of a party to proceed shall constitute default. The tribunal may either dismiss the charges, or, upon a prima facie showing, find that the student committed the conduct alleged.

(k) Decision.

1. The tribunal's decision shall be rendered in writing within 10 calendar days after the close of the hearing, or within 10 calendar days after a written transcript is available if one of the parties requests a transcript pursuant to par. (g), and shall consist of a summary of the evidence, findings of fact, decision, and specification of the disciplinary sanction which does not exceed that specified in the statement of charges.

2. The tribunal's decision shall be served on the student in accordance with UWSP 17.07 (6) and on the chancellor's office.

3. The tribunal's decision shall become final 10 calendar days after service on the student unless a timely appeal is filed pursuant to UWSP 17.10 or 17.11.

4. In addition to the requirements specified in UWSP 17.09 (4)(k) 1, 2, and 3, the written decision of the tribunal shall include information regarding the right to appeal the decision and the procedures for doing so.

(l) Records. All hearing records, including decisions, shall be maintained by the director of student conduct and shall be released only in accordance with established university regulations and existing laws. Such records shall be destroyed as allowed by the regulations of the Public Record Board, upon the authorization of the director of student conduct and approval of the vice chancellor for student affairs.

#### **UWSP 17.10 Appeal to the board of regents.**

(1) The student or administration may appeal on the record to the committee on student discipline of the board of regents. Said appeal must be filed within 10 calendar days of service upon the party of the decision appealed from and shall consist of written exceptions to the decision's findings of fact, decision, or disciplinary sanction.

(2) Upon receipt of the appeal and written exceptions, the secretary of the board shall transmit the written exceptions to the chairman of the committee and shall cause the person with custody of the decision(s), file, exhibits, and transcript or recording of the hearing(s) to transmit them to the chairman of the committee.

(3) If exceptions are filed under (1), the committee shall afford the parties an opportunity to file briefs and present oral argument.

(4) The committee shall render written findings of fact, decision, and disciplinary sanction which does not exceed that specified by the statement of charges.



(5) The committee's decision shall become final upon service upon the student in accordance with UWSP 17.07 (6).

(6) The board of regents reserves jurisdiction to review, upon its own motion, any disciplinary action against a student.

**UWSP 17.11 Intermediate appeals; campus option.**

(1) The vice chancellor for student affairs is authorized, but not required by this section, after consultation with the elected committee which serves as the faculty's executive arm and with the elected officers of the principal student organization, to establish appellate tribunals and procedures which are not inconsistent with this chapter for adjudication of appeals from decisions rendered in accordance with UWSP 17.09. Such tribunals may include review by an all-student, student-faculty, or all faculty committee, and/or review by the chancellor.

(2) An appeal to an appellate tribunal must be filed within 10 calendar days of service upon the party of the decision appealed from and shall consist of written exceptions to the findings of fact, decision, or disciplinary sanction.

(3) The parties shall have an opportunity to file briefs and present oral argument. Appeals shall be heard as soon as practicable but no later than 7 calendar days after the written exceptions are filed in accordance with (2).

(4) A record shall be made of appellate tribunal proceedings.

(5) Appellate decisions shall be rendered within 5 calendar days of the hearing and shall consist of a summary of the evidence, written findings of fact, decision, and disciplinary sanction which shall in no event be more severe than the sanction imposed by the student conduct hearing tribunal.

(6) Appellate decisions shall become final 10 calendar days after service upon the student in accordance with UWSP 17.07 (6) unless a timely appeal is filed either under this section, if further appeal is available, or under UWSP 17.10.

(7) The student shall have the right at any time to appeal to the regents in accordance with UWSP 17.10. Intermediate appellate proceedings shall be terminated immediately upon the appellate tribunal's receipt of notice from the student that an appeal to the regents has been filed.

(8) UWSP Appeal Procedure.

(a) The student who chooses to appeal must appeal the tribunal's disciplinary decision within 10 days of service of the decision upon the student.

(b) Any appeal from a decision rendered by a tribunal in accordance with the provisions of UWSP 17.09 shall meet the requirements of UWSP 17.11 (2) through (8).

(c) Any appeal from a decision rendered by a tribunal in accordance with the provisions of UWSP 17.09 shall be made to the vice chancellor for student affairs, unless the student elects to appeal directly to the board of regents pursuant to UWSP 17.10.

