

CHAPTER FOUR

GENERAL POLICIES AND GOVERNMENTAL REGULATIONS

(Note: As changes are approved in personnel policies, they may be viewed at the following Web site:
<http://www.uwec.edu/AcadAff/policies/handbook/changes/>)

<i>Policy Records</i>	3
University Policybook.....	3
<i>Equal Opportunity and Affirmative Action Policies</i>	3
Federal Regulations	3
UW System Policy	3
UW-Eau Claire Affirmative Action Plan.....	3
Disability Accommodation	3
<i>Public Information and Confidentiality Policies</i>	4
The News Bureau	4
The Office of Publications	4
<i>Policy on Aids</i>	4
<i>Drug-Free Workplace Policy</i>	4
<i>Federal Regulations</i>	4
Equal Opportunity/Affirmative Action Statement	4
Accreditation Statements	5
Consumer Information.....	5
Crime Awareness and Campus Security Act	5
Investigator Financial Disclosure Policy	5
Scientific Misconduct Policy and Procedures.....	5
Student Records	5
Student Right to Know Act.....	6
<i>Open Meetings Law</i>	6
Summary of Effect on Campus Procedures	6
Accessibility of meetings.....	6
Public Notice of Meetings (Wis. Stats. 19.84 [1-6]).....	6
Closed Sessions and Procedures for Convening in Closed Sessions (Wis. Stats. 19.85[1])	6
Ballots, Votes, and Records (Wis. Stats. 19.88 [1-3]).....	7
<i>Flag Policy</i>	7
<i>Fund-Raising on Behalf of The University</i>	8
Board of Regent Policy	8
UW-Eau Claire Policy	8
<i>Naming a Building or Facility</i>	8
Board of Regent Policy	8

UW-Eau Claire Policy8

Political Activity by State Employees..... 8

Use of University Facilities by Non-University Groups 8

Board of Regents Policy8

UW-Eau Claire Policy9

Sexual Harassment Policy..... 9

Consensual Relationship Statement..... 9

Definition9

Responsibility10

Role of Students in Institutional Governance..... 10

General Policies.....10

UW-Eau Claire Policy10

Student Life Issues11

Academic Issues11

Internal Affairs (Student Senate, Commissions).....11

Extraneous Issues.....12

Administrative Committees12

Student Representation on Committees.....12

Revising of UW-Eau Claire Policy12

Student Eligibility for Membership on Administrative Committees12

Relationships of Students with University Senate.....12

Copyright..... 12

Copyright Assistance12

Use of Copyrighted Materials Under Copyright Law12

 Copyright Fair Use 13

 Copyright Guidelines 13

 Coursepacks 13

 Software Usage Policy..... 13

 Copyright and the Internet 14

Copyright, Ownership and Use Of Instructional Materials Developed At UW-Eau Claire 14

 Patent15

Management of University Records 15

 Maintenance and Disposition of University Records.....15

Computer and Network Usage Guidelines..... 15

Chapter 4 Index..... 16

POLICY RECORDS

University Policybook

The Institutional Planning Office maintains a comprehensive *Policybook* and furnishes a copy to each departmental and administrative office. Its purpose is to assist in locating the sources and texts of current policies and regulations:

The University of Wisconsin-Eau Claire is affected by policies made by federal and state government, the UW-System Board of Regents, the UW-System Administration, the UW-Eau Claire University Senate and Chancellor, and the UW-Eau Claire Provost/Vice Chancellors. The *Policybook* provides a consolidated subject index to all of these policies, and is also a digest of campus policies and external policies which are not contained in other digests. (*Policybook*, Preface)

Policies indexed but not included in the *Policybook* are available in the Provost and Vice Chancellor's office.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICIES

[Click here to review recent revisions to this section.](#)

Federal Regulations

The official statement of compliance with federal regulations pertaining to equal opportunity appears just after the title page of this *Handbook*. A similar statement is circulated to every student annually.

UW System Policy

In February 1975, an Equal Opportunity and Affirmative Action Policy was adopted as part of the UW System Planning Principles. Copies of the policy, as amended in 1982, are available from the Affirmative Action Office.

UW-Eau Claire Affirmative Action Plan

The University of Wisconsin-Eau Claire operates under an Affirmative Action Plan. This plan is reviewed annually by the University Senate Executive Committee. A summary of the document, either written or oral, will be provided to the full University Senate (US 2/96) and is available on the Affirmative Action Office's Web page. Copies of the full Plan are available in the Affirmative Action Office and in McIntyre Library. Information regarding policies of nondiscrimination and affirmative action is available from the Affirmative Action Office.

Disability Accommodation

Responsibility for coordinating the university's policies and procedures relative to providing equal access to students with disabilities has been assigned to the Services for Students with Disabilities office. Faculty and academic staff are requested to notify the Services for Students with Disabilities office with information and/or questions regarding services being provided to or needed by students with disabilities.

