Motion: That Faculty Document #1265 be renamed UWM Nonacademic Disciplinary Procedures and amended to delete all references to academic misconduct.

Recommended by the Academic Policy Committee.

Summary of Proposed Amendments to Faculty Document #1265.

1. Modify Introduction to reflect recent adoption of Chapter UWS 14 and Revised Chapter UWS 17 (editorial changes).


3. Delete III B, Investigating Officer(s) for Academic Misconduct.


1989-90 Academic Policy Committee
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UWM NON-ACADEMIC DISCIPLINARY PROCEDURES

INTRODUCTION

In <January, 1976,> <February, 1989,> the <Board of Regents adopted> <Student Non-academic Disciplinary Procedures for the University of Wisconsin System (Chapter UWS 17) took effect. <The> <This document approved by the Board of Regents defines> <academic and> non-academic misconduct, establishes basic disciplinary procedures for adjudicating cases of misconduct, specifies various sanctions, and provides readmission procedures and procedures for temporary suspension. <In approving Chapter 17, the Regents have charged e> Each campus <with the> <has a responsibility> <for> <to develop<ing> campus student disciplinary procedures within the framework of the Board of Regents' document. <Specifically, each campus is to:>> The campus procedures which follow include:

I. <Develop a>A more explicit listing of sanctions <if desired> [UWS 17.02(4)];

II. <Develop p>Procedures for acting on petitions for readmission [UWS 17.03];

III. <Designate> Identification of a person to serve as "investigating officer" [UWS 17.07(1)];

IV. <Establish an>An adjudication system for non-academic misconduct not involving suspension or expulsion [UWS 17.07(3)];

V. <Specify p>Procedures for handling records of students with disciplinary charges pending [UWS 17.07(5)];

VI. <Establish a>A Student Conduct Hearing Tribunal for non-academic misconduct cases involving suspension or expulsion [UWS 17.08<1>];
VII. Establish an appellate tribunal(s) for adjudication of appeals resulting from discipline involving suspension or expulsion [UWS 17.11];

VIII. Develop procedures for adjudicating alleged academic misconduct [UWS 17.13];

IX. Develop p

VIII. Plans to communicate disciplinary procedures to students [UWS 17.14].

The intent behind the development of this plan is to preserve the orderly processes of the University with regard to its teaching, research, and public service missions while at the same time observing the procedural and substantive rights of students.

I. Sanctions and Academic Responses [UWS 17.02(4)(8)]. "Disciplinary sanction" or "sanction" shall mean any action affecting the status of an individual as a student which is taken by the University in response to student non-academic misconduct and, when imposed, may include any number of the following:

A. Non-Academic Misconduct Sanctions

Sanctions imposed in response to non-academic misconduct may include any number of the following:

a. Written reprimand by which the student is admonished in writing to observe University rules and regulations.

b. Personal Probation - The student shall be required to meet with a specific University faculty or staff member at intervals to be specified in the written decision rendered at the conclusion of the conference. Personal
probation shall be imposed for a specific period of time not to exceed one calendar year.

<c.>

C. Revocation and limitation of privileges by which the student is denied participation in certain activities or the enjoyment of certain privileges for a specified period of time not to exceed one calendar year. Such revocations or limitations shall be related to the student's misconduct, and shall be for the purpose of preventing a recurrence of the misconduct. In no instance, however, shall the student be prohibited from attending classes in which he or she is enrolled or from writing examinations for such classes.

<d.>

D. Restitution by which the student is required to pay for repair or replacement of damaged or stolen property. The payment required may not exceed the cost of repair or replacement of the damaged or stolen item, but a lesser amount may be specified. With the mutual consent of the University and the student, the student may, in lieu of payment, arrange for repair or replacement or perform work as compensation. In the event the work option is selected, the student shall receive credit for work performed at no less than the prevailing wage rate of other employees performing comparable work. The cumulative salary of the work performed shall not exceed the amount of the payment which otherwise would have been required. When the University seeks and obtains restitution via a civil suit filed
against the student, the University shall not impose restitution as a disciplinary sanction. Whenever such a suit is considered or filed, the restitution as a disciplinary sanction shall be deferred.

E. Disciplinary probation by which the student is permitted to remain enrolled in the University only upon condition that he or she comply with all University rules and regulations, with other standards of conduct, or with conditions which the student is directed to observe for the duration of the period of the probation, which may include loss of student privileges except those of attending classes and writing examinations. Probation may not exceed two (2) semesters in duration for any given misconduct, except that violation of probationary conditions shall be cause for extension of the probation for more than two (2) additional semesters or for suspension or expulsion.

