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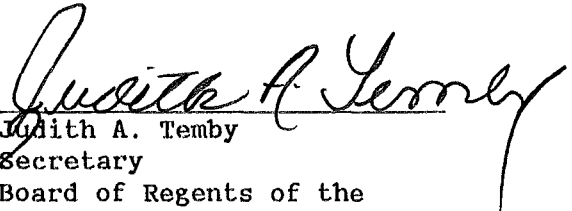
JUL 20 1989
3:00 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)

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

I, Judith A. Temby, Secretary of the Board of Regents of the University of Wisconsin System and custodian of the official records, certify that the annexed rules, relating to student nonacademic misconduct and disciplinary procedures, were duly approved and adopted by the Board on June 9, 1989. I further certify that this copy has been compared by me with the original on file with the Board and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Regents of the University of Wisconsin System at 1860 Van Hise Hall, 1220 Linden Drive, in the city of Madison, this 20th day of July, 1989.



Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin
System

ORDER OF THE BOARD OF REGENTS OF
THE UNIVERSITY OF WISCONSIN SYSTEM
ADOPTING, AMENDING AND RENUMBERING RULES

Agency contact persons: Patricia B. Hodulik (262-6497); Judith Temby
(262-2324)

[INTRODUCTORY CLAUSE]

The Board of Regents of the University of Wisconsin System proposes an order to renumber UWS 17.06(1), (2)(a)(b)(c), (3), (4), (5) and (6); to renumber and amend UWS 17.06(2); to amend UWS 17.02(1), (4) and (9), and UWS 17.06 (intro.); to create UWS 17.02(10), (11) and (12), UWS 17.06(1)(a), and UWS 17.06(2), relating to student nonacademic misconduct.

[PLAIN LANGUAGE ANALYSIS PREPARED BY THE UW SYSTEM]

Pursuant to s. 36.35, Wisconsin Statutes, the Board of Regents of the University of Wisconsin System ("Board") is authorized to promulgate rules governing student conduct and procedures for the administration of violations. The order revises the Board's existing rules governing student nonacademic misconduct to include specific prohibitions, subject to disciplinary sanctions, on discriminatory harassment. With the addition of a new example of proscribed conduct at proposed s. UWS 17.06(1)(a), the rules would make clear that physical conduct posing a serious danger to the university community and having a discriminatory animus is prohibited. Under proposed s. UWS 17.06(2), certain types of expressive behavior directed at individuals and intended to demean and to create a hostile environment for education or other university-authorized activities would be prohibited and made subject to disciplinary sanctions. The rules would also make minor changes in the definition section of ch. UWS 17.

[TEXT OF RULE]

SECTION 1. UWS 17.02(1), (4) and (9), are amended to read:

UWS 17.02 Definitions. (1) "Chancellor" ~~where-used-in-the~~
~~chapter-shall-mean~~ means the chancellor or designee.

(4) "Disciplinary sanction" or "sanction" ~~shall-mean~~ means any action affecting the status of an individual as a student which is taken by the university in response to student 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.

(9) "Institution" ~~for-the-purposes-of-this-chapter~~ means any university or an organizational equivalent designated by the board.

SECTION 2. UWS 17.02(10), (11) and (12) are created to read:

(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.

SECTION 3. UWS 17.06 (intro.) is amended to read:

UWS 17.06 (intro.) Offenses defined. The university may discipline a student in nonacademic matters in the following situations. ~~For the purposes of this section, the term "intentional conduct" shall include conduct which the student knew or reasonably should have known would result in occurrences prohibited by this section.~~

SECTION 4. UWS 17.06(1), (3), (4), (5), and (6) are renumbered UWS 17.06(3), (4), (5), (6), and (7).

SECTION 5. UWS 17.06(2)(a), (b) and (c) are renumbered UWS 17.06(1)(b), (c) and (d).

SECTION 6. UWS 17.06(2)^(intro.) is renumbered 17.06(1) and amended to read:

(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.

SECTION 7. UWS 17.06(1)(a) is created to read:

(1)(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, national origin, ancestry or age.

SECTION 8. UWS 17.06(2) is created to read:

(2)(a) For racist or discriminatory comments, epithets or other expressive behavior directed at an individual or on separate occasions at different individuals, or for physical conduct, if such comments, epithets, other expressive behavior or physical conduct intentionally:

1. Demean the race, sex, religion, color, creed, disability, sexual orientation, national origin, ancestry or age of the individual or individuals; and

2. Create an intimidating, hostile or demeaning environment for education, university related work, or other university-authorized activity.

(b) Whether the intent required under par. (a) is present shall be determined by consideration of all relevant circumstances.

(c) In order to illustrate the types of conduct which this subsection 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.

1. A student would be in violation if:

a. He or she intentionally made demeaning remarks to an individual based on that person's ethnicity, such as name calling, racial slurs, or "jokes"; and

b. His or her purpose in uttering the remarks was to make the educational environment hostile for the person to whom the demeaning remark was addressed.

2. A student would be in violation if:

a. He or she intentionally placed visual or written material demeaning the race or sex of an individual in that person's university living quarters or work area; and

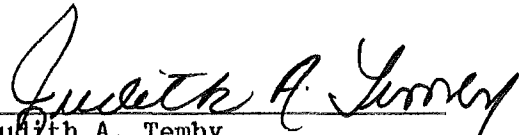
b. His or her purpose was to make the educational environment hostile for the person in whose quarters or work area the material was placed.

3. A student would be in violation if he or she seriously damaged or destroyed private property of any member of the university community or guest because of that person's race, sex, religion, color, creed, disability, sexual orientation, national origin, ancestry or age.

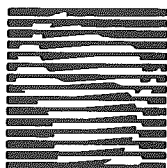
4. A student would not be in violation if, during a class discussion, he or she expressed a derogatory opinion concerning a racial or ethnic group. There is no violation, since the student's remark was addressed to the class as a whole, not to a specific individual. Moreover, on the facts as stated, there seems no evidence that the student's purpose was to create a hostile environment.

It is proposed that this rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated: 7-20-89



Judith A. Temby
Secretary
Board of Regents of the University
of Wisconsin System



Board of Regents of The University of Wisconsin System

Office of the Secretary
1860 Van Hise Hall, 1220 Linden Drive
Madison, Wisconsin
(608) 262-2324

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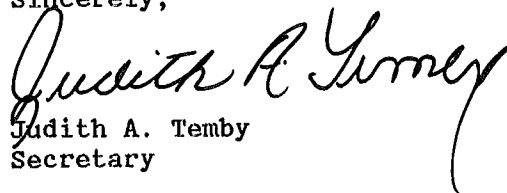
Gary Poulson
Revisor of the Statutes
Room 702
30 West Mifflin Street
Madison, WI 53703

Dear Mr. Poulson:

Enclosed for filing with your office are one certified copy and one uncertified copy of rules concerning student nonacademic misconduct. These rules were approved by the Board of Regents on June 9, 1989. The legislative review period expired July 19, 1989, and publication is therefore, now appropriate.

Thank you for your assistance.

Sincerely,



Judith A. Temby
Secretary

Enclosures

cc: Regents
President Shaw
Vice Presidents
Patricia Hodulik
James Sulton