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D. L. Poulson

UWS 17

CERTIFICATE

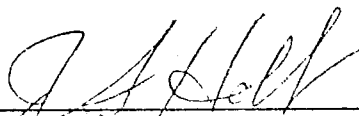
STATE OF WISCONSIN)
BOARD OF REGENTS OF) SS
THE UNIVERSITY OF)
WISCONSIN SYSTEM)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, J. S. Holt, Secretary of the Board of Regents of the University of Wisconsin System and custodian of the official records of said board, do hereby certify that the annexed order, rules and regulations, repealing UW 2, Wisconsin Administrative Code, and adopting Chapter UWS 17, Wisconsin Administrative Code, relating to student disciplinary procedures, were duly approved and adopted by this board on January 9, 1976.

I further certify that said copy has been compared by me with the original on file in this board office and that the same is a true copy thereof, and of the whole original.

IN TESTIMONY WHEREOF, I have
hereunto set my hand and the official
seal of the board in the City of
Madison this 15th day of January,
1976.



J. S. Holt, Secretary


ORDER OF THE BOARD OF REGENTS OF THE UNIVERSITY
OF WISCONSIN SYSTEM REPEALING AND ADOPTING RULES

Pursuant to authority vested in the Board of Regents of the University of Wisconsin System by Section 36.35(1), Wis. Stats., the Board of Regents of the University of Wisconsin System hereby repeals Chapter UW 2, Wisconsin Administrative Code, and adopts the attached rules, relating to Student Disciplinary Procedures, as Chapter UWS 17, Wisconsin Administrative Code.

Dated: January 9, 1976

BOARD OF REGENTS OF THE
UNIVERSITY OF WISCONSIN SYSTEM

By



J. S. Holt, Secretary

1 UNIVERSITY OF WISCONSIN SYSTEM STUDENT DISCIPLINARY PROCEDURES

2 CHAPTER UWS 17.

3 17.01 POLICY STATEMENT. The Board of Regents of the University of Wisconsin
4 System adopts the following policy on the standards and procedures for student
5 discipline in the University System, acknowledging both the need to preserve the
6 orderly processes of the University with regard to its teaching, research, and
7 public service missions, as well as the need to observe the student's procedural
8 and substantive rights.

9 17.02 DEFINITIONS. (1) "Chancellor" where used in the chapter shall mean
10 the chancellor or his/her designee.

11 (2) "Investigating officer" means investigating officer or his/her designee.

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

19 (4) "Disciplinary sanction" or "sanction" shall mean any action affecting the
20 status of an individual as a student which is taken by the University in response
21 to student misconduct. The term shall include probation, resignation or leave for
22 misconduct, cut-off or revocation of student financial aids, suspension or expulsion,
23 removal from the course with no grade assigned in cases of academic misconduct,
24 written reprimand, denial of particular University privileges, and other less severe
25 actions not enumerated herein. Disciplinary sanctions do not include academic
26 responses as defined in sec. 17.02(8). Each institution is authorized to adopt
27 a more explicit listing of sanctions which is consistent with the provisions of this
28 section.

1 (5) "Probation" means that the student is permitted to remain enrolled in
2 the University only upon condition that he/she comply with all University rules or
3 regulations or with other standards of conduct which the student is directed to
4 observe for the duration of the period of the probation and which may include loss
5 of student privileges except those of attending classes and writing examinations.
6 Probation may not exceed two semesters in duration for any given misconduct, except
7 that violation of probationary conditions shall be cause for extension of the
8 probation for more than two additional semesters or for suspension or expulsion.

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

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

15 (8) "Academic response" means a formal action which may be taken by an instructor
16 under sec. 17.13(2) (c) in response to "academic misconduct" as defined by sec.
17 17.06(2). It is to be distinguished from "sanction" or "disciplinary sanction"
18 as defined in Sec. 17.02(4). It is limited to (1) reduction of grade for the
19 assignment in question to a lower passing grade (if it is clear that the academic
20 misconduct affected only a portion of the assignment or examination and the remainder
21 constituted passing work) or to a failure, and (2) required performance of additional
22 work -- for example to resolve uncertainties over the effect of the academic
23 misconduct on the assignment or examination.

