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University of Wisconsin-Eau Claire Blugold Code

Introduction

The UW-Eau Claire Blugold Code has been developed to create and maintain a safe, supportive, and inclusive campus community that engages students in order to foster their academic success, personal growth and responsible citizenship. As developing adults, students are capable of making their own decisions and must be prepared to accept the consequences for those decisions. The student conduct process has been established to respond to incidents involving allegations of inappropriate behavior within our community. This process provides educational opportunities which encourage students to evaluate their own actions, consider their own decision making, and acquire new skills to improve their choices in the future.

Students are members of both society and the academic community with attendant rights and responsibilities. Students are expected to make themselves aware of and comply with the law, and with University policies and regulations. While many of UW-Eau Claire’s policies and regulations parallel federal, state and local laws, UW-Eau Claire standards may be set higher. To that end, we believe these values to be of paramount importance:

Respect for Self;
Respect for Others;
Respect for Truth; and
Respect for Honesty.

Chapter UWS 14 (Student Academic Disciplinary Procedures) and Chapter UWS 17 (Student Non-academic Disciplinary Procedures) are major aspects of the UW-Eau Claire Blugold Code. Chapter UWS 14 can be found online at: https://docs.legis.wisconsin.gov/Code/admin_Code/uws/14.pdf. Chapter UWS 17 can be found online at: http://docs.legis.wisconsin.gov/Code/admin_Code/uws/17.pdf. Please check these online resources for any recent updates and links to related content and references.

The Dean of Students Office maintains and updates the Blugold Code. Questions regarding the Code should be directed to the office, located in 240 Schofield Hall, phone (715) 836-5626, fax (715) 836-5911, email deanofstudents@uwec.edu.
Other Conduct

A. Student-Athlete Handbook

Though student-athletes are responsible for complying with all University policy and regulations, expectations of behavior may be set higher for Blugold student-athletes. Student-Athletes are strongly encouraged to review the Student-Athlete Handbook, available online at blugolds.com/information/sa-handbook. In addition to the rules and policies outlined in the handbook, each team may have specific rules that pertain to its members.

B. Drug and Alcohol Policy

The University of Wisconsin System and UW-Eau Claire prohibit the unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs and alcohol by students on University property or as part of University activities. For a comprehensive review of the standards of conduct and University sanctions concerning illicit drugs and alcohol, visit http://www.uwec.edu/DOS/policies/yrtk/alcohol.htm.

C. Parking Rules and Regulations

Parking policies and regulations at UW-Eau Claire are aimed at easing the parking crunch on campus and in the neighborhoods adjacent to the campus. To keep your parking experience positive, please pay attention to the posted signs at the entrance to each parking lot. For more information on the rules and regulations governing parking at UW-Eau Claire, visit the Parking & Transportation website: UW Eau Claire, Parking and Transportation - Rules & Regulations.

D. Facilities Management Policies


E. Computer and Network Usage Guidelines

Access to computing and networking resources is a privilege to which all University faculty, staff, and students are entitled. Accompanying that privilege is an obligation, on the part of users, to understand and abide by the responsibilities and regulations that govern the computing environment at the University of Wisconsin-Eau Claire. Students should carefully review all policy documents regarding computer and network usage: http://www.uwec.edu/acadaff/policies/usage.htm.
F. Residence Hall Judicial Code

The Office of Housing and Residence Life has established guidelines, policies and procedures to define standards of behavior and to help residents learn to live together. The Community Conduct System aims to assist residents in their educational and personal development and to foster a sense of community in which everyone prospers. The full Residence Hall Judicial Code is available online: http://www.uwec.edu/Housing/programs/jboard.htm.

G. Chapter UWS 18: Conduct on University Lands

Wisconsin Administrative Code/Chapter UWS 18, is similar to municipal ordinance violations. The chapter includes prohibited conduct on Wisconsin University Lands as listed under Chapter UWS 18. A complete list of prohibited conduct can be found online: http://docs.legis.wisconsin.gov/Code/admin_Code/uws/18.pdf.

H. UW-Eau Claire File Sharing, Patent, and Copyright Policies

The University of Wisconsin-Eau Claire recognizes and respects intellectual property rights. As part of our mission to maintain the highest standards for ethical conduct, we are committed to fulfilling our moral and legal obligations with respect to the use of copyright-protected works. We are equally committed to the proper fair use of copyright-protected works, balancing the interests of ownership and access. Policies relating to file sharing, patent protection, and copyright are available online: http://www.uwec.edu/Copyright/policies/index.htm.

I. Handbook for Student Organizations

The Student Organizations Handbook is a resource to help students and advisors navigate the ins and outs of forming and maintaining a student organization, understand the roles and responsibilities of organizations, and learn about student organization policies, procedures and risk reduction. Staff advisors will find information about their roles and responsibilities, and suggestions for more successful advising. The handbook is found online: http://www.uwec.edu/Activities/handbook/index.htm.

J. Discrimination, Harassment, and Retaliation Policy/Procedure

It is the policy of the UW-Eau Claire to maintain an academic and work environment free of discrimination, discriminatory harassment, and retaliation for all students and employees. This policy applies to all programs and activities, and employment practices and operations; including the conduct of all students and employees arising out of their employment, educational or academic status, as well as to the conduct of all guests, visitors, vendors, contractors, subcontractors and others who do business with UW-Eau Claire. The policy is found online: http://www.uwec.edu/Affirm/policies/discriminationpolicy.htm
K. Sexual Harassment Policy

It is the policy of the Board of Regents of the University of Wisconsin System, and the University of Wisconsin-Eau Claire, consistent with 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 is unacceptable and impermissible conduct which will not be tolerated. The policy is found online: Affirmative Action Office, UW-Eau Claire-Sexual Harassment Policy

L. Threats and Violence Policy
http://www.uwec.edu/DOS/policies/yrtk/violence.htm

M. Grievance and Complaints

- Student Academic Grievance Procedures
- Affirmative Action Complaint Procedure
- Formal Hearing Procedure
- Disability Accommodation Policy and Procedure

Additional Documents and Information

A. Student Legal Services

The Student Senate and the Student Services Commission, collaborates with a licensed attorney to offer subsidized legal services to students. The attorney is on campus once a week and can help students on a very broad range of common student legal needs including traffic issues, small claims, personal injury, landlord disputes, alcohol issues and employer/employee disputes.

A $10.00 first-time fee is charged, with a $5.00 fee for each subsequent appointment concerning the same subject matter. Appointments must be made in person at the Student Senate Office, Davies 220 beforehand. For more information, contact the Student Senate Office at (715) 836-4646 or visit the Student Legal Services website: http://www.uwec.edu/StudentSenate/eventsservices/legal.htm

B. Attorney Guide to the Student Conduct Process

The University's student conduct system emphasizes the development of each individual's acceptance of his or her own personal and social responsibilities. A compassionate and supportive approach to student conduct is employed whenever possible. Severe disciplinary action against a student, such as separation, is considered and invoked when other remedies fail to meet the needs of the University's mission or when the violation is so egregious that it warrants removal.
The student conduct process is not bound by rules of evidence or process as seen in criminal or civil proceedings in a court of law. Therefore the role of attorneys in the student conduct process may be different. Though legal counsel may be beneficial to the student during the process, without fully considering the role of the student conduct process in student development, attorneys may inadvertently pose more harm to the student than benefit.

