

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 95-095

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### 2. Form, Style and Placement in Administrative Code

a. In s. UWS 17.02 (1), the phrase “the chancellor’s” should be inserted before the word “designee.” [See, for example, s. UWS 17.02 (11).]

b. Section UWS 17.03 (1) should be rewritten to read: “For conduct which constitutes a serious danger to the personal safety of a member or guest of the university community, including any of the following:”. Each of the examples of prohibited conduct then should be placed in a separate paragraph concluded by a period. The same comment also applies to s. UWS 17.03 (4).

c. In s. UWS 17.03 (1) (a), the notation “Wis. Stats.” should be replaced by the notation “Stats.” [See, also, s. UWS 17.06 (4) (j).]

d. Section UWS 17.03 (6) should read: “For acts which violate the provisions of ch. UWS 18.”

e. In s. UWS 17.04 (1) (intro.), the word “through” should be replaced by the word “to.” [See, also, ss. UWS 17.05 (3) (c) 1., 17.06 (4) (f), 17.08 and 17.10.]

f. The first sentence of s. UWS 17.05 does not grammatically lead into the following subunits of the rule section. Consequently, the first sentence should be renumbered as sub. (1) and a title to the subsection should be included in order to be consistent with the remaining subsections. Further, the remaining subsections should be numbered accordingly and cross-refer-

rences throughout the rule should be amended accordingly. [See, also, ss. UWS 17.05 (3) (c), 17.11, 17.14 and 17.17.]

g. In s. UWS 17.06 (4) (h), since the term “committee” is a defined term, the phrase “hearing committee” should be replaced by the word “committee.” [The entire rule should be reviewed for this problem.]

h. In s. UWS 17.17 (2), (5) and (7), the word “must” should be replaced by the word “shall.” [See, also, s. UWS 17.06 (4) (e).] Also, in subs. (2) and (6), the notation “par.” should be replaced by the notation “sub.”

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. UWS 17.02 (14) (intro.) and (b), “a person” may be clearer as “the same person.”

b. In s. UWS 17.02 (14), pars. (c) and (e) appear to have the same meaning. If so, one should be deleted.

c. In s. UWS 17.02 (15), the comma following the word “student” should be deleted.

d. In s. UWS 17.03 (3), it appears that the word “seriously” should be inserted before the word “damage” and that the phrase “or guest” should be deleted from the end of this sentence and inserted after the word “member.” [See, also, s. 17.03 (4) (a).]

e. In s. UWS 17.03 (7), “on a university-related matter” may be clearer as “regarding a university matter.”

f. In s. UWS 17.04 (1) (e), the phrase “the course in progress” is awkward. Perhaps, “Permanent removal of the student from a course in which the student is enrolled” would be clearer.

g. In s. UWS 17.05 (2), “without necessity for further action” can be deleted since it is repetitive of “the matter will be considered resolved.”

h. In s. UWS 17.05 (3), the word “discussion” is not accurate because the investigating officer may make a determination based on a review of the available information if the student does not respond to the offer to discuss the matter. The word “discussion” should be replaced by the word “determination.” Also in that subsection, “so informing the student” can be deleted since the subsection has a clear description of what the report must include and sub. (4) (b) states that the report must be delivered to the student.

i. In s. UWS 17.05 (3) (b), the phrase “as maintained at the institution” is vague. The paragraph should specify whether the report should be delivered to the student’s current institutional address or permanent home address. This comment also applies to ss. UWS 17.06 (4) (h) and 17.17 (2) and (5).

j. In s. UWS 17.06 (1), “take the necessary steps to” is superfluous and could be deleted. Also, should standards be included to determine when the committee may order or permit longer time limits for holding a hearing?

k. In s. UWS 17.06 (2), it appears that the phrase “or a hearing examiner” can be deleted, since the defined term “committee” includes an appointed hearing examiner.

l. In s. UWS 17.06 (4) (e), “In other cases” would be clearer as “For the imposition of other sanctions.”

m. In s. UWS 17.07 (2), the phrase “, in the alternative,” is unnecessary and may be deleted.

n. In s. UWS 17.08, the phrase “, at its discretion,” is unnecessary and may be deleted.

o. In s. UWS 17.14, in the first sentence, should the word “elected” be inserted before the word “faculty”? [See the last sentence of s. UWS 17.12. To what body are these individuals elected?]

p. Section UWS 17.17 (2) may be clearer if “available” were inserted before “information” and “, based on the available information,” were deleted.

q. Section UWS 17.17 (3) should clarify that the chancellor conducts the hearing on a temporary suspension.

r. In s. UWS 17.17 (7), “, however,” may be deleted.