Employees with documented disabilities may request reasonable accommodations. Requests must be made in writing on the *Disability Accommodation Request Form*. This form can be obtained from the Director of Human Resources (ADA Coordinator), Schofield 220.

PUBLIC INFORMATION AND CONFIDENTIALITY POLICIES

The News Bureau

The News Bureau will assist units of the University with the writing and dissemination of public information about the University. Assistance is based on priority, with first priority given to items deemed by the director to be major news/feature stories about university personnel, programs, and policies. All anticipated communication with the print, TV, and radio news media in which there will be representation of the University or reflection of university policy shall be reported to the News Bureau.

The Office of Publications

The Office of Publications will assist administrative offices and academic departments with the design and production of university-wide publications. Assistance is based on priority, with first priority given to major university-wide publications such as catalogues and class schedules. Official publications (including departmental brochures) which contain academic information or statements of university policy shall be cleared through the Office of Publications. Requests for use of official university illustrations shall be reviewed by the Director of Publications and approved for use following current guidelines.

POLICY ON AIDS

The University of Wisconsin-Eau Claire follows the principles stated in the General Statement on Institutional Response to AIDS developed by the American College Health Association. In response to concerns about AIDS, the university's role should be to inform and educate students, faculty, staff, and whenever possible, the community. The full text of the General Statement is available from the Student Development and Diversity office.

DRUG-FREE WORKPLACE POLICY

Pursuant to the Drug-Free Workplace Act of 1988, and in keeping with current university policy, all UW-Eau Claire employees are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances on all university property and worksites. An employee who engages in any of these actions on university property may be referred to counseling or treatment and may be subject to disciplinary action up to and including dismissal.

If a university employee is convicted of a criminal drug statute violation and the violation occurred in the workplace, the employee must notify his/her Dean, Director, or Department Chair within five days of the conviction.

Employees who have problems with alcohol or controlled substances are encouraged to voluntarily contact the Employee Assistance Program (EAP) Coordinator, counseling, or treatment programs. The EAP Coordinator is in the Counseling Services office. Voluntary contacts with the EAP Coordinator are confidential.

FEDERAL REGULATIONS

Equal Opportunity/Affirmative Action Statement

All official publications of the University must include a statement of compliance with Equal Opportunity/Affirmative Action policies. Facsimiles of approved statements are available, in various sizes, from the Teaching and Learning Technology Center or from the Office of Publications.

Accreditation Statements

Any published reference to accreditation by an agency recognized by the U.S. Commissioner of Education must clearly specify the areas and levels for which the institution has received accreditation from that agency. Information on UW-Eau Claire accreditations is maintained by the Office of the Vice Chancellor for Academic Affairs.

Consumer Information

UW-Eau Claire makes available to the public, upon request, all consumer information required by federal regulation. Such information includes, but is not necessarily limited to, the following: academic programs, educational costs, financial aid, academic progress requirements, student retention rates, career planning and placement. This information is available from the Student Development and Diversity office.

Crime Awareness and Campus Security Act

This Act requires the University to prepare, publish, and distribute information on policies and programs relating to areas such as security, law enforcement, and monitoring of criminal activity. Statistics on criminal offenses on campus and number of arrests must also be made available. The complete requirements of the Act are available from the Student Development and Diversity office.

Investigator Financial Disclosure Policy

Federal regulations require that investigators on federal grants and projects submit financial disclosure statements describing financial interests that might affect the objectivity of federally funded research or educational activities. Before participating in federally funded research or educational activities, an investigator must submit a "UW-Eau Claire Investigator Financial Disclosure" form to their Department Chair or equivalent. The University Research and Creative Activity Council (URCAC) serves as the body to review potential conflicts which may arise under the Investigator Financial Disclosure Policy. Copies of the policy and the "UW-Eau Claire Investigator Financial Disclosure" form are available from the Assistant Vice Chancellor for Research and Sponsored Programs.

Scientific Misconduct Policy and Procedures

Copies of the UW-Eau Claire "Policies and Procedures on Scientific Misconduct" are available in the Office of University Research (HSS161). Required by the U.S. Department of Health and Human Services, the policy indicates how the University will respond to allegations of research misconduct. Misconduct in science is defined as fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. Misconduct in science is prohibited and could result in disciplinary action up to and including dismissal.

Student Records

Access to student records is controlled according to the Federal Family Educational Rights and Privacy Act. Under this law, students may examine their own records and may challenge information they consider misleading or inaccurate. Access to individually identifiable student records is restricted to directory information and information furnished through such means as printed programs and news releases. (Students may request of the Registrar's office that directory information also be withheld.)

A notice of student rights under the Family Educational Rights and Privacy Act is furnished each semester by publication in "Your Right to Know," an official bulletin distributed to all students, faculty, and staff.