Attorneys assisting students as they navigate the student conduct process are encouraged to familiarize themselves with the Blugold Code. Additionally, the Dean of Students Office has developed a guide to assist attorneys in understanding the student conduct process. The guide is available online at:

C. Parent Guide to the Student Conduct Process

Parents are often confused and concerned when they discover their student has been charged with violating University policies or regulations. The Dean of Students Office wants to work with parents in understanding University expectations regarding behavior. Though the office cannot discuss specifics regarding your student’s case without written consent from the student, office staff members can assist parents by answering questions about the process. For a comprehensive guide to our process, refer to the Parent Guide online:
http://www.uwec.edu/DOS/policies/Conduct.htm

D. Academic Misconduct Flowchart

E. Non-Academic Misconduct Flowchart
Academic
Misconduct
Chapter UWS 14

STUDENT ACADEMIC DISCIPLINARY PROCEDURES

UWS 14.01 Statement of principles.
UWS 14.02 Definitions.
UWS 14.03 Academic misconduct subject to disciplinary action.
UWS 14.04 Disciplinary sanctions.
UWS 14.05 Disciplinary sanction imposed at the discretion of the instructor.
UWS 14.06 Disciplinary sanction imposed following a report of academic misconduct by the instructor.
UWS 14.07 Disciplinary sanction imposed following a report of academic misconduct by the investigating officer.
UWS 14.08 Hearing.
UWS 14.09 Appeal to the chancellor.
UWS 14.10 Discretionary appeal to the Board of Regents.
UWS 14.11 Settlement.
UWS 14.12 Effect of discipline within the university system.
UWS 14.13 Right to petition for readmission.
UWS 14.14 Investigating officer.
UWS 14.15 Academic misconduct hearing committee: institutional option.
UWS 14.16 Notice to students.
UWS 14.17 Notice to instructors.
UWS 14.18 Consistent institutional policies.

UWS 14.01 Statement of principles. The Board of Regents, administrators, faculty, academic staff and students of the University of Wisconsin System believe that academic honesty and integrity are fundamental to the mission of higher education and of the University of Wisconsin System. The university has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others' academic endeavors. Students who violate these standards must be confronted and must accept the consequences of their actions.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89; 2015 Wis. Act 330 s. 20; am. Register April 2016 No. 724, eff. 5-1-16.

UWS 14.02 Definitions. In this chapter:

(1) "Academic misconduct" means an act described in s. UWS 14.03.

(2) "Academic misconduct hearing committee" means the committee or hearing examiner appointed pursuant to s. UWS 14.15 to conduct hearings under s. UWS 14.08.

(3) "Chancellor" means the chancellor or designee.

(4) "Days" means calendar days.

(5) "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.

(6) "Disciplinary probation" means a status in which a student may remain enrolled in the university only upon the condition that the student complies with specified standards of conduct for a specified period of time, not to exceed 2 semesters.

(7) "Disciplinary sanction" means any action listed in s. UWS 14.04 taken in response to student academic misconduct.

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

(9) "Hearing examiner" means an individual appointed by the chancellor in accordance with s. UWS 14.15 for the purpose of conducting a hearing under s. UWS 14.08.

(10) "Institution" means any university or college, or organizational equivalent designated by the board.

(11) "Instructor" means the faculty member or instructional academic staff member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.

(12) "Investigating officer" means an individual, or his or her designee, appointed by the chancellor of each institution to carry out certain responsibilities in the course of investigations of academic misconduct under this chapter.

(13) "Student" means any person who is registered for study in an institution for the academic period in which the misconduct occurred.

(14) "Student affairs officer" means the dean of students or student affairs officer designated by the chancellor to carry out duties described in this chapter.

(15) "Suspension" means a loss of student status for a specified length of time, not to exceed 2 years, with resultant loss of all student rights and privileges.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89; 2015 Wis. Act 330 s. 20; am. (10) Register April 2016 No. 724, eff. 5-1-16.

UWS 14.03 Academic misconduct subject to disciplinary action. (1) Academic misconduct is an act in which a student:

(a) Seeks to claim credit for the work or efforts of another without authorization or citation;

(b) Uses unauthorized materials or fabricated data in any academic exercise;

(c) Forges or falsifies academic documents or records;

(d) Intentionally impedes or damages the academic work of others;

(e) Engages in conduct aimed at making false representation of a student's academic performance; or

(f) Assists other students in any of these acts.

(2) Examples of academic misconduct include, but are not limited to: cheating on an examination; collaborating with others in work to be presented, contrary to the stated rules of the course; submitting a paper or assignment as one's own work when a part or all of the paper or assignment is the work of another; submitting a paper or assignment that contains ideas or research of others without appropriately identifying the sources of those ideas; tampering with the laboratory experiment or computer program of another student; 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, 1989, No. 398, eff. 3-1-89.

UWS 14.04 Disciplinary sanctions. (1) The following are the disciplinary sanctions that may be imposed for academic misconduct in accordance with the procedures of s. UWS 14.05, 14.06 or 14.07:

(a) An oral reprimand;

(b) A written reprimand presented only to the student;

(c) An assignment to repeat the work, to be graded on its merits;

(d) A lower or failing grade on the particular assignment or test;

(e) A lower grade in the course;

(f) A failing grade in the course;
UWS 14.04

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(g) Removal of the student from the course in progress;
(h) A written reprimand to be included in the student's disciplinary file;
(i) Disciplinary probation; or
(j) Suspension or expulsion from the university.

(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of academic misconduct.

History: Ct. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.05 Disciplinary sanction imposed at the discretion of the instructor. (1) Where an instructor concludes that a student enrolled in one of his or her courses has engaged in academic misconduct in the course, the instructor for that course may impose one or more of the following disciplinary sanctions, as listed under s. UWS 14.04 (1) (a) through (c):

(a) An oral reprimand;
(b) A written reprimand presented only to the student; or
(c) An assignment to repeat the work, to be graded on its merits.

(2) No disciplinary sanction may be imposed under this section unless the instructor promptly offers to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(3) A student who receives a disciplinary sanction under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both. If the student desires such a hearing, he or she must file a written request with the student affairs officer within 10 days of imposition of the disciplinary sanction by the instructor.

History: Ct. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.06 Disciplinary sanction imposed following a report of academic misconduct by the instructor. Where an instructor believes that a student enrolled in one of his or her courses has engaged in academic misconduct and the sanctions listed under s. UWS 14.04 (1) (a) through (c) are inadequate or inappropriate, the instructor may proceed in accordance with this section to impose subject to hearing rights in s. UWS 14.08, one or more of the disciplinary sanctions listed under s. UWS 14.04 (1) (d) through (h).

(1) CONFERENCE WITH STUDENT. When an instructor concludes that proceedings under this section are warranted, the instructor shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(2) DETERMINATION BY THE INSTRUCTOR THAT NO ACADEMIC MISCONDUCT OCCURRED. If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(3) PROCESS FOLLOWING DETERMINATION BY THE INSTRUCTOR THAT ACADEMIC MISCONDUCT OCCURRED. (a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 14.04 (1) (d) through (h) should be recommended, the instructor shall prepare a written report informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to request a hearing before the academic misconduct hearing committee; and
4. A copy of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or by mail to the student by regular first class United States mail at his or her current address, as maintained at the institution. In addition, copies of the report shall be provided to the institution's student affairs officer and to others authorized by institutional procedures.

(c) A student who receives a written report under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both. If the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the student affairs officer within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing during this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

(4) PROCESS FOLLOWING DETERMINATION BY THE INSTRUCTOR THAT ACADEMIC MISCONDUCT OCCURRED, SUSPENSION OR EXPULSION MAY BE WARRANTED. (a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that disciplinary probation, suspension or expulsion under s. UWS 14.04 (1) (i) or (j) should be recommended, the instructor shall provide a written report to the investigating officer, which shall contain the following:

1. A description of the misconduct; and
2. Specification of the sanction recommended.

(b) Upon receipt of a report under this subsection, the investigating officer may proceed, in accordance with s. UWS 14.07, to impose a disciplinary sanction.