(d) An appellate decision of the vice chancellor for affairs may be appealed to the chancellor, who shall honor the request for an appeal and whose decision shall be final unless, pursuant to UWSP 17.10, the student elects to appeal to the board of regents or the board of regents elects to review the disciplinary action.

#### **UWSP 17.12 Temporary suspension.**

(1) A student may be temporarily suspended by the vice chancellor for student affairs (or in the absence from campus of the vice chancellor for student affairs, the vice chancellor for business affairs, hereafter referred to as “appropriate designee”) pending final action on the charges against the student if the student’s continued presence on campus would constitute a potential for serious harm to himself/herself or to the safety of other members of the university community or of university property. Except as otherwise provided in (3), the student shall be afforded an opportunity for a preliminary hearing prior to imposition of the temporary suspension. In order to illustrate the types of conduct which warrant temporary suspension, the following examples are set forth. These examples are not meant to illustrate the only situations or types of conduct intended to be covered.

(a) A student who was arrested and charged with possession of controlled substances with intent to deliver was discovered to have large quantities of LSD, heroin, methamphetamines, or barbiturates in the student’s university dormitory room.

(b) A student who was arrested for throwing a fire bomb into a university classroom building.

(c) A student who assaulted another student in the student union was arrested for engaging in conduct regardless of human life.

(d) A student whose behavior was judged by a psychiatrist to be psychotic, posing a threat to safety of himself/herself or others.

(2) Before a temporary suspension may be imposed, the vice chancellor for student affairs (or appropriate designee) shall make an initial evaluation of the reliability of the information received and make such further investigation as circumstances permit. If the vice chancellor for student affairs (or the appropriate designee) concludes that the conduct alleged warrants temporary suspension of the student, the vice chancellor for student affairs (or the appropriate designee) shall notify the student of an intention to temporarily suspend the student and, at the earliest practicable opportunity, provide the student with an opportunity to be heard.

(3) The vice chancellor for student affairs (or the appropriate designee) shall maintain records of all attempts to notify the student in accordance with (2), and, if all reasonable efforts to notify the student are unsuccessful, the vice chancellor for student affairs (or the appropriate designee) may impose the temporary suspension without a preliminary hearing, provided, however, attempts to notify the student continue, and the student is afforded a preliminary hearing at the earliest practicable opportunity.

(4)(a) The preliminary hearing shall be held as soon as practicable.

(b) At the hearing, the student shall be given a statement of charges as required by UWSP 17.07 (2)(a) and (b) and a summary of the reason(s) for concluding that the alleged conduct warrants temporary suspension.

(c) The issues shall be limited to consideration of the reliability of the evidence against the student and whether the alleged conduct warrants temporary suspension.

(d) The vice chancellor for student affairs' decision (or the decision of the appropriate designee) may be rendered orally but shall be confirmed in writing, as soon as practicable. The decision must be supported by credible evidence which is sufficient to indicate that there is probable cause to believe that the student engaged in the alleged conduct and that such conduct warrants temporary suspension.

(5) The hearing on the charges as required by UWSP 17.09 shall be commenced not later than 15 calendar days after the imposition of the temporary suspension unless the student requests a delay of the hearing and continuation of the temporary suspension until a later date.

**NOTE.** Section UWS 17.13, procedures for academic misconduct, was repealed but the subsequent section was not renumbered.

**UWSP 17.14 Notice to students.**

Each institution shall publish and make freely available to students, a copy of the foregoing UW system disciplinary code together with an appendix reprinting the UW system administrative code, any amendments to these two codes that are made after the board of regents adoption of a disciplinary code, and any provisions that have been adopted by the particular campus pursuant to the campus options allowed by this disciplinary code, and any other supplementary provisions not inconsistent with this code. Copies of this chapter, as amended, and copies of the university of Wisconsin system administrative code, rules of the board of regents of the university of Wisconsin system, are available to UWSP students on the campus computer network, the office of student conduct, each residence hall desk, and the office of each academic dean.



## **APPROVAL OF CHANGES TO CHAPTER 4D**

- With the exception of the Open Meetings Law, which is statutory, and the comments and interpretations of that law, changes to Chapter 4D, Section 15, require the approval of Faculty Senate and the Chancellor.
- Chapter 4D, Section 16, may only be amended by the Board of Regents.
- Changes to Chapter 4D, Section 17, require the approval of Faculty Senate, the Chancellor, and the Board of Regents.