UW-Eau Claire policies pertaining to student records are contained in the *University Policybook*, indexed under "Student Data." These include local implementation of the Family Educational Rights and Privacy Act and a policy concerning access to personally identifiable records for research purposes.

Student Right to Know Act

Section 103 requires the University to produce and make available annually the completion or graduation rates of degree-seeking full-time students. The information is intended for current students and prospective students who could receive the information prior to enrolling or entering into any financial obligation.

OPEN MEETINGS LAW

Statutory provisions concerning "Open Meetings of Governmental Bodies" in Wisconsin are contained in Chapter 19, Subchapter IV, sections 19.81-19.98 of the Wisconsin Statutes. The full text of the law is available in the Documents Department of the McIntyre Library.

Summary of Effect on Campus Procedures

NOTE: This summary is not a comprehensive review of all matters pertaining to the Open Meetings Law. The summary addresses only subjects frequently questioned by members of the university community.

Accessibility of meetings

All meetings held by the University of Wisconsin-Eau Claire will be held in locations which are accessible to members of the public, including persons with disabilities, and will be open to all citizens at all times unless expressly provided by law. This policy applies to meetings held both on and off campus. (FS 1/84)

Public Notice of Meetings (Wis. Stats. 19.84 [1-6])

Meetings of the following bodies, their committees and subcommittees thereof, must be announced by notices in the weekly Notice of Meetings Bulletin: the University Senate; the University Faculty; the University Academic Staff; College Faculties; administrative boards, councils, and committees. These notices must set forth the time, date, place, and subject matter of the meeting, including that intended for consideration at any contemplated closed session. A copy of the Notice of Meetings Bulletin is sent to the Eau Claire Leader-Telegram to meet the news media requirement.

Public notice of every meeting of a governmental body, except a meeting of a department or a subunit of a department, as noted below, shall be given at least 24 hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two hours in advance of the meeting.

Meetings of departments and their subunits, such as department personnel committees, promotion subcommittees, and other committees established by and within departments are exempt from the notice specified above. Rather, such bodies shall provide meeting notice which is reasonably likely to apprise interested persons and members of the news media who have filed written requests for such notice. University counsel has advised that it is sufficient to notify all department members of meetings by whatever means is traditionally used in the department, for example, by placing an announcement on the department bulletin board or by sending a notice to all department members. The announcement or notice should include the time, date, place, and subject matter of the meeting.

Closed Sessions and Procedures for Convening in Closed Sessions (Wis. Stats. 19.85[1])

A meeting of a governmental body must be convened in open session. Once so convened, the body, upon motion duly made and carried, may go into closed session under one or more of the exemptions provided in section 19.85 (1), Wis. Stats. At the time a motion to convene in closed session is made, the presiding officer must announce the nature of the business to be considered in the closed session and the specific exemption(s) under section 19.85 (1) by which the closed session is claimed to be authorized. That announcement shall become part of the record of the meeting. The motion must be carried by a majority vote

in such manner that the vote of each member is ascertained and recorded in the minutes. A recorded roll call vote of the members of the body on the motion satisfies this requirement. No business may be taken up at any closed session except that which relates to matters contained in the presiding officer's announcement of the closed session.

A governmental body may convene in closed session to consider the granting or denial of tenure of faculty member and the taking of any formal action on a tenure consideration, provided that the faculty member being considered for tenure is given actual notice of any evidentiary hearing which may be held prior to final action and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. If the faculty member under consideration demands an open session, all parts of such evidentiary hearings or meeting shall be held in open session. No part of such hearing or meeting may be closed.

A governmental body may consider, in closed session, employment, promotion (when tenure is not an issue), compensation, or performance evaluation data of any employee over which it has jurisdiction or exercises responsibility. In such an instance, the governmental body, not an individual under consideration for such purpose(s), is authorized to determine if it will convene in closed session.

No governmental body may commence a meeting, subsequently convene in closed session and reconvene in open session within 12 hours after completion of the closed session, unless public notice of the subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. Unless specific circumstances warrant commencing a meeting in open session, convening in closed session, and then reconvening in open session, a governmental body ordinarily should place items to be considered in closed session last on the agenda so that interested individuals have a full and complete opportunity to attend an open session of a meeting.

Minutes of a meeting of a governmental body should contain the motion(s) and vote(s) taken while in closed session.

Documents associated with matters considered in a lawful closed session (such as records of discussion during a closed session) may be maintained in confidence for so long as the reason for meeting in closed session continues to operate to justify withholding of the documents.

Ballots, Votes, and Records (Wis. Stats. 19.88 [1-3])

Under this section, unless there is specific statutory authorization, only the election of the officers of a governmental body in any meeting may be done by secret ballot. Without specific statutory authorization to permit a secret ballot, no other election or other decision of a governmental body may be done by secret ballot in any meeting. For example, in voting on personnel recommendations, members of department personnel committees may vote either by show of hands or by signed paper ballots. Any member of a governmental body may ask for a roll call vote which must be taken and recorded in the minutes. Motions and roll call votes shall be recorded, preserved, and open to public inspection to the extent prescribed in Subchapter II of Chapter 19, Wis. Stats.