History: Ct. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.07 Disciplinary sanction imposed following a report of academic misconduct by the investigating officer. The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. UWS 14.04 (1) (g) through (j).

(1) AUTHORITY OF INVESTIGATING OFFICER. The investigating officer may proceed in accordance with this section when he or she receives information that a student at the institution has engaged in alleged academic misconduct and:

(a) Some or all of the alleged academic misconduct occurred outside the scope of any course for which the involved student is currently registered;
(b) The involved student has previously engaged in academic misconduct subject to the disciplinary sanctions listed in s. UWS 14.04 (1) (d) through (j);
(c) The alleged misconduct would, if proved to have occurred, warrant a sanction of disciplinary probation, suspension or expulsion; or
(d) The instructor in the course is unable to proceed.

(2) CONFERENCE WITH STUDENT. When the investigating officer concludes that proceedings under this section are warranted, he or she shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the investigating officer to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(3) CONFERENCE WITH INSTRUCTOR. An investigating officer proceeding under this section shall discuss the matter with an involved instructor. This discussion may occur either before or after the conference with the student. It may include consultation...
with the instructor on the facts underlying the alleged academic misconduct and on the propriety of the recommended sanction.

(4) Determination by the Investigating Officer that No Academic Misconduct Occurred. If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(5) Process Following Determination by the Investigating Officer that Academic Misconduct Occurred. (a) If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 14.04 (1) (g) through (j) should be recommended, the investigating officer shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student’s right to a hearing before the academic misconduct hearing committee; and
4. A copy of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally or by electronic means to the student or mailed to the student by regular first class United States mail at his or her current address, as maintained at the institution. In addition, a copy of the report shall be provided to the instructor and to the institution’s student affairs officer.

(c) A student who receives a written report under this section has the right to a hearing before the academic misconduct hearing committee under s. UWS 14.08 to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both.

1. Except in cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, if the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the student affairs officer within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

2. In cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, the student affairs officer shall, upon receipt of the written report under par. (b), proceed under s. UWS 14.08 to schedule a hearing on the matter. The purpose of the hearing shall be to review the determination that academic misconduct occurred and the disciplinary sanction recommended. A hearing will be conducted unless the student waives, in writing, the right to such a hearing.

(3) The hearing before the academic misconduct hearing committee shall be conducted in accordance with the following requirements:

(a) The student shall have the right to question adverse witnesses, the right to present evidence and witnesses, and to be heard in his or her own behalf, and the right to be accompanied by a representative of his or her choice.

(b) The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.

(c) The hearing committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. Any party to the hearing may obtain copies of the record at his or her own expense. Upon a showing of indigency and legal need, a party may be provided a copy of the verbatim record of the testimony without charge.

(d) The hearing committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.

(e) The hearing committee may find academic misconduct and impose a sanction of suspension or expulsion only if the proof of such misconduct is clear and convincing. In other cases, a finding of misconduct must be based on a preponderance of the credible evidence.

(f) The committee may impose a disciplinary sanction that differs from the recommendation of the instructor or investigating officer.

(g) The instructor or the investigating officer or both may be witnesses at the hearing conducted by the committee, but do not have responsibility for conducting the hearing.

(h) The decision of the hearing committee shall be served upon the student either by personal delivery, electronic means, or first class United States mail and shall become final within 10 days of service, unless an appeal is taken under s. UWS 14.09.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89; 2015 Wis. Act 330: am. (3) (b) Register April 2016 No. 724, eff. 5-1-16.

UWS 14.09 Appeal to the chancellor. (1) Where the sanction prescribed by the hearing committee is suspension or expulsion, the student may appeal to the chancellor to review the decision of the hearing committee on the record. In such a case, the chancellor shall sustain the decision of the academic misconduct hearing committee unless the chancellor finds:

(a) The evidence of record does not support the findings and recommendations of the hearing committee;

(b) Established procedures were not followed by the academic misconduct hearing committee and material prejudice to the student resulted; or

(c) The decision was based on factors proscribed by state or federal law regarding equal educational opportunities.

(2) If the chancellor makes a finding under sub. (1), the chancellor may remand the matter for consideration by a different hearing committee, or, in the alternative, may invoke an appropriate remedy of his or her own.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.10 Discretionary Appeal to the Board of Regents. Institutional decisions under ss. UWS 14.05 through 14.09 shall be final, except that the Board of Regents may, at its discretion, grant a review upon the record.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89; 2015 Wis. Act 330 s. 20: am. Register April 2016 No. 724, eff. 5-1-16.

UWS 14.11 Settlement. The procedures set forth in this chapter do not preclude a student from agreeing that academic
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misconduct occurred and to the imposition of a sanction, after
proper notice has been given. Required written reports, however,
may not be waived.
History: Cr. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.12 Effect of discipline within the university
system. Suspension or expulsion shall be systemwide in effect.
(1) A student who is suspended or expelled from one institu-
tion 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.
(2) Upon completion of a suspension period, a student may
re-enroll in the institution which suspended him or her as if no
suspension had been imposed.
History: Cr. Register, February, 1989, No. 398, eff. 3–1–89; 2015 Wis. Act 330
s. 20: am. (1) Register April 2016 No. 724, eff. 5–1–16.

UWS 14.13 Right to petition for readmission. A student
who has been expelled may petition for readmission, and a
student who has been suspended may petition for readmission
prior to the expiration of the suspension period. The petition for
readmission must be in writing and directed to the chancellor of
the institution from which the student was suspended or expelled.
The 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 sus-
penion cases. The chancellor shall, after consultation with
elected representatives of the faculty, academic staff, and stu-
dents, adopt procedures for determining whether such petitions
will be granted or denied.
History: Cr. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.14 Investigating officer. The chancellor of
each institution, in consultation with faculty, academic staff, and
student representatives, shall designate an investigating officer or
officers for student academic misconduct. The investigating offi-
cer shall have responsibility for investigating student academic
misconduct and initiating procedures for academic misconduct
under s. UWS 14.07. An investigating officer may also serve on
the academic misconduct hearing committee for a case, if he or
she has not otherwise been involved in the matter.
History: Cr. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.15 Academic misconduct hearing commit-
tee: institutional option. The chancellor of each institution,
in consultation with faculty, academic staff, and student represen-
tatives, shall adopt policies providing for the establishment of a
student academic misconduct hearing committee or designation of
a hearing examiner to fulfill the responsibilities of the academic
misconduct hearing committee in this chapter.
(1) A student academic misconduct hearing committee shall
consist of at least 3 persons, including a student or students, and
the presiding officer shall be appointed by the chancellor. The
presiding officer and at least one other member shall constitute a
quorum at any hearing held pursuant to due notice.
(2) A hearing examiner shall be selected by the chancellor
from the faculty and staff of the institution.
History: Cr. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.16 Notice to students. Each institution shall
publish and make freely available to students copies of ch. UWS
14 and any institutional policies implementing ch. UWS 14.
History: Cr. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.17 Notice to instructors. Each institution shall
adopt procedures to ensure that instructors are familiar with these
policies. Each institution shall provide instructors with copies of
ch. UWS 14 and any institutional policies implementing ch. UWS
14 upon employment with the university, and each department
chair shall be provided such copies upon assuming the duties of
the chair.
History: Cr. Register, February, 1989, No. 398, eff. 3–1–89.