24 (9) "Instructor" for the purposes of this chapter means the faculty member
25 who has responsibility for the overall conduct of a course and ultimate responsi-
26 bility for the assignment of the grade for the course.

27 (10) "Institution" for the purposes of this chapter means any university, or an
28 organizational equivalent designated by the board.

1 17.03 RIGHT TO PETITION FOR READMISSION. A student who has been expelled or
2 suspended may petition for readmission. The petition must be in writing and directed
3 to the chancellor of the institution which initiated the charges for which the student
4 was suspended or expelled. Such petition may not be filed before the expiration of
5 one year from the date of the final determination in expulsion cases, or before the
6 expiration of one-half of the suspension period in suspension cases. The chancellor
7 shall, after consultation with the elected committee which serves as the faculty's
8 executive arm and with the elected officers of the principal student organization,
9 adopt procedures for determining whether such petitions will be granted or denied.

10 17.04 EFFECT OF DISCIPLINE WITHIN THE UNIVERSITY SYSTEM. Suspension or
11 expulsion shall be systemwide in effect. A student who is suspended or expelled
12 from one institution in the University of Wisconsin System may not enroll in another
13 institution in the System unless the suspension has expired by its own terms or one
14 year has elapsed after the student has been suspended or expelled.

15 17.05 SYSTEMWIDE DISCIPLINARY AUTHORITY. The investigating officer for
16 the institution at which a student was enrolled at the time that acts
17 in violation of this chapter were alleged to have been committed by the student
18 shall have authority to institute disciplinary proceedings against such student,
19 notwithstanding that the institution against which the acts were alleged to have
20 been committed is not the same institution at which the student was enrolled at
21 the time of the commission of such acts.

22 17.06 OFFENSES DEFINED. (1) The University may discipline a student in
23 nonacademic matters in the following situations. For the purposes of this section,
24 the term "intentional conduct" shall include conduct which the student knew or
25 reasonably should have known would result in occurrences prohibited by this section.

26 (a) For intentional conduct that seriously damages or destroys University
27 property or attempts to seriously damage or destroy University property.

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

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

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

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

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

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

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

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

22 4. A student would be in violation if he/she intentionally obstructed a
23 University official or employee engaged in the lawful performance of his/her duties.

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

1 (d) For unauthorized possession of University property or property of
2 another member of the University community.

3 (e) For acts which violate the provisions concerning parking, traffic,
4 I.D. Cards, University keys, drugs, smoking in unauthorized places, carrying
5 firearms, unauthorized peddling, unauthorized use of sound-amplifying equipment,
6 and other subjects covered by the published University of Wisconsin System
7 Administrative Code (chap.UWS 18, Wis. Admin. Code).

8 (f) For making a knowingly false statement, either orally or in writing,
9 to any university employee or agent on a university-related matter.

10 (2) The University may discipline a student for academic dishonesty.
11 Academic dishonesty includes the following examples as well as other closely
12 similar conduct aimed at making false representation with respect to a student's
13 academic performance.

14 (a) Cheating on an examination;

15 (b) Collaborating with others in work to be presented, contrary to the
16 stated rules of the course;

17 (c) Plagiarizing, including the submission of others' ideas or papers
18 (whether purchased, borrowed or otherwise obtained) as one's own;

19 (d) Stealing examination or course materials;

20 (e) Falsifying records, or laboratory or other data;

21 (f) Submitting, if contrary to the rules of a course, work previously
22 presented in another course;

23 (g) Knowingly and intentionally assisting another student in any of the
24 above--including assistance in an arrangement whereby any work, classroom
25 performance, examination or other activity is submitted or performed by a
26 person other than the student under whose name the work is submitted or performed.

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1 17.07 (1) DISCIPLINARY PROCEDURE. (1) The chancellor of each institution,
2 after consultation with the elected committee which serves as the faculty's
3 executive arm and with the elected officers of the principal student organization,
4 shall designate a person as "investigating officer" who shall investigate cases
5 of student conduct alleged to be in violation of secs. 17.06(1) and 17.06(2) of
6 this chapter. Where it appears that a violation has occurred, the investigating
7 officer shall proceed in accordance with the provisions of this chapter.