University counsel has advised that the general elections of the faculty, which historically have not taken place at a meeting, may continue to be conducted by a mail ballot.

FLAG POLICY

The UW-Eau Claire Flag Policy provides, in part, that the flag on Schofield Hall will be lowered upon notification of the death of an active or retired member of the faculty, the academic staff, the classified staff, or a member of the student body. The flag is lowered on the day of the funeral or burial provided that arrangements are known. The complete Flag Policy can be found in the *Policybook*.

FUND-RAISING ON BEHALF OF THE UNIVERSITY

Board of Regent Policy

Board of Regents Resolution 3419, "University of Wisconsin System Fund-raising Principles and Guidelines," establishes the relationship between those soliciting funds on behalf of the System and its institutions and the Chief Administrative Officer of that institution.

UW-Eau Claire Policy

UW-Eau Claire "Guidelines for Fund-raising" outlines the approval and reporting process required by state and Regent policies. The complete guideline may be found in the *University Policybook*. Faculty and staff are encouraged to participate in fund-raising activities as may be planned and directed by the Development/Alumni staff.

NAMING A BUILDING OR FACILITY

Board of Regent Policy

Board of Regents Resolution 2112, "Names of University Facilities," requires that requests to name a building after a person be brought to the Physical Planning and Development Committee and the full Board of Regents for discussion in closed session at least one month prior to requesting formal Regent action.

UW-Eau Claire Policy

UW-Eau Claire "Policy for Naming Facilities" outlines the authority and procedure to be used in naming buildings or facilities after a person (or organization). The complete policy may be found in the *University Policybook*.

POLITICAL ACTIVITY BY STATE EMPLOYEES

Wisconsin statutes prohibit officers and employees of the state from soliciting or receiving political contributions during working hours or on state property. Persons in control of state buildings are obligated to prohibit entry by any person making or receiving political contributions. Use of state-owned vehicles or aircraft for purposes of political campaigns is also prohibited by state law.

Resolutions of the Board of Regents address UW System policy for employees engaged in political activities or serving in public office. Campaigning is prohibited during working hours, and leaves of absence are arranged under certain conditions.

Current statutes and Regent resolutions regarding these matters are available in the Chancellor's office.

USE OF UNIVERSITY FACILITIES BY NON-UNIVERSITY GROUPS

Board of Regents Policy

Policies pertaining to the use of university facilities are established by Board of Regents (BR) Res. #1360. Part 1 enunciates the principle that "facilities of the University are primarily for university purposes of instruction, research and public service; they are not available for unrestricted use by non-university groups." Other parts of the resolution specify the conditions under which university facilities may be used by governmental and public educational groups; by political parties or candidates for public office; for political solicitations; or for programs which may include religious topics.

UW-Eau Claire Policy

UW-Eau Claire has developed, within the framework of state and Regent policies, a detailed local policy on use of university facilities. The complete text is found in the *University Policybook*.

SEXUAL HARASSMENT POLICY

It is the policy of the Board of Regents of the University of Wisconsin System, consistent with its efforts to foster an environment of respect for the dignity and worth of all members of the university community, that sexual harassment of students and employees in the University of Wisconsin System is unacceptable and impermissible conduct which will not be tolerated. (BR, 5/88)

Definition

1. Sexual harassment of employees is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or,
 - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
2. Sexual harassment of students is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of a student's grades, recommendations, or other factors related to the student's academic career; or,
 - b. such conduct has the purpose or effect of unreasonably interfering with a student's work performance or creating an intimidating, hostile, or offensive classroom environment. (FS 10/81; amended 2/82)

Procedures

An allegation of sexual harassment should be brought to the Affirmative Action Officer for investigation and review. UW-Eau Claire policy provides for an informal investigation which can be followed by the filing of a formal grievance if no resolution has resulted. Guidelines for both procedures are available in the Affirmative Action Plan.

[Click here to review recent revisions to this section.](#)

CONSENSUAL RELATIONSHIP STATEMENT

[Click here to review recent revisions to this section.](#)

It is in the interest of the UW-Eau Claire community to provide clear direction and education about romantic and/or sexual relationships where a definite power differential between the parties exists.

Definition

The consensual relationships that are of concern are those romantic and/or sexual relationships in which both parties appear to have consented but where there is a definite power differential between the two parties. Specifically, consenting romantic and sexual relationships between instructor (meaning all instructional staff) and student (meaning any person studying with the instructor); between supervisor (meaning any person in a position of authority over another--to hire and make employment or salary recommendations or oversee task performance) and employee (meaning any person working for the supervisor); and between employee and student (where there is an instructional or employment relationship between them) have the potential for extremely serious consequences and are to be avoided.