UWS 14.18 Consistent institutional policies. Each
institution is authorized to adopt policies consistent with this
chapter. A copy of such policies shall be filed with the Board of
Regents and the University of Wisconsin System office of aca-
demic affairs.
History: Cr. Register, February, 1989, No. 398, eff. 3–1–89; 2015 Wis. Act 330
s. 20: am. Register April 2016 No. 724, eff. 5–1–16.
Non-Academic Misconduct
Chapter UWS 17

STUDENT NONACADEMIC DISCIPLINARY PROCEDURES

UWS 17.01 Policy statement. The missions of the University of Wisconsin System and its individual institutions can be realized only if the university’s teaching, learning, research and service activities occur in living and learning environments that are safe and free from violence, harassment, fraud, theft, disruption and intimidation. In promoting such environments, the university has a responsibility to address student nonacademic misconduct; this responsibility is separate from and independent of any civil or criminal action resulting from a student’s conduct. This chapter defines nonacademic misconduct, provides university procedures for effectively addressing misconduct, and offers educational responses to misconduct. The University of Wisconsin System is committed to respecting students' constitutional rights. Nothing in this chapter is intended to restrict students' constitutional rights, including rights of freedom of speech or to peaceably assemble with others.

History: CR 06-099; cr. Register August 2009 No. 644, eff. 9–1–09.

UWS 17.02 Definitions. In this chapter:

(1) "Chief administrative officer" means the chancellor of an institution or dean of a campus or their designee.

(2) "Clear and convincing evidence" means information that would persuade a reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than "preponderance of the evidence."

(2m) "Complainant" means any individual who is reported to have been subjected to sexual harassment, sexual assault, dating violence, domestic violence, or stalking, as defined in s. UWS 17.09.

(3) "Days" means calendar days.

(4) "Delivered" means sent by electronic means to the student’s official university email address and, in addition, provided by any of the following methods:

(a) Given personally.

(b) Placed in the student’s official university mailbox.

(c) Mailed by regular first class United States mail to the student’s current address as maintained by the institution.

(5) "Disciplinary file" means the record maintained by the student’s chief administrative officer responsible for student discipline.

(6) "Disciplinary probation" means a status in which a student may remain enrolled in the university only upon the condition that the student complies with specified standards of conduct or other requirements or restrictions on privileges, for a specified period of time, not to exceed two years.

(7) "Disciplinary sanction" means any action listed in s. UWS 17.10 (1) taken in response to student nonacademic misconduct.

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

(9) "Hearing examiner" means an individual, other than the investigating officer, appointed by the chief administrative officer in accordance with s. UWS 17.06 (2) for the purpose of conducting a hearing under s. UWS 17.12.

(10) "Institution" means any university, or an organizational equivalent designated by the board, and the University of Wisconsin colleges.

(11) "Investigating officer" means an individual, or his or her designee, appointed by the chief administrative officer of each institution, to conduct investigations of nonacademic misconduct under this chapter.

(12) "Nonacademic misconduct hearing committee" or "committee" means the committee appointed pursuant to s. UWS 17.07 to conduct hearings under s. UWS 17.12.

(13) "Preponderance of the evidence" means information that would persuade a reasonable person that a proposition is more probably true than not true. It is a lower standard of proof than "clear and convincing evidence" and is the minimum standard for a finding of responsibility under this chapter.

(13m) "Respondent" means any student who is accused of violating any provision of this chapter, and was registered for study in an institution for the academic period, or between academic periods for continuing students, when the misconduct occurred.

(14) "Student" means any person who is registered for study in an institution for the academic period in which the misconduct occurred, or between academic periods, for continuing students.

(15) "Student affairs officer" means the dean of students or student affairs officer designated by the chief administrative officer to coordinate disciplinary hearings and carry out duties described in this chapter.

(16) "Suspension" means a loss of student status for a specified length of time, not to exceed two years, with resultant loss of all student rights and privileges.

(17) "University lands" means all real property owned by, leased by, or otherwise subject to the control of the Board of Regents of the University of Wisconsin System.

History: CR 08-099; cr. Register August 2009 No. 644, eff. 9–1–09; 2015 Wis. Act 330 s. 20; am. (17) Register April 2016 No. 724, eff. 5–1–16; CR 15-060; cr. (2m), (13m) Register June 2016 No. 726, eff. 7–1–16; correction in (2m), (13m) under 13.92 (4) (b) 7., Stats., Register June 2016 No. 726.

UWS 17.03 Consistent institutional policies. Each institution is authorized to adopt policies consistent with this chapter. A copy of such policies shall be filed with the Board of...
Regents and the University of Wisconsin System office of academic affairs.

History: CR 08–099: cr Register August 2009 No. 644, eff. 9–1–09; 2015 Wis. Act 330 s. 20; am. Register April 2016 No. 724, eff. 5–1–16.

UWS 17.04 Notice to students. Each institution shall publish ch. UWS 17 on its website and shall make ch. UWS 17 and any institutional policies implementing ch. UWS 17 freely available to students through the website or other means.

History: CR 08–099: cr Register August 2009 No. 644, eff. 9–1–09.

UWS 17.05 Designation of investigating officer. The chief administrative officer of each institution shall designate an investigating officer or officers for allegations of student nonacademic misconduct. The investigating officer shall investigate student nonacademic misconduct and initiate procedures for nonacademic misconduct under s. UWS 17.11. For allegations involving sexual assault, domestic violence, dating violence, stalking, or sexual harassment, the chief administrative officer shall involve the Title IX Coordinator, or designee, in accordance with applicable institutional policies.

History: CR 08–099: cr Register August 2009 No. 644, eff. 9–1–09; CR 15–060: am. Register June 2016 No. 726, eff. 7–1–16.

UWS 17.06 Nonacademic misconduct hearing examiner. (1) The chief administrative officer of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the designation of a student nonacademic misconduct hearing examiner to fulfill the responsibilities of the nonacademic misconduct hearing examiner in this chapter.

History: CR 08–099: cr Register August 2009 No. 644, eff. 9–1–09; CR 15–060: am. Register June 2016 No. 726, eff. 7–1–16.

UWS 17.07 Nonacademic misconduct hearing committee. (1) The chief administrative officer of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a student nonacademic misconduct hearing committee to fulfill the responsibilities of the nonacademic misconduct hearing committee in this chapter.

History: CR 08–099: cr Register August 2009 No. 644, eff. 9–1–09.

UWS 17.08 Nonacademic misconduct occurring on or outside of university lands. (1) MISCONDUCT ON UNIVERSITY LANDS. Except as provided in s. UWS 17.08 (2), the provisions contained in this chapter shall apply to the student conduct described in s. UWS 17.09 that occurs on university lands or at university-sponsored events.

(2) MISCONDUCT OUTSIDE OF UNIVERSITY LANDS. The provisions contained in this chapter may apply to the student conduct described in s. UWS 17.09 that occurs outside of university lands only when, in the judgment of the investigating officer, the conduct adversely affects a substantial university interest. In determining whether the conduct adversely affects a substantial university interest, the investigating officer shall consider whether the conduct meets one or more of the following conditions:

(a) The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.

(b) The conduct indicates that the student presented or may present a danger or threat to the health or safety of himself, herself or others.

(c) The conduct demonstrates a pattern of behavior that seriously impairs the university’s ability to fulfill its teaching, research, or public service missions.

History: CR 08–099: cr Register August 2009 No. 644, eff. 9–1–09.

UWS 17.09 Conduct subject to disciplinary action. In accordance with s. UWS 17.08, the university may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct:

(1) DANGEROUS CONDUCT. Conduct that endangers or threatens the health or safety of oneself or another person.

(2) SEXUAL ASSAULT. Conduct defined in s. 940.225, Stats. Appendix 1

(3) STALKING. Conduct defined in s. 940.32, Stats. Appendix 2

(4) HARASSMENT. Conduct defined in s. 947.013, Stats. Appendix 3

(5) HAZING. Conduct defined in s. 948.51, Stats. Appendix 4

(6) ILLEGAL USE, POSSESSION, MANUFACTURE, OR DISTRIBUTION OF ALCOHOL, CONTROLLED SUBSTANCES. Use, possession, manufacture, or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law or university policy.