F. Suspension i.e., loss of student status for a specified period of time not to exceed two years [see UWS 17.02(6)].

G. Expulsion i.e., termination of student status [see UWS 17.02(7)]. Suspension and expulsion may be imposed only by the Student Conduct Hearing Tribunal (see Section VI), except that temporary suspension may be imposed by the Chancellor in accordance with UWS 17.12.
II. Petition for Readmission (UWS 17.03)

A. Right to Petition. A student who has been suspended or expelled may petition for readmission after expiration of one-half of the suspension period in the case of suspension, and after one year in the case of expulsion.

B. Filing of Petition. Petitions for readmission shall be in writing and directed to the Dean of Students. The Dean of Students shall convene a Readmission Review Committee and submit the petition and the disciplinary record of the petitioning student to the Committee for review and consideration.

C. Readmission Review Committee
   1. Membership. The Readmission Review Committee shall consist of two faculty members, two students, and one academic staff person. The Dean of Students shall act as convenor (non-voting) upon referral of cases from the Chancellor. Committee members shall serve one year terms beginning September 1. The Chancellor
shall make the faculty and academic staff appointments to the Readmission Review Committee from a slate of four faculty members selected by the University Committee, and a slate of two academic staff members selected by the Academic Staff Committee. The Student Association President shall appoint two students to the Readmission Review Committee subject to the confirmation of the Student Senate. If the names of the faculty and staff nominees are not submitted by the fourth week of the Fall semester, the Chancellor shall make the appointments. The chairperson shall be appointed by the Chancellor and shall vote only in case of a tie. No member of this committee shall have any other functions in the UWM disciplinary system.

2. Jurisdiction. The Readmission Review Committee shall provide the petitioning student with an opportunity for a hearing. In its review, the Committee shall be limited to considering new facts arising after the determination of suspension or expulsion was made. The Committee shall forward its recommendation to the Chancellor, who shall grant or deny the petition.

III. Investigating Officer [UWS 17.07(1)]

A. Non-Academic Misconduct. The Dean of Students shall serve as investigating officer for cases of student conduct alleged to be in violation of UWS 17.06<(1)>. In the absence of a Dean of Students, the Chancellor shall
have responsibility for designating another person to serve in this capacity.

B. Academic Misconduct.

DELETE

IV. Adjudication of Cases of Non-Academic Misconduct
   Not Involving Suspension of Expulsion
   [UWS 17.07(3)]

A. Investigation. Upon receiving a complaint alleging non-academic misconduct by a student, the investigating officer shall investigate the complaint. The <Student Court> student judiciary may, with the consent of the Dean of Students, act as a fact-finding body. If the investigating officer concludes that a sanction less than suspension or expulsion should be sought, he or she shall pursue the informal system of adjudication (see below).

B. Informal Adjudication. If the sanction sought is less than suspension or expulsion, the student charged shall be entitled to select a hearing before either the Dean of Students or the Informal Hearing Committee consisting of:
   (a) two faculty members, appointed by the Chancellor from a slate of four faculty members selected by the University Committee;
   (b) two <Student Court Justices> student judiciary members, appointed by the President of the Student Association and confirmed by the Student Senate; and (c) the <C>chief <Justice> officer of the <Student Court> student judiciary, serving as chairperson, voting only in case of a tie.
C. Procedures

1. The Dean of Students shall inform the student charged, in writing, of the following:
   a. The acts alleged to have been committed;
   b. The regulation alleged to have been violated;
   c. Possible penalties;
   d. Notice to the student's right to representation, including legal counsel at his or her expense;
   e. The student's right to a hearing before either the Dean of Students or the Informal Hearing Committee, and a deadline date by which the student must request a hearing, and select the Dean of Students or the Informal Hearing Committee, such deadline to be at least five days from the date of service of the written notice.
      (Should the student fail to act by the deadline stated in the written notice, the hearing shall be scheduled before the Dean of Students);
   f. The student's right to choose an open or closed hearing;
   g. The student's right at the hearing to present evidence and argument, including a written statement, to refute the charges; and
   h. The fact that subsequent to the hearing, the student will be provided with a written decision including findings of fact and conclusions, and
sanctions and appeal procedures in the event of a conclusion of guilt.