Responsibility

Instructional staff, supervisors, and other employees should understand that there are substantial risks in even an apparently consenting relationship where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment or violation of the university's nepotism policy may develop, even when both parties have consented to the relationship. The instructor, supervisor, or other employee may, by virtue of his or her power and responsibility, bear a burden of accountability.

If a consensual romantic and/or sexual relationship develops between an instructor and student, between a supervisor and subordinate, or between an employee and student, the instructor should report the matter to the department chair, the supervisor to his or her supervisor, and the employee to his or her supervisor, so that arrangements can be made for the evaluation of the student, employee, or prospective employee.

A complete copy of the Statement on Consensual Relationships, including additional information on power differential and conflict of interest, is available in the Affirmative Action Plan.

ROLE OF STUDENTS IN INSTITUTIONAL GOVERNANCE

General Policies

The role of students in institutional governance is defined in Chapter 36 of the Wisconsin Statutes.

The students of each institution or campus subject to the responsibilities and powers of the board, the president, the chancellor and the faculty shall be active participants in the immediate governance of and policy development for such institutions. As such, students shall have primary responsibility for the formulation and review of policies concerning student life, services and interests. Students in consultation with the chancellor and subject to the final confirmation of the board shall have the responsibility for the disposition of those student fees which constitute substantial support for campus student activities. The students of each institution or campus shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance. (Wis Stats. 36.09[5])

UW-Eau Claire Policy

The following policy is based on a University Senate action of February, 1975. Minor revisions following a review in 1980 were approved by the Chancellor.

The faculty and the students at the University of Wisconsin-Eau Claire shall each have their own governing bodies to fulfill their roles under Chapter 36 of the Wisconsin Statutes and the Board of Regent guidelines on institutional governance. The recommendations from these two bodies shall be considered by the UW-Eau Claire administration so that:

1. The University is governed efficiently and cooperatively.
2. Any segment of the university community may study and initiate recommendations on any matter relating to the operation of the University.
3. The Student and the University Senates normally will initiate proposals and recommendations in their respective areas of primary responsibility, and their recommendation must be solicited on any item falling within their respective areas of primary responsibility when action on such an item is initiated elsewhere within the university community.
4. There is effective communication so as to provide a reasonable opportunity for appropriate input from all segments of the university community on all issues.
5. Decisions are to be made without unnecessary delay. All groups which would be affected by a decision are to have input into that decision; however, all segments of the University should be informed of all issues relevant to the University as they develop.

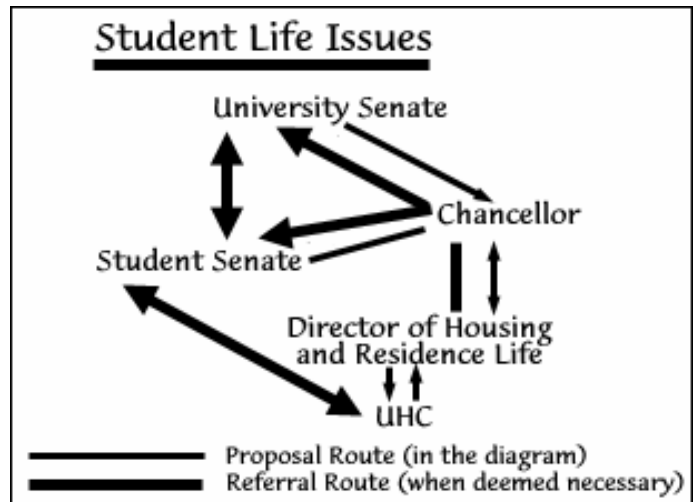
At the University of Wisconsin-Eau Claire, the Student Senate is the official governing body of the students. Although other groups may at times be called upon to represent smaller segments, only the Student Senate can speak for the entire student body. Because the students have the right to organize themselves in the way they wish, internal organization will not be described here.

Student Senate proposals, or bills, can be generally placed in four categories—student life, academics, internal affairs, and extraneous issues. A description of "channels," preceded by a diagram, for each of the bill categories follows:

Student Life Issues

Student Senate bills concerning student life are sent directly to the Chancellor with informational copies to the University Senate Chair and others as deemed appropriate by the Student Senate. If the Chancellor does not implement a Student Senate recommendation on a matter pertaining to student life, the Chancellor shall communicate the compelling reasons for the decision to the Student Senate.