(7) UNAUTHORIZED USE OF OR DAMAGE TO PROPERTY. Unauthorized possession of, use of, moving of, tampering with, damage to, or destruction of university property or the property of others.

(8) DISRUPTION OF UNIVERSITY–AUTHORIZED ACTIVITIES. Conduct that obstructs or impairs university–run or university–authorized activities, or that interferes with or impedes the ability of a person to participate in university–run or university–authorized activities.

(9) FRAUD OR FALSEIFICATION. Unauthorized possession of or fraudulent creation, alteration, or misuse of any university or other governmental document, record, key, electronic device, or identification.

(10) MISUSE OF COMPUTING RESOURCES. Conduct that involves any of the following: (a) Failure to comply with laws, license agreements, and contracts governing university computer network, software, and hardware use.

(b) Use of university computing resources for unauthorized commercial purposes or personal gain.

(c) Failure to protect a personal password or university–authorized account.

(d) Breach of computer security, invasion of privacy, or unauthorized access to university computing resources.

(11) FALSE STATEMENT OR REFUSAL TO COMPLY REGARDING A UNIVERSITY MATTER. Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter.

(12) VIOLATION OF CRIMINAL LAW. Conduct that constitutes a criminal offense as defined by state or federal law.

(13) SERIOUS AND REPEATED VIOLATIONS OF MUNICIPAL LAW. Serious and repeated off–campus violations of municipal law.

(14) VIOLATION OF CH. UWS 18. Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.

(15) VIOLATION OF UNIVERSITY RULES. Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.

(16) NONCOMPLIANCE WITH DISCIPLINARY SANCTIONS. Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.
(17) **DATING VIOLENCE.** Violence committed by a student against another person with whom they are in a "dating relationship" as defined in s. 813.12 (1) (ag), Stats.  
(18) **DOMESTIC VIOLENCE.** Conduct defined as "domestic abuse" in ss. 813.12 (1) (am) and 968.075, Stats.  
(19) **SEXUAL HARASSMENT.** Conduct defined in s. 111.32 (13), Stats., or as defined in Board of Regent Policy that addresses sexual harassment Appendix 6  

**UWS 17.10 Disciplinary sanctions.** (1) The disciplinary sanctions that may be imposed for nonacademic misconduct, in addition to the procedures of ss. UWS 17.11 to 17.13, are any of the following:  
(a) A written reprimand.  
(b) Denial of specified university privileges.  
(c) Payment of restitution.  
(d) Educational or service sanctions, including community service.  
(e) Disciplinary probation.  
(f) Imposition of reasonable terms and conditions on continued student status.  
(g) Removal from a course in progress.  
(h) Enrollment restrictions on a course or program.  
(i) Suspension.  
(j) Expulsion.  

(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of nonacademic misconduct.  

(3) Disciplinary sanctions shall not include the termination or revocation of student financial aid; 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 a student for financial aid.  

**History:** CR 08-099: cr. Register August 2009 No. 644, eff. 9–1–09; CR 15–060: cr. (17), (18), (19) Register June 2016 No. 726, eff. 7–1–16.  

**UWS 17.11 Disciplinary procedure.** (1) **PROCESS.** The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. UWS 17.10 (1).  

(2) **CONFERENCE WITH RESPONDENT.** When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the respondent in person, by telephone, or by electronic mail to offer to discuss the matter, review the investigating officer's basis for believing that the respondent engaged in nonacademic misconduct, and request the respondent to attend a meeting. If the respondent fails to respond to the investigating officer, the investigating officer may proceed to make a determination on the basis of the available information. A complaint shall have all the rights provided to the respondent in this subsection.  

(3) **DETERMINATION BY THE INVESTIGATING OFFICER THAT NO DISCIPLINARY SANCTION IS WARRANTED.** If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did not, in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action. The investigating officer shall simultaneously notify the respondent and the complainant of this outcome and offer to discuss it separately with either one. If the investigating officer determines that nonacademic misconduct did occur or that no disciplinary sanction is warranted, the complainant may appeal this decision in accordance with s. UWS 17.13.  

(4) **PROCESS FOLLOWING DETERMINATION BY THE INVESTIGATING OFFICER THAT NONACADEMIC MISCONDUCT OCCURRED.**  
(a) If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 17.10 (1) should be recommended, the investigating officer shall prepare a written report which shall contain all of the following:  
   1. A description of the alleged misconduct.  
   2. A description of all information available to the university regarding the alleged misconduct. Such information shall be available to the complainant and the respondent, except as may be precluded by applicable state or federal law.  
   4. Notice of the respondent's right to a hearing.  
   5. A copy of this chapter and of the institutional procedures adopted to implement this section.  
(b) The written report shall be delivered simultaneously to the respondent and complainant, excluding any information that may be precluded by applicable state or federal law.  
(c) A respondent who receives a written report under this section has the right to a hearing under s. UWS 17.12 to contest the determination that nonacademic misconduct occurred, the choice of disciplinary sanctions, or both.  

1. Where the disciplinary sanction sought is one of those listed in s. UWS 17.10 (1) (a) to (g), and if the respondent desires a hearing, the respondent shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the respondent. If the respondent does not request a hearing within this period, the determination of nonacademic misconduct shall be regarded as final, and the disciplinary sanction sought shall be imposed.  

2. Where the disciplinary sanction sought is one of those listed in s. UWS 17.10 (1) (h) to (j), the investigating officer shall forward a copy of the written report under para. (b) to the student affairs officer. The student affairs officer shall, upon receipt of the written report, proceed under s. UWS 17.12 to schedule a hearing on the matter. A hearing shall be conducted unless the respondent waives, in writing, the right to such a hearing.  

**History:** CR 08–099: cr. Register August 2009 No. 644, eff. 9–1–09; correction to (1) (0616) made under s. 13.92 (4) (b) 2., Stats., Register August 2009 No. 644; CR 15–060: am. (2), (3), (4) (a) 2., 4., (b), (6) Register June 2016 No. 726, eff. 7–1–16.  

**UWS 17.12 Hearing.** (1) A respondent who requests a hearing, or for whom a hearing is scheduled under s. UWS 17.11 (4) (c) 2., shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee. In cases of sexual assault, dating violence, domestic violence, stalking, or sexual harassment the university shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.  

(2) If a respondent requests a hearing under s. UWS 17.11 (4) (c) 1., or a hearing is required to be scheduled under s. UWS 17.11 (4) (c) 2., the student affairs officer shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request or written report. The hearing shall be conducted within 45 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the respondent and investigating officer, or is ordered or permitted by the hearing examiner or committee.  

(3) No less than 5 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the respondent and the complainant with access to or copies of the investigating officer’s explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information of the type described in s. UWS 17.11 (4) (a) 2.
(4) The hearing shall be conducted in accordance with the following guidance and requirements:

(a) The hearing process shall further the educational purposes and reflect the university context of nonacademic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in ch. UWS 17.

(b) The respondent shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be accompanied by an advisor of the respondent’s choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified in s. UWS 17.10(1)(a) to (h), the advisor may counsel the respondent but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the respondent except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in s. UWS 17.10(1)(i) or (j), where the respondent has been charged with a crime in connection with the same conduct for which the disciplinary sanction is sought, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the respondent. In accordance with the educational purposes of the hearing, the respondent is expected to respond on his or her own behalf to questions asked of him or her during the hearing. The complainant shall have all the rights provided to the respondent in this subsection.

(c) The hearing examiner or committee:
1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony.
2. Shall observe recognized legal privileges.
3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness’s testimony, provided, however, whatever procedure is adopted, the complainant and respondent are allowed to effectively question the witness.

(d) The hearing examiner or committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. The respondent and the complainant may access the record, except as may be precluded by applicable state or federal law.