2. The Dean of Students or the Informal Hearing Committee shall hear the case, shall determine the conclusions and sanctions, and shall be responsible for implementing all procedures specified in UWS 17.07(3).

3. Upon request from the student charged the Dean of Students or the Informal Hearing Committee shall schedule a hearing. Notice of the date, time, and location of the hearing shall be sent to the student charged at least seven days before the hearing date.

4. The hearing shall be open unless the student charged requests that it be closed.

5. At the hearing, both the student and the Dean of Students shall have the right to invite others for the purpose of presenting relevant written or oral testimony.

6. The Informal Hearing Committee shall determine whether the student charged is guilty and, if guilty, what sanctions will be imposed.

7. Within five days of the hearing, the Dean of Students shall send the student charged a written decision which shall include findings of fact and the conclusions. If a conclusion of guilt has been reached, the written decision shall contain (a) the sanctions imposed, (b) the reasons for each sanction, (c) notice that failure to
comply with sanctions imposed may constitute cause for further disciplinary action, and (d) procedures for appeal.

8. A copy of the written decision is to be kept on file by the Dean of Students.

D. Nothing in this document precludes the student from pleading no contest to the charges at any step of the adjudication process.

E. Appeals

1. The Appellate Tribunal (see Section VII) shall hear appeals of decisions resulting from the informal system of adjudication.

2. If a student wishes to appeal the decision of the Dean of Students or the Informal Hearing Committee, such appeal must be filed with the presiding officer of the Appellate Tribunal within ten calendar days of service of the written decision [see UWS 17.11(2)].

3. Basis for appeal shall be limited to the following:
   a. Faulty procedures,
   b. Severity of sanctions,
   c. New evidence,
   d. Lack of sufficient evidence.

4. The student submitting the appeal shall be entitled to file briefs, to present oral argument, and to appeal to the Regents at any time in accordance with UWS 17.10.

5. The Appellate Tribunal may:
   a. Uphold the decision of the Dean of Students or the Informal Hearing Committee;
   b. Reverse the decision of the Dean of Students or the Informal Hearing Committee;
c. Remand the case to the Dean of Students or the Informal Hearing Committee for rehearing;

d. Modify the sanctions but impose none more severe than those originally imposed.

6. In all appeal hearings the Dean of Students or the Informal Hearing Committee shall have the opportunity to present arguments in favor of upholding the decision.

V. Records of Students with Disciplinary Charges Pending [UWS 17.07(5)]

Whenever charges or appeals under Chapter 17 are pending, a student charged, unless temporarily suspended, shall have the same rights and privileges accorded other students. Accordingly, a student under charges shall be entitled to receive grades and transcripts in the same manner as other students. The University may withhold diplomas pending final determination of the charges. Transcripts shall not contain any notation of anticipated disciplinary actions. All transcripts of students currently suspended or expelled shall contain notice to this effect.

VI. Student Conduct Hearing Tribunal for Cases of Non-Academic Misconduct Involving Suspension or Expulsion [UWS 17.08<1>]

A. A student subject to a penalty of suspension or expulsion for non-academic misconduct shall be entitled to a hearing by either of the following tribunals:

1. A Hearing Examiner appointed by the Chancellor. The Chancellor shall appoint the examiner from among qualified
personnel of the various state agencies and other qualified residents of the state with experience in conducting hearings;

2. The Student Conduct Hearing Committee. The Student Conduct Hearing Committee shall consist of two faculty members, three students, and two academic staff members. Committee members shall serve one year terms beginning September 1. The Chancellor shall appoint members from the faculty and academic staff from a slate of four faculty members selected by the University Committee and from a slate of four academic staff members selected by the Academic Staff Committee. The President of the Student Association shall appoint three students subject to the approval of the Student Senate. If the names of the faculty and staff nominees are not submitted by the constituent groups by the end of the fourth week of the fall semester, the Chancellor shall make the appointments. The chairperson shall be appointed by the Chancellor from among the members of the Committee. At any hearing held pursuant to due notice the presiding officer shall constitute a quorum. No member of this committee shall have any other functions in the UWM disciplinary system. In the event that faculty vacancies occur, the University Committee shall submit two names for each vacancy to the Chancellor, one of whom shall be appointed by the Chancellor. In the event that academic staff vacancies
occur, the Academic Staff Committee shall submit two names for each vacancy to the Chancellor, one of whom shall be appointed by the Chancellor. In the event of student vacancies, the President of the Student Association shall appoint students to fill such vacancies, subject to the approval of the Student Senate. If the names of the faculty and staff nominees are not submitted by the constituent groups within four weeks of having received notice of the vacancies, the Chancellor may make the appointments.