8 (2) Formal adjudication. If the maximum sanction sought by the
9 investigating officer includes suspension or expulsion, the procedures in
10 sec. 17.09 of this chapter shall apply and the investigating officer shall cause
11 a statement of charges to be prepared and served upon the student involved. The
12 statement of charges shall contain:

13 (a) A concise summary--giving dates, time, place, and events--of the facts
14 or conduct on which the charge is based.

15 (b) A citation to and quotation from the rule(s) alleged to have been
16 violated.

17 (c) A statement of the maximum penalty sought by the investigating officer.

18 (d) An explanation of the consequences of failure to answer the statement
19 of charges.

20 (e) Statements as to whether the university will or will not be represented
21 by counsel and that the student may be represented by a person of his/her
22 choice, including legal counsel, at his/her own expense.

23 (f) A copy of this chapter.

24 (3) Informal adjudication: (a) The chancellor shall, after consultation
25 with the elected committee which serves as the faculty's executive arm and with
26 the elected officers of the principal student organization, establish institution
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1 regulations for an informal system of adjudication for cases in which the maximum
2 penalty sought by the investigating officer does not include suspension or expulsion
3 except that if adjudication in this manner would result in disqualifying the student
4 for financial aids, the procedures in sec. 17.09 shall apply. The informal system
5 shall include the following and such other provisions as are not inconsistent
6 with this chapter: (i) representation of the student by a person of his choice,
7 including legal counsel, at his/her own expense, (ii) written notice to the
8 student of the offense with which he/she is charged, the facts or conduct on which
9 that charge is based, and the penalties which may possibly be imposed, (iii) advance
10 written notice of and an opportunity for a hearing at which the evidence against
11 the student shall be reviewed and at which the student shall have an opportunity to
12 present evidence and argument, including a written statement, to refute the charge,
13 and (iv) a written decision which shall include findings of fact and conclusions.
14 The procedures shall also provide for an appeal of the disciplinary decision within
15 the institution.

16 (b) If, during informal adjudication, the investigating officer concludes
17 that suspension or expulsion should be sought rather than a lesser sanction, the
18 investigating officer may cause a statement of charges to be served upon the
19 student in accordance with sec. 17.07(2), in which event the procedures in sec.
20 17.09 of this chapter shall apply.

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

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1 (a) In the event of such resignation, the investigating officer shall
2 impose such sanction as he deems appropriate consistent with the statement of
3 charges; provided, however, the student may, within ten (10) calendar days after
4 receiving notice of the imposition of such sanction, request a hearing as provided
5 by sec. 17.07 of this chapter.

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

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

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

22 (a) For service of a statement of charges under sec. 17.07(2) and of actions
23 taken pursuant to sec. 17.09, copies shall be served in person or by certified,
24 return-receipt-requested mail to both the student's institution and permanent
25 home address. Where service is by mail, the date of service shall be the second
26 day after the day of mailing.

27 (b) For informal adjudications pursuant to sec. 17.07(3), correspondence and
28 notices may be served in person or by mail to the student's institution address.

1 Where service is by mail, the date of service shall be the second day after
2 the day of mailing.

3 17.08(1) STUDENT CONDUCT HEARING TRIBUNAL: CAMPUS OPTION. The chancellor
4 shall, after consultation with the elected committee which serves as the faculty's
5 executive arm and with the elected officers of the principal student organization,
6 adopt regulations providing for the establishment of a Student Conduct Hearing
7 Tribunal which may be constituted in one of two manners as chosen by the student
8 charged:

