

Chapter UWS 17

STUDENT DISCIPLINARY PROCEDURES

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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.

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

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

(2) "Investigating officer" means investigating officer or his/her 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" shall mean 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, removal from the course with no grade assigned in cases of academic misconduct, 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. Disciplinary sanctions do not include academic responses as defined in section UWS 17.02 (8), Wis. Adm. Code. Each institution is authorized to adopt a more explicit listing of sanctions 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) "Academic response" means a formal action which may be taken by an instructor under section UWS 17.13(2) (c) Wis. Adm. Code in response to "academic misconduct" as defined by section 17.06(2) Wis. Adm. Code. It is to be distinguished from "sanction" or "disciplinary sanction" as defined in section UWS 17.02(4) Wis. Adm. Code. It is limited to reduction of grade for the assignment in question to a lower passing grade (if it is clear that the academic misconduct affected only a portion of the assignment or examination and the remainder constituted passing work) or to a failure, and required performance of additional work—for example to resolve uncertainties over the effect of the academic misconduct on the assignment or examination.

(9) "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.

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

History: Cr. Register, February, 1976, No. 242, eff. 3-1-76; am. (4), Register, June, 1977, No. 258, eff. 7-1-77.

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.

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

UWS 17.04 Effect of discipline within the university system. Suspension or expulsion shall be systemwide in effect. A student who
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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.

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

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.

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

UWS 17.06 Offenses defined. (1) 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.

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

(b) For intentional conduct which constitutes a serious danger to the personal safety of other members of the university community. 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.

1. 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 the 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.

2. A student would be in violation if he/she sold or delivered a controlled substance as defined by the Wisconsin Uniform Controlled Substance Act (chapter 161, Wis. 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 chapter 161, Wis. Stats.

3. 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.

(c) 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.

1. 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.

2. 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.

3. 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.

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

5. 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.

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

(e) 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, Wis. Admin. Code).

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

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

(a) Cheating on an examination;

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

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

(d) Stealing examination or course materials;

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

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

(g) 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.

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

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 sections UWS 17.06(1) and 17.06(2) of this chapter. 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 section UWS 17.09 of this chapter 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 section UWS 17.09 Wis. Adm. Code 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 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 section UWS 17.07 (2) Wis. Adm. Code, in which event the procedures in section 17.09 of this chapter 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 section UWS 17.09 Wis. Adm. Code, 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 section UWS 17.07 of this chapter.

(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 section UWS 17.12 of this chapter, 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 his/her current school and permanent home addresses. Notification of these addresses shall be in writing.

(a) For service of a statement of charges under section UWS 17.07(2) Wis. Adm. Code and of actions taken pursuant to section UWS 17.09 Wis. Adm. Code, 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 section UWS 17.07(3) Wis. Adm. Code, 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.

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

UWS 17.08 Student conduct hearing tribunal: campus option. 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 section 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 sections 16.24 and 20.901, *Wis. 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 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 section UWS 17.07(2) Wis. Adm. Code asking for suspension or expulsion, the student shall be offered the choice of having his/her case heard by a tribunal described by either UWS 17.08(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 section 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 section UWS 17.07(2) Wis. Adm.

Code 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 section UWS 17.09(1) Wis. Adm. Code, 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 section UWS 17.07(6) Wis. Adm. Code.

(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 section UWS 17.08 of this chapter. 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 section UWS 17.08(1) (a), or the presiding officer of the student conduct hearing committee, established in section UWS 17.08(1) (b). "Tribunal" shall mean the hearing examiner appointed in section UWS 17.08(1) (a) or the student conduct hearing committee established in section 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 section 66.77 (3) (e), Wis. 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 section UWS 17.09 (4) (g) Wis. Adm. Code, 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 section UWS 17.07 (6) Wis. Adm. Code 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 section UWS 17.10 or 17.11 of this chapter.

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

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 section UWS 17.10(1) Wis. Adm. Code, 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 section UWS 17.07(6) Wis. Adm. Code.

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

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

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 section UWS 17.09 Wis. Adm. Code. 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 section UWS 17.11(2) Wis. Adm. Code.

(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 section UWS 17.07(6) Wis. Adm. Code unless a timely appeal is filed either under this section, if further appeal is available, or under section UWS 17.10 Wis. Adm. Code.

(7) The student shall have the right at any time to appeal to the regents in accordance with section UWS 17.10 Wis. Adm. Code. 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.

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

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 section UWS 17.12(3) Wis. Adm. Code, 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 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, he shall notify the student of his intention to temporarily suspend him 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 section UWS 17.12(2) Wis. Adm. Code, 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 section UWS 17.07(2) (a) and (b) Wis. Adm. Code 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 section UWS 17.09 of his chapter 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.

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

UWS 17.13 Procedures for academic misconduct. (1) The faculty and chancellor, in consultation with the elected officers of the principal student organization, shall by written regulation establish procedures for adjudicating alleged violations of section UWS 17.06(2) Wis. Adm. Code. Such regulations shall provide for an initial conference and a hearing before an academic misconduct hearing tribunal whose procedures are not inconsistent with the provisions of this section.