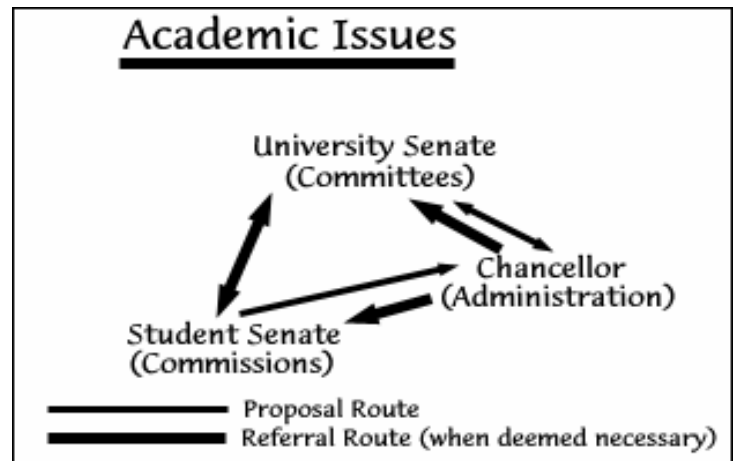
Proposals concerning student life may originate from other sources. For example, the United Hall Council (UHC) is a group which attempts to improve the life in residence halls. While it is not officially connected with the Student Senate, cooperation on many issues is expected. The UHC shall be the primary source of recommendations for residence halls matters and shall forward its recommendations through the Director of Housing and Residence Life.



Students' segregated fees will be allocated by the Chancellor after receiving specific recommendations from the Student Senate, in accordance with procedures defined by the Board of Regents.

Academic Issues

Academic issues are a primary responsibility of the faculty. However, Student Senate recommendations on such matters are welcomed. Such recommendations shall be sent directly to the Chancellor with informational copies to the University Senate Chair and such other individuals as deemed appropriate by the Student Senate.



Internal Affairs (Student Senate, Commissions)

Internal affairs are purely organizational matters. The students shall organize themselves in a manner which they choose. The government structure, currently the Student Senate, can then operate as it sees fit in order to best serve the students it represents.

Extraneous Issues

Extraneous issues are those which are a concern of the students but are not implemented at the campus level. Opinions, proposals, and letters can be sent directly to the person or group involved.

Administrative Committees

Students also participate in the governance of the institution through groups other than the Student Senate. Administrative committees—advisory to the Chancellor, Provost and Vice Chancellor, or Vice Chancellor—are composed of faculty and students and, on some, administration and community members. The number and ratio of members vary from committee to committee, but committees should be organized to best utilize the expertise available and recognize the rights and responsibilities of a group in their area.

Eligible student members on administrative committees will be recommended by the President of the Student Senate and confirmed by the Student Senate.

Student Representation on Committees

There shall be a plurality of voting student members on the following committees: Athletic Committee, Parking Appeals Board, International Film Committee, Forum Committee, Recreation Committee, University Artists Committee, University Health Committee, Children's Center Committee, and any building committee for construction using student funds.

Revising of UW-Eau Claire Policy

The Student Government, University Senate, or administration may seek a revision or update of this plan at any time.

Student Eligibility for Membership on Administrative Committees

See Administrative Committees in Chapter Two, Administrative Organization.

Relationships of Students with University Senate

See Article III, Section G, of the Constitution of the University Faculty and University Academic Staff.

COPYRIGHT

Copyright Assistance

The coordination of copyright and related intellectual property matters is the responsibility of the Copyright Officer. This position is held by the Director of Libraries, phone 36-3715, or e-mail copyright@uwec.edu. The Copyright Officer will provide information on the fair use exemption and guidelines, the latest copyright, and intellectual property information and will serve as a liaison to UW System Legal Counsel on more complex questions. More information on copyright can be found at <http://www.uwec.edu/copyright/>.

Use of Copyrighted Materials Under Copyright Law

A General Revision of Copyright Law (Pub. L. 94-553) went into effect October 19, 1976. It has been amended a number of times and the most recent changes occurred in the 1998 Digital Millennium Copyright Act and in the TEACH Act of 2002. The basic copyright law provides that copyrighted material may be reproduced under certain conditions that are defined as "fair use" of copyrighted material. Under any other circumstances, reproduction requires the written permission of the copyright holder. When any of the

various media production services (i.e. Learning and Technology Services, Duplicating Services, Copy Corner) or McIntyre Library at UW-Eau Claire is asked to reproduce or make available copyrighted material, it is ultimately the responsibility of the requester to determine whether the "fair use" privilege applies and, if not, to secure written permission for reproduction from the holder of the copyright. Staff are available to assist with this process.

Copyright Fair Use

Fair use is a legal principle that defines the limitations on the exclusive rights of copyright holders. The purpose of these guidelines is to provide guidance on the application of fair use principles by educators, scholars, and students who use portions of copyrighted works under fair use rather than by seeking authorization for non-commercial educational uses.

There is no simple test to determine what is fair use. Section 107 of the Copyright Act sets forth the four fair use factors that should be considered in each instance, based on particular facts of a given case. To determine whether a use is a "fair use" consider:

1. the purpose and character of use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

While only the courts can authoritatively determine whether a particular use is fair use, these factors represent conditions under which fair use should generally apply. Uses that exceed these factors may or may not be fair use. The more one exceeds these factors, the greater the risk that fair use does not apply.