B. The student shall be informed in writing at the time charges are filed of his or her right to choose the type of tribunal. At the time the student requests a hearing, he or she shall notify the Chancellor of his or her choice; in the event notice is not received from the student within ten (10) calendar days of service [see UWS 17.09.(1)], the Chancellor shall decide which tribunal shall be used [see UWS 17.08(2)].

C. For each hearing, the presiding officer shall make a sincere attempt to establish a time mutually agreeable to the Tribunal members and the student charged. Written notice of the date, time, and location of the hearing shall be sent to each member of the Student Conduct Hearing Committee or to the Hearing Examiner and to the student charged at least five days prior to the hearing date. The hearing shall be held on the date scheduled, except for
good cause shown. Failure of a party to proceed without good cause shall constitute default. Members unable to be present shall notify the presiding officer.

D. The procedures of the Student Conduct Hearing Committee shall be in accordance with UWS 17.09(4). The student and the Chancellor shall be informed in writing of the Tribunal's decision within ten (10) calendar days after the close of the hearing or within 10 calendar days after a written transcript is available pursuant to UWS 17.09(4). The Committee's decision shall become final ten (10) calendar days after the student has been notified unless the student appeals to the Appellate Tribunal.

E. Nothing in the procedures for adjudicating cases of non-academic misconduct involving suspension or expulsion shall preclude the student from pleading no contest to charges at any step of the adjudication process.

VII. Appellate Tribunal for Adjudication of Appeals Resulting from Discipline Involving Suspension or Expulsion (UWS 17.11)

A. Membership. The Appellate Tribunal shall consist of three faculty members, two students, the Dean of Students (ex-officio) and the <C>chief <Justice> officer of the <S>student <Court> judiciary (ex-officio). Members of the Appellate Tribunal shall serve one year terms beginning September 1. The Chancellor shall make the faculty appointments
to the Appellate Tribunal from a slate of six faculty members selected by the University Committee. The two student appointments shall be made by the President of the Student Association, with the approval of the Student Senate. If the names of the faculty and staff nominees are not submitted by the constituent groups by the end of the fourth week of the fall semester, the Chancellor shall make the appointments.

B. Jurisdiction. The Appellate Tribunal shall hear appeals on the record of decisions made by the Hearing Examiner or the Student Conduct Hearing Committee <and appeals of decisions made by School and College Scholastic Appeals Committees>. The Appellate Tribunal shall also hear appeals on the record of decisions made by the Dean of Students or the Informal Hearing Committee as part of the informal system of adjudication. Upon receiving an appeal, the Appellate Tribunal shall be empowered to review the conclusions(s), sanction(s), and procedures used to adjudicate the case. The basis for appeals shall be limited to faulty procedure, severity of sanction, lack of sufficient evidence, and new evidence.

C. Procedures. An appeal of a decision to the Appellate Tribunal must be filed within ten (10) calendar days of service of the decision [see UWS 17.07(6)(a)]. An appeal shall be heard no later than seven (7) calendar days after the filing of the appeal, and a decision shall be rendered within five (5) calendar days of the hearing [see UWS 17.11(2)].
D. **Decision.** The decisions of the Appellate Tribunal shall in no event be more severe than the original sanction.

E. **Review by the Chancellor.** The Appellate Tribunal shall submit its decision for review by the Chancellor. Prior to the implementation of the Appellate Tribunal's decision, the Chancellor may review the procedures used to adjudicate the case, the conclusion, and sanction(s).

F. **Appeal to the Board of Regents.** The student or administration may appeal on the record to the Committee on student discipline of the Board of Regents (see UWS 17.10).

**VIII. Procedures for Adjudicating Alleged Academic Misconduct (UWS 17.13)**

DELETE AND REPLACE

**IX.**

**VIII. Communication of Disciplinary Procedures to Students (UWS 17.14)**

1. Students shall be informed of the contents of documents that describe Disciplinary Procedures by the following means:
   a. Publication of documents in the major student newspaper;
   b. Publication of a booklet containing the documents in their entirety in quantities sufficient for distribution;
c. Seminars conducted by the Office of the Dean of Students, in cooperation with the <Student Court> student judiciary, to explain procedures described in the documents to students.

2. All of the above shall include mention of where to obtain copies of the documents.