(2) (a) *Initial conference; student enrolled in course.* When the instructor for a course believes that a student enrolled in that course has committed acts in violation of section UWS 17.06(2) Wis. Adm. Code, the instructor shall promptly schedule an initial conference with the student in accordance with this section. The purpose of the conference shall be to review the evidence against the student and to review the evidence and argument presented by the student in his or her defense and to review the appropriateness of the academic response and/or disciplinary sanction which may be imposed by the instructor if, after the conference, he or she believes that the student has violated section UWS 17.06(2) Wis. Adm. Code. The instructor and the student may each be accompanied at the initial conference by one person of their choice.

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

(c) *Academic response or disciplinary sanction by the instructor.* The instructor may give the student a written reprimand and/or remove the student from the course without assignment of a grade; if the instructor believes that the student should be considered for more serious disciplinary sanction, the instructor may request the investigating officer to proceed in accordance with section UWS 17.07 Wis. Adm. Code. The instructor may also impose an academic response if the student's own academic performance was affected by the academic misconduct. An academic response may not be imposed where the student's own academic performance was not affected such as in the following instances: the student assisted another student to engage in academic dishonesty, or the student stole a copy of an examination and the theft was discovered before the exam so that the student did not take the exam. In such cases, if the student is enrolled in the course, the instructor may impose the disciplinary sanctions permitted by this section or, if the student is not enrolled in the course, refer the matter to the investigating officer.

(d) *Instructor's decision.* 1. If, after the initial conference, the instructor believes that the student has not violated section UWS 17.06(2) Wis. Adm. Code, he or she shall so inform the student in writing.

2. If the instructor believes that the student has violated section UWS 17.06(2) Wis. Adm. Code, he or she shall inform the student of his or her decision in writing with a copy to the investigating officer; such decision shall be served in accordance with section UWS 17.07(6)(b) Wis. Adm. Code and shall include a full explanation of the facts on which the instructor's conclusions were based; specification of the disciplinary sanction or academic response imposed; further action in the case, if any, which the instructor has recommended to the investigating officer; and notice that the decision may be appealed to the academic misconduct hearing tribunal.

(3) Offenses committed by a student not enrolled in the course. When the instructor for a course believes that acts which violate section UWS 17.06(2) Wis. Adm. Code have been committed by a student not enrolled in the course he or she shall refer the matter to the investigating officer who shall proceed in accordance with section UWS 17.07 Wis. Adm. Code.

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

(5) Academic misconduct hearing tribunal. (a) *Membership.* Tribunal membership shall be determined in accordance with the regulations adopted pursuant to section UWS 17.13(1) Wis. Adm. Code.

(b) *Jurisdiction.* The tribunal shall hear appeals under section UWS 17.13(4) Wis. Adm. Code and such other allegations of violation

of section 17.06(2) Wis. Adm. Code as may be brought before it by the investigating officer.

(c) *Procedures.* Tribunal proceedings shall be regulated by the same procedures established by section UWS 17.09 Wis. Adm. Code for student conduct hearing tribunal, except that:

1. For cases where the sanction sought does not include suspension or expulsion, the regulations adopted under section UWS 17.13(1) Wis. Adm. Code may provide for procedures which are less rigorous but which provide at least that the student a. May be represented by a person of his or her choice, including legal counsel, at his or her own expense,

b. Shall be afforded written notice of the offense with which he or she is charged and of the facts or conduct on which that charge is based,

c. Shall be afforded advance written notice of an 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

d. Shall be given a written decision which shall include findings of fact and conclusions.

2. The sanction imposed by the tribunal may not exceed the sanction imposed by the instructor unless the case is being heard in accordance with section UWS 17.13(6) (b) Wis. Adm. Code, in which event it shall not exceed the sanction requested by the investigating officer; further, the tribunal may not modify the academic response imposed by the instructor unless the tribunal finds that no violation of section UWS 17.06(2) Wis. Adm. Code occurred, in which event the instructor shall eliminate any academic response which was based on the alleged academic misconduct.

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

(a) Shall receive and maintain copies of letters sent by instructors in accordance with section UWS 17.13(2) (d) 2 Wis. Adm. Code.

(b) May proceed in accordance with section UWS 17.07 Wis. Adm. Code, including the filing of charges before the academic misconduct hearing tribunal asking for suspension or expulsion:

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

2. Where the violation found by the instructor was of such an aggravated nature that disciplinary sanctions which could not be imposed by the instructor appear to the investigating officer to be warranted and not more than 60 days have elapsed from the filing of the instructor's decision pursuant to section UWS 17.13(2) (d) 2 Wis. Adm. Code.

3. Where there are multiple instances shown of a student's academic misconduct and not more than 60 days have elapsed from

the filing of an instructor's decision pursuant to section UWS 17.13 (2) (d) 2/Wis. Adm. Code on the last instance.

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

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.

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