(e) The hearing examiner or committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.

(f) A hearing examiner’s or committee’s finding of nonacademic misconduct shall be based on one of the following:
1. Clear and convincing evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10(1)(h) to (j).
2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10(1)(a) to (g).
3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

(g) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in s. UWS 17.10(1)(a) to (g) that differs from the recommendation of the investigating officer. Sanctions under s. UWS 17.10(1)(h) to (j) may not be imposed unless previously recommended by the investigating officer.

(h) The hearing shall be conducted by the hearing examiner or committee, and the university’s case against the respondent shall be presented by the investigating officer or his or her designee.

(1) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered simultaneously to the respondent and the complainant, excluding information that may be precluded by state or federal law. The decision shall become final within 14 days of the date on the written decision, unless an appeal is taken under s. UWS 17.13.

(j) If a party fails to appear at a schedule hearing and to proceed, the hearing examiner or committee may issue a decision based upon the information provided.

(k) Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the respondent or complainant requests a closed hearing or if the hearing examiner or committee determines that it is necessary to hold a closed hearing, as permitted under the Wisconsin open meetings law. Deliberations of the committee shall be held in closed session, in accordance with s. 19.85, Stats. As such, proper notice and other applicable rules shall be followed.

History: CR 08–099: cr. Register August 2009 No. 664, eff. 9–1–09; CR 15–660: am. (1), (2), (3), (4), (6), (7), (9), (10) Register June 2016 No. 726, eff. 7–1–16.

UWS 17.13 Appeal to the chancellor. (1) Where the sanction prescribed by the hearing examiner or committee is one of those listed in s. UWS 17.10 (1)(h) to (j), the respondent may appeal in writing to the chief administrative officer within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record. In cases involving sexual assault, dating violence, domestic violence, stalking, or sexual harassment, the complainant shall be notified of the appeal.

(2) In cases involving sexual assault, dating violence, domestic violence, stalking or sexual harassment, the following appeal rights shall be provided:

(a) The complainant may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the investigating officer pursuant to s. UWS 17.11 (3) or the hearing committee or examiner pursuant to s. UWS 17.12 (4) (i). The appeal shall be based upon the record. The respondent shall be notified of the appeal.

(b) The respondent may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the hearing committee or examiner pursuant to s. UWS 17.12 (4) (i). The appeal shall be based upon the record. The complainant shall be notified of the appeal.

(3) The chief administrative officer has 30 days from receipt of an appeal to respond and shall sustain the decision unless the chief administrative officer finds any of the following:

(a) The information in the record does not support the findings or decision.

(b) Appropriate procedures were not followed which resulted in material prejudice to the respondent or complainant.

(c) The decision was based on factors proscribed by state or federal law.

(4) If the chief administrative officers makes a finding under sub. (3), the chancellor may return the matter for consideration, or may invoke an appropriate remedy of his or her own. The chief administrative officer’s decision shall be communicated simultaneously to the respondent and the complainant.

History: CR 08–099: cr. Register August 2009 No. 664, eff. 9–1–09; CR 15–660: renum. (1) (intro.) to (j) and am., r. (1) (a), (b), (c), r. and recr. (2), cr. (3), (5) Register June 2016 No. 726, eff. 7–1–16; correction in (2) (a), (b) under ss. 13.92 (4) (b) 7. and 35.17, Stats., Register June 2016 No. 726.

UWS 17.14 Discretionary appeal to the Board of Regents. Institutional decisions under ss. UWS 17.11 to 17.13 shall be final, except that the board of regents may, at its discretion, grant a review upon the record, upon written request submitted by any party within 14 days of the final institutional decision. In cases involving sexual assault, dating violence, domestic violence, stalking, or sexual harassment, the non–appealing party shall receive notice of the appeal.

History: CR 08–099: cr. Register August 2009 No. 664, eff. 9–1–09; 2015 Wis. Act 130 s. 20; am. Register April 2016 No. 724, eff. 5–1–16; CR 15–660: am. Register June 2016 No. 726, eff. 7–1–16.
UWS 17.15 Settlement. The procedures set forth in this chapter allow the university and a respondent to enter into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the respondent and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the respondent. The investigating officer shall confer with the complainant regarding the proposed settlement and provide notice of the outcome.

History: CR 08-099; cr. Register August 2009 No. 644, eff. 9–1–09; CR 15–060; am. Register June 2016 No. 726, eff. 7–1–16.

UWS 17.16 Effect of discipline within the institution. A respondent who, at the time of commencement, is subject to a continuing disciplinary sanction under s. UWS 17.10 (1) or unresolved disciplinary charges as a result of a report under s. UWS 17.11, shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding.

History: CR 08-099; cr. Register August 2009 No. 644, eff. 9–1–09; CR 15–060; am. Register June 2016 No. 726, eff. 7–1–16.

UWS 17.17 Effect of suspension or expulsion within the university system. (1) Suspension or expulsion shall be systemwide in effect and shall be noted on an individual’s transcript, with suspension noted only for the duration of the suspension period.

(2) An individual who is suspended from one institution in the University of Wisconsin System may not enroll in another institution in the system until the suspension has expired by its own terms, except as provided in s. UWS 17.18.

(3) An individual who is expelled from one institution in the University of Wisconsin System may not enroll in another institution in the system, except as provided in s. UWS 17.18.

(4) An individual who is in a state of suspension or expulsion from the university under this chapter, or who leaves or withdraws from the university while under nonacademic misconduct charges under this chapter, may not be present on any campus without the written consent of the chief administrative officer of that campus.

(5) Upon completion of a suspension period, an individual who is academically eligible may re-enroll in the institution which suspended him or her, provided all conditions from previous disciplinary sanctions have been met.

History: CR 08-099; cr. Register August 2009 No. 644, eff. 9–1–09; CR 15–060; am. (3), (3), (4), (5) Register June 2016 No. 726, eff. 7–1–16.

UWS 17.18 Petition for restoration of rights after suspension or expulsion. A respondent who has been suspended may petition to have his or her student status, rights, and privileges restored before the suspension has expired by its own terms under s. UWS 17.17 (2). A respondent who has been expelled may petition for the right to apply for readmission. The petition shall be in writing and directed to the chief administrative officer of the institution from which the respondent was suspended or expelled or of a different University of Wisconsin institution to which the respondent seeks admission. The chief administrative officer shall make the readmission decision. In cases of sexual harassment, sexual assault, dating violence, domestic violence, and stalking cases, the readmission decision should be made in consultation with the Title IX coordinator, and the complainant should be notified of any change to the disciplinary outcome.

History: CR 08–099; cr. Register August 2009 No. 644, eff. 9–1–09; CR 15–060; am. Register June 2016 No. 726, eff. 7–1–16.

UWS 17.19 Emergency suspension. (1) The chief administrative officer may impose an emergency suspension on a respondent, pending final institutional action on a report of nonacademic misconduct, in accordance with the procedures of this section.

(2) The chief administrative officer of each institution may impose an emergency suspension on a respondent when all of the following conditions are met:

(a) The investigating officer has made a reasonable attempt to offer the respondent the opportunity for discussion, either in person or by telephone.

(b) The investigating officer recommends a sanction of suspension or expulsion.

(c) The chief administrative officer concludes, based on the available information, that the misconduct occurred and that the respondent’s continued presence on campus meets one or more of the following conditions:

1. Would constitute a potential for serious harm to the respondent.

2. Would constitute a potential for serious harm to others.

3. Would pose a threat of serious disruption of university—run or university—authorized activities.

4. Would constitute a potential for serious damage to university facilities or property.

(3) If the chief administrative officer determines that an emergency suspension is warranted under sub. (2), the chief administrative officer shall promptly have written notification of the emergency suspension delivered to the respondent. In cases of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, the written notification of the emergency suspension shall be delivered simultaneously to the complainant and the respondent. The chief administrative officer’s decision to impose an emergency suspension shall be effective immediately when delivered to the respondent and is final.

