

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.

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

**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, 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.

(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.

(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.

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.

**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