Copyright Guidelines

Copyright guidelines are intended to provide faculty and staff information on which to make an informed decision with regard to whether printed material considered for class use comes under the fair use exemption. Visit <http://www.uwec.edu/copyright> to find guidelines on such topics as fair use and faculty ownership of online courses as well as the official UW-Eau Claire policy on copyright and a set of FAQs on copyright topics. Other guidelines for fair use of multimedia, music, distance education, off-air television recording, and computer programs are linked from this page. Copyrighted materials that are duplicated and made available for sale in the University Bookstore, cataloged, or put on electronic or print reserve in the McIntyre Library will require proper permission from the copyright holder. See the library or bookstore for more complete information.

Coursepacks

The University Bookstore has an account with the Copyright Clearance Center which provides a lawful means for making photocopies for coursepacks and other materials distributed in class that are outside of the fair use exemption. For more information contact the University Bookstore, ext. 36-2172.

Software Usage Policy

UW System administration has created a policy for the use of Licensed Software Products at the request of the Board of Regents, from which the UW-Eau Claire policy stated below is derived. Questions about this policy may be directed to Learning and Technology Services.

When the University purchases software, it typically purchases the right to use one or more copies under the terms of a license agreement. Unless the license specifically allows it, no university employee has the right to copy the software or associated documentation for whatever purpose (for example, the fair use doctrine for printed materials almost never applies to software). Software not owned by the University must also be

handled in accordance with the terms of the license agreement when it is used at the University or on university equipment. U.S. Copyright Law states that illegal reproduction of software can result in civil damages as high as \$100,000 and criminal penalties including fines and imprisonment.

There are many types of software license agreements, such as site licenses, network licenses, volume licenses, and single licenses. Each software manufacturer creates its own agreements of each type. It is the responsibility of employees purchasing and using software to be familiar with and abide by the terms of the corresponding agreements.

1. The University does not require, request, or condone copying or any other use of software in violation of the applicable license agreement.
2. Intentional violations of the terms of software license agreements are not within the scope of university employment.
3. Violations of this policy should be reported to an employee's supervisor/department chair, dean/division head, or the Chancellor's office.

If the University is penalized by fine or lawsuit for violating the terms of a software license agreement, it may seek repayment from the responsible employees for associated costs. State liability protection for an employee is available only when one is operating within the scope of employment.

Copyright and the Internet

The right to use copyrighted materials in one environment (i.e., traditional classroom) does not necessarily imply the right to use it in another environment (i.e., the Internet). Electronic access via the Internet provides easier access to others' works, wider dissemination of one's creations, and an increasing quantity and quality of material in digital format.

However, electronic distribution also increases exposure to liability for copyright infringement. UW-Eau Claire's responsibility as an Internet Service Provider includes assisting copyright holders and/or their agents in identifying copyright violators and requesting that illegal activity cease.

Caution is advised when considering the use of digital material downloaded from the Internet because there is typically a mix of works protected by copyright and works in the public domain on the network. Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

Owning a copy of a copyrighted work does not make you the copyright holder and, therefore, there are limitations on how the work may be used. This is especially the case when considering digitizing photographs, slides, music, and video for use in an electronic environment.

While e-mail and the content of many Web pages are copyrighted, URL's are not.

COPYRIGHT, OWNERSHIP AND USE OF INSTRUCTIONAL MATERIALS DEVELOPED AT UW-EAU CLAIRE

When instructional materials are produced or reproduced at UW-Eau Claire, both authors and users have certain intellectual property rights, privileges, and obligations. The University of Wisconsin System may also have a direct interest in certain instructional materials if substantial public resources have been used in their creation and production and/or because the author(s) has contracted with an institution specifically to develop the materials. This is especially applicable when online courses are being developed.

The general conditions for copyright, ownership, and use of such materials are stated in General Administrative Policy Paper #27 (11/97 revision) by the UW System. Additional information is available at <http://www.uwec.edu/copyright/permissions/index.htm> in the section on Frequently Asked Questions about

ownership issues. Consultative services on copyright and intellectual property are available from the University Copyright Officer at ext. 36-3715 or at copyright@uwec.edu.

Patent

Information on patents is available through the Assistant Vice Chancellor for Research and Sponsored Programs, ext. 36-3405 or e-mail orsp@uwec.edu.

Faculty, academic staff, and students are encouraged to discuss patent and intellectual property issues with WiSys Technology Foundation, Inc., a subsidiary of the Wisconsin Alumni Research Foundation chartered to support research and to assist UW System campuses by protecting and licensing inventions created by UW System researchers. Contact WiSys at 608-263-6272 or www.wisys.org.

MANAGEMENT OF UNIVERSITY RECORDS

Records Management Services provides consultation and technical assistance to university offices and departments in the areas of filing systems, records retention schedules, inactive records storage, forms management, and source document micrographic services.