(4) Where an emergency suspension is imposed, the hearing on the underlying allegations of misconduct shall be held, either on or outside of university lands, within 21 days of the imposition of the emergency suspension, unless the respondent agrees to a later date.

(5) An emergency suspension imposed in accordance with this section shall be in effect until the decision in the hearing on the underlying charges pursuant to s. UWS 17.12 is rendered or the chief administrative officer rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the respondent agrees to a longer period.

(6) If the chief administrative officer determines that none of the conditions specified in sub. (2) (c) are present, but that misconduct may have occurred, the case shall proceed in accordance with s. UWS 17.12.

History: CR 08–099; cr. Register August 2009 No. 644, eff. 9–1–09; CR 15–060; am. (1), (1) (intro.), (a), (c) (intro.), l. (3), (4), (5) Register June 2016 No. 726, eff. 7–1–16.
Q: Where can I find a complete copy of the Student Nonacademic Disciplinary Procedures? The Blugold Code is the official document containing policies and procedures for nonacademic disciplinary procedures. The document can be found on the Dean of Students Office website at www.uwec.edu/dos.

Q: I have been asked to represent a student in the disciplinary process. How do I establish this with the University? In order to communicate information contained in a student disciplinary record to a third party, the Dean of Students Office, consistent with the Family Educational Rights and Privacy Act, must receive from the student a completed confidentiality waiver form available in our office. It is the practice of our office to correspond at all times directly with the student.

Q: Can the disciplinary process proceed if the student is no longer enrolled at the University? The Blugold Code, 17.02(14) defines a student as any person who is registered for study for the academic period in which the misconduct occurred, or between academic periods, for continuing students. In other words, disciplinary procedures may proceed against a non-enrolled student if the misconduct occurred while the student was enrolled.

Q: Can the University assert jurisdiction over behavior that occurs off-campus? The University does have the authority, via Blugold code, 17.08, to assert jurisdiction over off-campus behavior.

Q: The student is charged with a crime off-campus. Will the proceedings be delayed until the criminal matter is resolved? Our disciplinary procedures are intended to further the educational mission at UW-Eau Claire. Therefore, pending criminal proceedings will not ordinarily serve as a basis to postpone the student disciplinary process. Exceptions may be made by the investigating officer assigned to the case, but these exceptions are rare and must be supported by substantial justification. Our process only attempts to determine if a student violated University rules and regulations, not criminal law.

Q: What will happen if the student refuses to participate in the student disciplinary process? If the student does not respond to the investigating officer or fails to appear for a hearing, the investigating officer or hearing committee may proceed to make a determination on the basis of the available information.

Q: What if the student chooses to participate in the process? Is he or she granted any immunity in the criminal process? All student disciplinary matters are subject to lawful subpoena. This includes tape recordings, written statements and records, and personal recollections.

Q: What is the standard of proof in the disciplinary process? A finding of nonacademic misconduct is based on one of the following: (1) Clear and convincing evidence, when the sanction to be imposed is suspension or expulsion from the University, or enrollment restrictions are placed on a course or program; (2) A preponderance of the evidence, when the sanction is anything other than those listed in (1); and (3) A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

Q: What protections and rules of evidence apply to the disciplinary process? Courts have long recognized the differing interests of the University community from that of the criminal justice process. Although there are basic concepts of fairness that apply to student disciplinary proceedings, the student disciplinary process serves administrative and educational functions relating to the mission of the University. Therefore, many of the intricate rules and processes found in a court system, whether criminal or civil procedure, are not applicable to University disciplinary procedures. Any information that has reasonable value in proving the facts may be used in the process.
Q: Are attorneys permitted to attend meetings and hearings as part of the process?
The student has the right to be accompanied to meetings and hearings by an advisor, who may be an attorney.

Investigating Officer Meetings
In meetings with the investigating officer, the attorney may not speak on behalf of the student but may counsel the student.

Hearings
In cases where a hearing is being conducted and the student has been charged with a crime in connection with the same conduct for which the disciplinary sanction is sought, or where the recommended disciplinary sanction is suspension or expulsion from the University, or enrollment restrictions are placed on a course or program, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the student. In all other cases the advisor may counsel the student, but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the student except at the discretion of the hearing examiner or committee. In accordance with the educational purposes of the hearing, the student is expected to respond on his or her own behalf to questions asked of him or her during the hearing.

Q: Why would the university proceed with a sexual assault case prior to the criminal trial?
The U.S. Department of Education Office of Civil Rights (OCR) guidelines require a "prompt" response to allegations of sexual harassment—including sexual assault. A university hearing need not be postponed in order to preserve the Fifth Amendment rights of students in subsequent criminal cases—students may exercise their right to remain silent.

Q: Are there resources available to learn more about the law as it relates to campus disciplinary proceedings?

A review of the following cases may be useful:
- Dixon v. Alabama, 294 F. 2d 150 (5th Cir. 1961)
- Esteban v. Central Missouri State College, 415 F.2d1077 (8th Cir. 1969)
- Soglin v. Kauffman, 418 F. 2d 163 (7th Cir. 1969)
- Paine v. Board of Regents of the University of Texas System, 474 F. 2d 1397, (5th Cir. 1973)
- Krasnow v. Virginia Polytechnic Institute, 551 F.2d 591, (4th Cir. 1977)
- Gabrilowitz v. Newman, 582 F2d 100, (1st Cir. 1978)
- Osteen v. Henley, 13 F3d 221, (7th Cir. 1993)

Portions of this document were modeled on Disciplinary Guide for Attorneys, Illinois State University.
**Introduction**

Chances are you never thought that your son or daughter’s UW-Eau Claire experience would include allegations of misconduct. First, we recognize that our students (like all of us) make mistakes. Sometimes this involves the consumption of alcohol. Other times it may involve a rash decision made at a late hour. Through our process, we want students to learn where they could have made different decisions and offer them strategies for making better choices in the future.

As you know from your own experience, actions carry consequences. This is no different at UW-Eau Claire. When students are found responsible for violating a University policy, they may face a set of sanctions. These sanctions may include a warning, probation, reflection papers, and, sometimes, separation from the University, either for a period of time (suspension), or permanently (expulsion). These are not consequences we take lightly. We recognize that any sanction imposed may impact a student.

However, we also feel strongly that our process and sanctions play an important role in a student’s education at UW-Eau Claire, not just during their time with us, but in life beyond college. We encourage, but do not require, students to talk with their parents upon finding themselves in a tough situation that may involve violation of a university policy. We have found that students are often fearful to talk with their parents about their situation because of the reaction they think they will receive. While you will understandably be concerned about what may have happened, you will undoubtedly want to share support to your son or daughter. Listen to his or her perspective. Encourage him/her to accept responsibility for the role he or she played in a situation.

A common reaction from parents is that their son or daughter could not have possibly engaged in the behavior of which they are accused. Or, at worst, the behavior of their son or daughter was unintentional and simply a mistake. We strive for a fair and thorough process in determining the extent to which a student was involved in a situation. Intent, or lack thereof, is most often considered not in a determination of responsibility, but in a determination of the sanctioning. We have high expectations for our students, and this includes seeking appropriate help when facing a difficult decision.

This document is designed to help answer some of the questions you may have about our conduct process and give you information that can help you best support your son or daughter. Our office is happy to speak with you regarding our process or other concerns you may have. Feel free to contact us by phone at (715) 836-5626 or email at deanofstudents@uwec.edu.