9 (a) A hearing examiner appointed by the chancellor upon the filing of charges
10 under sec. 17.07(2) asking suspension or expulsion. The hearing examiner shall be
11 appointed from among qualified personnel of the various state agencies or other
12 qualified residents of the state with experience in conducting hearings. If an
13 examiner is an employee of a state agency other than the University, his/her appoint-
14 ment must be approved by the head of the agency by which he/she is regularly employed
15 and the University shall reimburse such agency for the salary of the examiner and
16 shall pay expenses incidental to his/her duties for the University. The examiner
17 remains the employee of the agency by which he/she is regularly employed. The
18 appointment of the hearing examiner from other state agencies shall be in compliance
19 with sec. 16.24 and 20.901, Wis. Stats. (1971). If the examiner is not an employee
20 of a state agency other than the University, appropriate arrangements for compensation
21 and reimbursement for expenses shall be made by the chancellor; or

22 (b) A Student Conduct Hearing Committee with a membership of at least three.
23 persons some of whom shall be students whose presiding officer shall be appointed
24 by the chancellor. At any hearing held pursuant to due notice the presiding officer
25 shall constitute a quorum.

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1 (2) Institutional regulations adopted under this section shall provide
2 that, upon the filing of charges under sec. 17.07(2) asking for suspension or
3 expulsion, the student shall be offered the choice of having his/her case heard
4 by a tribunal described by either 17.08(1) (a) or (b) above. The student shall
5 be informed in writing of his/her right to choose the type of tribunal at the time
6 charges are filed. At the time a request for a hearing is made under sec. 17.09(1),
7 the student shall also notify the chancellor of his/her choice; in the event timely
8 notice is not received from the student, the chancellor shall decide which choice
9 shall be used for adjudication of the case.

10 17.09 DISCIPLINE INVOLVING SUSPENSION OR EXPULSION. (1) A student charged
11 in accordance with section 17.07(2) has ten (10) calendar days from the day of
12 service to request a hearing in accordance with this section. The request for a
13 hearing shall be in writing directed to the chancellor and shall also include an
14 answer to the statement of charges which shall specifically admit, deny, or explain
15 each of the facts alleged in the statement of charges unless the student is without
16 knowledge in which case he/she shall so state, such statement being a denial. If
17 an answer is filed which does not specifically admit, deny, or explain every
18 allegation in the statement of charges, those allegations which are not admitted,
19 denied, or explained shall be deemed denied. An answer which denies some or all
20 of the allegations but which does not request a hearing shall be construed as a
21 request for a hearing.

22 (2) If the student does not file an answer to the statement of charges in
23 accordance with sec. 17.09(1), the allegations in the statement of charges shall
24 be accepted as true and the university may proceed to expel, suspend, or impose
25 other punishment on the student unless good cause to the contrary is shown. The
26 sanction imposed may not exceed that specified in the statement of charges. Notice
27 of such action shall be served on the student and become effective upon service
28 in accordance with section 17.07(6).

1 (3) When a request for a hearing is made, the case shall be referred by
2 the chancellor to the Student Conduct Hearing Tribunal established in accordance
3 with sec. 17.08 of this chapter. Notice of referral to a Hearing Tribunal shall be
4 sent to the student. The student shall also be notified of the name and address of
5 the person who will present the university's case to the Tribunal.

6 (4) Hearing procedures.

7 (a) In this section, "presiding officer" shall mean the hearing examiner appointed
8 in sec. 17.08(1)(a), or the presiding officer of the Student Conduct Hearing Committee,
9 established in sec. 17.08(1)(b). "Tribunal" shall mean the hearing examiner appointed
10 in sec. 17.08(1)(a) or the Student Conduct Hearing Committee established in sec.
11 17.08(1)(b).

12 (b) Duties of the presiding officer.

- 13 1. Take custody of the case file and papers.
- 14 2. Schedule hearings in accordance with these rules.
- 15 3. Issue subpoenas and administer oaths.
- 16 4. Rule upon offers of proof and receive relevant evidence.
- 17 5. Regulate the course of the hearing, dispose of motions, procedural
18 matters or requests, and, if appropriate or necessary, order the removal of persons
19 who unreasonably obstruct or impair the Tribunal's proceedings in its presence,
20 and/or if such persons are students, order the investigating officer to commence
21 disciplinary proceedings.
- 22 6. Schedule filing of briefs and proposed findings by the student and
23 the university.

24 7. Produce a summary of the evidence.

25 8. Take any other actions necessary to conduct the hearing.

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

- 27 1. May challenge any ruling by the presiding officer and may, by majority
28 vote, overrule such ruling but such matters unless otherwise convenient should be
29 decided in closed session.

1 2. Shall, by majority vote, render written findings of fact, decision,
2 and disciplinary sanction which does not exceed that specified by the statement
3 of charges.

4 3. May examine witnesses.

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

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

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

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

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

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

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

7 (k) Decision.

8 1. The Tribunal's decision shall be rendered in writing within
9 ten (10) calendar days after the close of the hearing, or within ten (10)
10 calendar days after a written transcript is available if one of the parties
11 requests a transcript pursuant to sec. 17.09(4)(g), and shall consist of a summary
12 of the evidence, findings of fact, decision, and specification of the disciplinary
13 sanction which does not exceed that specified in the statement of charges.

14 2. The Tribunal's decision shall be served on the student in
15 accordance with sec. 17.07(6) and on the chancellor's office.

16 3. The Tribunal's decision shall become final ten (10) calendar
17 days after service on the student unless a timely appeal is filed pursuant to
18 secs. 17.10 or 17.11 of this chapter.

19 17.10 APPEAL TO THE BOARD OF REGENTS. (1) The student or administration
20 may appeal on the record to the Committee on Student Discipline of the Board of
21 Regents. Said appeal must be filed within ten (10) calendar days of service upon
22 the party of the decision appealed from and shall consist of written exceptions
23 to the decision's findings of fact, decision, or disciplinary sanction.

24 (2) Upon receipt of the appeal and written exceptions, the Secretary
25 of the Board shall transmit the written exceptions to the chairman of the Committee
26 and shall cause the person with custody of the decision(s), file, exhibits, and
27 transcript or recording of the hearing(s) to transmit them to the chairman of
28 the Committee.

1 (3) If exceptions are filed under sec. 17.10(1), the Committee
2 shall afford the parties an opportunity to file briefs and present oral
3 argument.

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

7 (5) The Committee's decision shall become final upon service upon
8 the student in accordance with sec. 17.07(6).

9 (6) The Board of Regents reserves jurisdiction to review, upon its
10 own motion, any disciplinary action against a student.

11 17.11 INTERMEDIATE APPEALS; CAMPUS OPTION (1) The chancellor of each
12 institution is authorized, but not required by this section, after consultation
13 with the elected Committee which serves as the faculty's executive arm and with
14 the elected officers of the principal student organization, to establish appellate
15 tribunals and procedures which are not inconsistent with this chapter for
16 adjudication of appeals from decisions rendered in accordance with sec. 17.09.
17 Such tribunals may include review by (i) an all-student, student-faculty, or all
18 faculty committee, and/or (ii) review by the chancellor.

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

23 (3) The parties shall have an opportunity to file briefs and present
24 oral argument. Appeals shall be heard as soon as practicable but no later than
25 seven (7) calendar days after the written exceptions are filed in accordance with
26 sec. 17.11(2).

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

28 (5) Appellate decisions shall be rendered within five (5) calendar days

1 of the hearing and shall consist of a summary of the evidence, written findings of
2 fact, decision, and disciplinary sanction which shall in no event be more severe
3 than the sanction imposed by the Student Conduct Hearing Tribunal.

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

7 (7) The student shall have the right at any time to appeal to the Regents
8 in accordance with sec. 17.10. Intermediate appellate proceedings shall be term-
9 inated immediately upon the appellate tribunal's receipt of notice from the student
10 that an appeal to the Regents has been filed.

11 17.12 TEMPORARY SUSPENSION. (1) A student may be temporarily suspended by
12 the chancellor pending final action on the charges against him/her if his/her con-
13 tinued presence on campus would constitute a potential for serious harm to himself/
14 herself or to the safety of other members of the University community or of University
15 property.

16 Except as otherwise provided in sec. 17.12(3), the student shall be afforded an
17 opportunity for a preliminary hearing prior to imposition of the temporary suspension.

18 In order to illustrate the types of conduct which warrant temporary suspension,
19 the following examples are set forth. These examples are not meant to illustrate the
20 only situations or types of conduct intended to be covered.

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

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

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

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

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

7 (3) The chancellor shall maintain records of all attempts to notify the
8 student in accordance with sec. 17.12(2), and, if all reasonable efforts to notify the
9 student are unsuccessful, the chancellor may impose the temporary suspension without a
10 preliminary hearing, provided, however, attempts to notify the student continue, and the
11 student is afforded a preliminary hearing at the earliest practicable opportunity.

12 (4) Preliminary hearing.

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

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

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

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

23 (5) Accelerated hearing. The hearing on the charges as required by
24 sec. 17.09 of this chapter shall be commenced not later than fifteen (15) calendar
25 days after the imposition of the temporary suspension unless the student requests
26 a delay of the hearing and continuation of the temporary suspension until a later
27 date.

1 17.13 PROCEDURES FOR ACADEMIC MISCONDUCT. (1) The faculty and
2 chancellor, in consultation with the elected officers of the principal
3 student organization, shall by written regulation establish procedures for
4 adjudicating alleged violations of sec. 17.06(2). Such regulations shall provide
5 for an initial conference and a hearing before an Academic Misconduct Hearing
6 Tribunal whose procedures are not inconsistent with the provisions of this
7 section.

8 (2) Initial conference; student enrolled in course.

9 (a) When the instructor for a course believes that a student enrolled
10 in that course has committed acts in violation of sec. 17.06(2), the instructor
11 shall promptly schedule an initial conference with the student in accordance with
12 this section. The purpose of the conference shall be to review the evidence against
13 the student and to review the evidence and argument presented by the student in his
14 or her defense and to review the appropriateness of the academic response and/or
15 disciplinary sanction which may be imposed by the instructor if, after the confer-
16 ence, he or she believes that the student has violated sec. 17.06(2). The instructor
17 and the student may each be accompanied at the initial conference by one person of
18 their choice.

19 (b) Notice. Reasonably in advance of the initial conference, the
20 instructor shall inform the student in writing of the alleged offense and of the
21 facts or conduct on which that allegation is based. The student shall be informed
22 of the date, time and place of the initial conference. This notice shall be served
23 on the student in accordance with sec. 17.07(6)(a) and shall be accompanied by a
24 copy of this chapter and a copy of the institution's implementing regulations.

25 (c) Academic response or disciplinary sanction imposed by the
26 instructor. The instructor may give the student a written reprimand and/or
27 remove the student from the course without assignment of a grade; if the
28 instructor believes that the student should be considered for more serious

1 disciplinary sanctions, the instructor may request the investigating officer to
2 proceed in accordance with sec. 17.07. The instructor may also impose an academic
3 response if the student's own academic performance was affected by the academic
4 misconduct. An academic response may not be imposed where the student's own
5 academic performance was not affected such as in the following instances:

6 (i) the student assisted another student to engage in academic dishonesty, or
7 (ii) the student stole a copy of an examination and the theft was discovered
8 before the exam so that the student did not take the exam. In such cases, if the
9 student is enrolled in the course, the instructor may impose the disciplinary
10 sanctions permitted by this section or, if the student is not enrolled in the
11 course, refer the matter to the investigating officer.

12 (d) Instructor's decision.

13 1. If, after the initial conference, the instructor believes
14 that the student has not violated sec. 17.06(2), he or she shall so inform the
15 student in writing.

16 2. If the instructor believes that the student has violated
17 sec. 17.06(2), he or she shall inform the student of his or her decision in writing
18 with a copy to the investigating officer; such decision shall be served in
19 accordance with sec. 17.07(6)(b) and shall include (i) a full explanation of the
20 facts on which the instructor's conclusions were based; (ii) specification of the
21 disciplinary sanction or academic response imposed; (iii) further action in the
22 case, if any, which the instructor has recommended to the investigating officer;
23 and (iv) notice that the decision may be appealed to the Academic Misconduct
24 Hearing Tribunal.

25 (3) Offenses committed by a student not enrolled in the course. When the
26 instructor for a course believes that acts which violated sec. 17.06(2) have been
27 committed by a student not enrolled in the course he or she shall refer the matter
28 to the investigating officer who shall proceed in accordance with sec. 17.07.

1 (4) Appeal from the instructor's decision. The instructor's decision may be
2 appealed to the Academic Misconduct Hearing Tribunal either as to the issue of
3 whether the student did engage in conduct as alleged or as to the disciplinary
4 sanction. Appeals shall be in writing and must be filed with the office or person
5 designated by the campus regulations within ten (10) days of service of the
6 instructor's decision; while such appeal is pending, the academic response and/or
7 disciplinary sanction shall be stayed and no grade assigned for the course. If the
8 student does not file an appeal within ten days of service of the instructor's
9 decision, the instructor's decision shall become final.

10 (5) Academic Misconduct Hearing Tribunal.

11 (a) Membership. Tribunal membership shall be determined in accordance
12 with the regulations adopted pursuant to sec. 17.13(1).

13 (b) Jurisdiction. The Tribunal shall hear appeals under sec. 17.13(4)
14 and such other allegations of violation of sec. 17.06(2) as may be brought before
15 it by the investigating officer.

16 (c) Procedures. Tribunal proceedings shall be regulated by the same
17 procedures established by sec. 17.09 for Student Conduct Hearing Tribunal,
18 except that:

19 1. For cases where the sanction sought does not include suspension
20 or expulsion, the regulations adopted under sec. 17.13(1) may provide
21 for procedures which are less rigorous but which provide at least that the student
22 (i) may be represented by a person of his or her choice, including legal counsel,
23 at his or her own expense, (ii) shall be afforded written notice of the offense
24 with which he or she is charged and of the facts or conduct on which that charge
25 is based, (iii) shall be afforded advance written notice of and an opportunity for
26 a hearing at which the evidence against the student shall be reviewed and at which
27 the student shall have an opportunity to present evidence and argument, including
28 a written statement, to refute the charge, and (iv) shall be given a written

1 decision which shall include findings of fact and conclusions.

2 2. The sanction imposed by the Tribunal may not exceed the
3 sanction imposed by the instructor unless the case is being heard in accordance
4 with sec. 17.13(6)(b), in which event it shall not exceed the sanction requested
5 by the investigating officer; further, the Tribunal may not modify the academic
6 response imposed by the instructor unless the Tribunal finds that no violation
7 of sec. 17.06(2) occurred, in which event the instructor shall eliminate any
8 academic response which was based on the alleged academic misconduct.

9 (6) Role of the Investigating Officer with regard to academic misconduct.
10 The investigating officer:

11 (a) Shall receive and maintain copies of letters sent by instructors
12 in accordance with sec. 17.13(2)(d) 2.

13 (b) May proceed in accordance with sec. 17.07, including the filing
14 of charges before the Academic Misconduct Hearing Tribunal asking for suspension
15 or expulsion:

16 1. Where the student alleged to have violated sec. 17.06(2) was
17 not enrolled in the course against which the offense was committed.

18 2. Where the violation found by the instructor was of such an
19 aggravated nature that disciplinary sanctions which could not be imposed by the
20 instructor appear to the investigating officer to be warranted and not more than
21 sixty (60) days have elapsed from the filing of the instructor's decision pursuant
22 to sec. 17.13(2)(d) 2.

23 3. Where there are multiple instances shown of a student's academic
24 misconduct and not more than sixty (60) days have elapsed from the filing of an
25 instructor's decision pursuant to sec. 17.13(2)(d) 2 on the last instance.

26 17.14 NOTICE TO STUDENTS. Each institution shall publish and make freely available
27 to students, a copy of the foregoing UW System Disciplinary Code together with
28 (i) an Appendix reprinting the UW System Administrative Code, (ii) any amendments

1 to these two Codes that are made after the Board of Regents adoption of a
2 Disciplinary Code, and (iii) any provisions that have been adopted by the
3 particular campus pursuant to the campus options allowed by this Disciplinary
4 Code, and any other supplementary provisions not inconsistent with this Code.

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