Maintenance and Disposition of University Records

Wisconsin Statute 16.61 provides that "All public records made or received or in the custody of a state agency shall be and remain the property of the state and as such may not be destroyed without the written approval of the originating office or its legal successor and the written approval of the public records board."

Records Management Services coordinates procedures for reasonable compliance with external laws and regulations regarding the maintenance and disposition of records, and cooperates with University Archives in preserving documents relevant to the history of the University.

The Provost and Vice Chancellor is the official custodian of university records.

COMPUTER AND NETWORK USAGE GUIDELINES

Guidelines for the use of computer data networks and university-owned computer facilities are available from Learning and Technology Services. The guidelines are designed to govern the use of computing and networking resources for purposes related to the university's mission of education, research, and public service. They include user responsibilities relating to security and confidentiality of stored information, inappropriate usage, and sanctions for violations of the guidelines. Use of computing and networking resources in the context of academic freedom is also described. Further information is available at <http://www.uwec.edu/acadaff/policies/usage.htm>.

CHAPTER 4 INDEX

A

Accessibility of meetings6
 Accreditation Statements5

B

Ballots, Votes, and Records7

C

Campus Meetings
 Accessibility6
 Ballots, Votes, and Records7
 Closed Sessions and Procedures6
 Public Notice6
 Computer and Network Usage Guidelines15
 Consensual Relationship Statement9
 Consensual Relationship
 Definition9
 Responsibility10
 Consumer Information5
 Copyright12
 Copyright Officer/Assistance12
 Use of Copyrighted Materials Under Copyright Law12
 Copyright, Ownership and Use of Instructional Materials
 Clearance by the News Bureau and Publications Office15
 Copyright, Ownership and Use Of Instructional Materials14
 Crime Awareness and Campus Security Act5

D

Disability Accomodation3
 Drug-Free Workplace Policy4

E

Equal Opportunity and Affirmative Action Policies3
 Disability Accomodation3
 Federal Regulations3
 UW System Policy3
 UW-Eau Claire Affirmative Action Plan3
 Equal Opportunity/Affirmative Action Statement4

F

Federal Regulations4
 Accreditation Statements5
 Consumer Information5

Crime Awareness and Campus Security Act5
 Equal Opportunity/Affirmative Action Statement4
 Investigator Financial Disclosure Policy5
 Scientific Misconduct Policy and Procedures5
 Student Records5
 Student Right to Know Act6
 Flag Policy7
 Fund-raising
 Board of Regent Policy8
 UW-Eau Claire Policy8
 Fund-Raising on Behalf of The University8

I

Internal Affairs (Student Senate, Commissions)11

M

Management of University Records15

N

Naming a Building or Facility8
 Board of Regent Policy8
 UW-Eau Claire Policy8
 News Bureau, The4

O

Office of Publications4
 Open Meetings Law6
 Summary of Effect on Campus Procedures6

P

Policies
 AIDS4
 Computer and Network Usage Guidelines15
 Consensual Relationship9
 Copyright12
 Copyright, Ownership and Use of Instructional Materials...14
 Drug-Free Workplace4
 Equal Opportunity and Affirmative Action3
 Flag7
 Fund-raising8
 Naming a building or facility8
 Open Meetings6
 Political Activity by State Employees8
 Public Information and Confidentiality4
 Sexual Harassment9
 Students in Institutional Governance10

Use of University Facilities by Non-University Groups.....8
 Policy on Aids4
 Policy Records.....3
 University Policybook.....3
 Policybook.....3
 Political Activity by State Employees8
 Public Information and Confidentiality Policies.....4
 News Bureau4
 Office of Publications.....4
 Policy on AIDS4
 Public Notice of Meetings6

R

Records
 Maintenance and Disposition of University Records15
 Records, Management of15
 Relationships of Students with University Senate12
 Role of Students in Institutional Governance10
 Administrative Committees.....12
 Extraneous Issues12
 Internal Affairs11
 Relationships of Students with University Senate.....12
 Revising of UW-Eau Claire Policy12
 Student Eligibility for Membership on Administrative
 Committees.....12
 Student Life Issues11
 Student Representation on Committees.....12

S

Scientific Misconduct Policy and Procedures 5
 Sexual Harassment
 Definition.....9
 Procedures.....9
 Sexual Harassment Policy9
 Student Eligibility for Membership on Administrative
 Committees 12
 Student Life Issues 11
 Student Records 5
 Student Representation on Committees..... 12
 Student Right to Know Act 6
 Students in Institutional Governance..... 10
 General Policies 10
 UW-Eau Claire Policy 10
 Students, Role in Governance *See Role of Students in
 Institutional Governance*
 Summary of Effect on Campus Procedures..... 6

U

University Policybook..... 3
 Use of University Facilities by Non-University Groups..... 8
 Board of Regents Policy 8
 UW-Eau Claire Policy 9
 UW-Eau Claire Affirmative Action Plan 3