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**Q:** How can I help my student avoid becoming involved in the conduct process? We encourage you to talk with your son or daughter about their values and how their actions can impact their future. Often students find themselves in a conduct situation because they did not fully consider the consequences of their actions. While your child is now technically an adult, college is a time of growth, change, and challenge. As a parent you can serve as a valuable ally by providing support for your child.

**Q:** How will I know if my student has gotten into trouble? We do not mandate that students contact their parents when they are accused of or found responsible for misconduct. We often encourage them to do so, particularly when there are serious financial or academic implications. Federal law generally restricts our ability to share information about a student without his or her written consent. Consequently, we encourage you to talk regularly with your student about their adjustment to college life, academic progress and how you can be supportive.

**Q:** Where can I find a complete copy of the Student Nonacademic Disciplinary Procedures? Chapter UWS 17 is the official document containing policies and procedures for nonacademic disciplinary procedures. The document can be found on the Dean of Students Office website at www.uwec.edu/dos.

**Q:** My student has been asked to come in for a meeting about an allegation of misconduct. What can I do to help? Often students and parents are anxious about the conduct process. One way to help is to become informed about how our process works. You can review our web site (www.uwec.edu/dos) to learn about our expectations as well as how our conduct process works. The best role you can play is to be a support person for your son or daughter. We understand you may want to take a more active role. However, a cornerstone of our conduct process is that each student is responsible for his or her own conduct. Learning to take responsibility for his or her actions and to develop self-confidence and self-reliance happens best when a student takes a principal role in representing him or herself in the conduct process.

**Q:** I have a specific question about my student’s conduct case, with whom can I talk? The staff in the Dean of Students Office can answer general questions about the conduct process. However, in order to speak with you about your student’s specific conduct case, your student must complete a Confidentiality Waiver Form available in our office. This is a requirement of a federal law known as the Family Educational Rights and Privacy Act (see below).

**Q:** Can the University assert jurisdiction over behavior that occurs off-campus? The University does have the authority, via UWS 17.08, to assert jurisdiction over off-campus behavior. Jurisdiction over off-campus behavior can only be asserted when, in the judgment of the Dean of Students Office, the alleged conduct adversely affects a substantial University interest.
Q: Does my son or daughter need a lawyer? As an educational process, the student disciplinary system at UW-Eau Claire operates independently from and often concurrently with the criminal or civil court system. Sometimes behavior that is prohibited under the University policy is also a violation of criminal or civil law, and a student may be held accountable under both systems. Because of the inherent nature of the conduct process as an educational rather than an adversarial system, we do allow lawyers to participate in our process, but their role is limited. Please refer to the Attorney Guide to the Student Conduct Process, available on our website, for more information on the role of attorneys in our process.

Q: If my child is found responsible for misconduct what is the outcome? The conduct process allows for flexibility in determining the outcome of a case based on factors such as the circumstances and seriousness of the incident and the conduct history of the student. There is no predetermined sanction for any violation. Sanctions are primarily meant to be educational for the student. In some instances sanctions may also be designed to protect the University community. In serious cases, university suspension or expulsion are potential outcomes of the conduct process. Since these sanctions hold significant implications both financially and in terms of a student’s academic progress we strongly encourage students to involve their parents or those responsible for assisting the student with financing his or her education in situations where these outcomes are a possibility.

Q: What are the long-term affects of being found responsible for violating University policy? This typically depends on the type of violation and the sanction. Generally, minor violations will have no long-term impact. A more serious violation and sanction can have significant long-term impacts on your student. Graduate schools and some employers may request access to a student’s disciplinary file when making admission or hiring decisions. Additionally, other offices on campus may request disciplinary information when making decisions about employment or study abroad opportunities. Our office will only release a student’s disciplinary record consistent with FERPA requirements.

**Family Educational Rights and Privacy Act (FERPA)**

**What are education records?** FERPA protects the privacy of student records. An education record is any record from which a student can be personally identified and which is maintained by the University. A student has the right of access to these records. Education records include records in whatever medium (handwritten, email, print, magnetic tape, film, diskette, etc) that is in the possession of any school official. These records include transcripts or other records obtained from a school in which a student was previously enrolled.

**What aren’t education records?**
- Law enforcement records,
- Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional and disclosed only to individuals providing treatment,
- Records of an institution that contain only information about an individual obtained after that person is no longer a student (i.e. alumni records).

**Parents’ Access to their Student’s Education Records**
Parents are often confused and concerned when they attempt to gain access to their students’ classroom attendance or grades and are denied, or if they discover that their son or daughter is charged with violating University policy. FERPA protects student privacy and requires that our office maintain strict confidentiality when discussing student records. Parents may gain access to disciplinary information only after the Dean of Students Office receives a completed confidentiality waiver form from the student.

**What rights do students have under FERPA?**
- The right to inspect and review their education records within 45 days of their request
- The right to request an amendment to their education records
- The right to consent to disclosures of personally identifiable information contained in their education records
- The right to file a complaint with the U.S. Department of Education concerning alleged failures to comply with FERPA

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**STUDENT CONDUCT FLOWCHART**

This flowchart is a simple snapshot of the conduct process. For the most detailed information regarding the process, please refer to Chapter UWS 17.
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Appendix 1

940.225 Sexual assault.

940.225(1)(1) First degree sexual assault. Whoever does any of the following is guilty of a Class B felony:

940.225(1)(a) (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

940.225(1)(b) (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.

940.225(1)(c) (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

940.225(2) (2) Second degree sexual assault. Whoever does any of the following is guilty of a Class C felony:

940.225(2)(a) (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

940.225(2)(b) (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

940.225(2)(c) (c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

940.225(2)(cm) (cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.

940.225(2)(d) (d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

940.225(2)(f) (f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

940.225(2)(g) (g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.

940.225(2)(h) (h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the
individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

940.225(2)(i) (i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

940.225(2)(j) (j) Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.

940.225(3) (3) Third degree sexual assault. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

940.225(3m) (3m) Fourth degree sexual assault. Except as provided in sub. (3), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

940.225(4) (4) Consent. "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h), and (i). The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

940.225(4)(b) (b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.

940.225(4)(c) (c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
Appendix 2

940.32 Stalking.

(1) In this section:

(a) "Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
4. Appearing at the victim's home or contacting the victim's neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.

6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.

7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.

8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.

9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.

10. Causing a person to engage in any of the acts described in subds. 1. to 9.
Harassment.

(1) In this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(b) "Credible threat" means a threat made with the intent and apparent ability to carry out the threat.

(c) "Personally identifiable information" has the meaning given in s. 19.62 (5).

(d) "Record" has the meaning given in s. 19.32 (2).

(1m) Whoever, with intent to harass or intimidate another person, does any of the following is subject to a Class B forfeiture:

(a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

(b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
Appendix 4

948.51 Hazing.

(1) In this section "forced activity" means any activity which is a condition of initiation or admission into or affiliation with an organization, regardless of a student's willingness to participate in the activity.

(2) No person may intentionally or recklessly engage in acts which endanger the physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating in connection with a school, college or university. Under those circumstances, prohibited acts may include any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, forced confinement or any other forced activity which endangers the physical health or safety of the student.
Appendix 5

813.12 Domestic abuse restraining orders and injunctions.

(1) DEFINITIONS. In this section:

(ad) "Caregiver" means an individual who is a provider of in-home or community care to an individual through regular and direct contact.

813.12(1)(ag) (ag) "Dating relationship" means a romantic or intimate social relationship between 2 adult individuals but "dating relationship" does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.

(am) "Domestic abuse" means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:

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Appendix 6

Sexual Harassment

111.32  Definitions. When used in this subchapter:

(13) "Sexual harassment" means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Sexual harassment" includes conduct directed by a person at another person of the same or opposite gender. "Unwelcome verbal or physical conduct of a sexual nature" includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment.