DISCRIMINATORY CONDUCT POLICY

Introduction

The University of Wisconsin-Milwaukee remains steadfastly committed to the principles of academic freedom and to the ideal that the "fearless sifting and winnowing by which alone the truth can be found" is the definitive feature of an institution of higher education. This steadfast commitment requires an equally strong obligation to foster respect for the dignity and worth of each individual. Without this respect, the principles of academic freedom become meaningless. Moreover, relationships such as student-faculty and employee-supervisor have inherent power differences that compromise some persons' ability to protect their own rights. Therefore, this University must provide an environment that respects the value of each individual and which does not tolerate discriminatory conduct of any kind.

Definition of Discriminatory Conduct

"Discriminatory conduct" is defined as: (1) intentional conduct, either verbal or physical by a member of the faculty, staff or student body, which (2) occurs on property under the jurisdiction of the Regents or under circumstances where an affiliation with UWM is significant in the occurrence; and (3) is predicated on considerations of any of the following: race, color, national origin, creed, ancestry, sex, sexual orientation, age, religion, disability, or other status protected under law; and (4) which has the purpose and effect of adversely affecting any aspect or condition of an individual's education, employment, housing or participation in a university activity.

Policy Statement

The University will not tolerate discriminatory conduct, as defined above, by administrators, faculty, staff, or students. To the extent that demeaning or intimidating conduct increases the likelihood for physical violence or breach of the peace, it is contrary to the basic purpose of the university. Individuals who engage in discriminatory conduct will be subject to appropriate disciplinary actions. Moreover, it is prohibited to retaliate against an individual for filing a complaint alleging discriminatory conduct or against an individual assisting the investigation of a discriminatory complaint. At all times, the University will act to protect individual rights as defined by law and to defend academic freedom.

Examples of Discriminatory Conduct

I. Intimidating physical contact or attacks for discriminatory reasons.

II. Intimidation through threat of force or violence on an individual's body, possessions, or residence.
1. Definitions. For purposes of Part III B of these Examples of Discriminatory Conduct:

a) An "instructional setting" is a situation in which an instructor is communicating with a student(s) concerning matters the instructor is responsible for teaching to the student(s). These situations include, but are not limited to, such communication in a classroom, in a laboratory, during a field trip, and in the instructor's office; advising and counseling situations are not included.

b) "Expressive behavior" is conduct in an instructional setting through which an instructor seeks to communicate with students. It includes, but is not limited to, the use of visual materials, oral or written statements, and assignment of visual, recorded, or written materials.

2. Protected Expressive Behavior

a) An instructor's selection of instructional materials and teaching techniques shall not be a basis for discipline unless an authorized hearing body finds clearly unreasonable the instructor's claim that the materials or techniques are germane to the subject of the course.

b) If an instructor claims that expressive behavior constituted an opinion or statement germane to the subject matter of the course in which the behavior occurred, the behavior shall not be a basis for disciplinary action unless an authorized hearing body finds the instructor's claim clearly unreasonable.

3. Unprotected Expressive Behavior Subject to Discipline

A faculty member's expressive behavior in an instructional setting may be the basis for discipline if any claims that the behavior is protected under III, B, 2, have been rejected, and

a) the behavior is commonly considered to be demeaning to persons of a particular gender, race, cultural background, ethnicity, sexual orientation, or handicap group, and

b) the person engaging in such conduct has previously been asked not to engage in such conduct or conduct of substantially the same kind, and

c) the conduct either

(i) seriously interferes with the academic work of a student(s) in the course, or
B. The Affirmative Action/Equal Opportunity Office will pursue cases where one or more of the parties involved is a non-student.

The Dean of Students will be responsible for seeking informal resolution where all parties are students or student organizations.

Subsequent to informal resolution or in lieu of investigating a complaint, the Dean of Students may be asked by the Office of Affirmative Action/Equal Opportunity or a complainant to counsel with students concerning proper conduct.

C. The complainant does not need to exhaust the informal resolution procedure before filing a formal complaint.

VII. Formal Complaint Resolution

If a person wishes to file a formal complaint, he or she must contact the Office of Affirmative Action/Equal Opportunity to complete the filing process.

A. If a formal complaint is filed, the Office of Affirmative Action/Equal Opportunity will conduct a preliminary investigation, to be completed within thirty (30) working days from the date the complaint is filed. The Office will keep the parties involved in the complaint, as well as the Chair, Dean, Director, Division Head, or immediate supervisor, informed of the complaint status throughout the entire process from the initial complaint to its resolution.

B. In no more than seven (7) working days from the conclusion of the preliminary investigation, the Office of Affirmative Action/Equal Opportunity shall transmit the findings of the formal investigation, the supporting documentation, in accordance with the University status of the person alleged to have violated this policy, to the appropriate person or body for determination of action.

1. For Faculty: to the University Committee for ultimate referral to the Faculty Rights and Responsibilities Committee and recommendation to the Chancellor pursuant to UWM Policies and Procedures 6.A3.9(2)(j), 6.A2.3(2), and 5.44. The Chancellor shall at all times retain the authority delegated by sec. UWS 6.01(1), Wis. Admin. Code and Ch. 36, Wis. Stats. to invoke an appropriate disciplinary action subject to a hearing as provided in sec. UWS 6.01(2) Wis. Admin. code relative to faculty.
Students found to have committed acts prohibited by Chapter 17 are subject to the sanctions of written reprimand, personal probation, revocation and limitation of privileges, restitution (for damaged or stolen property), disciplinary probation, suspension and expulsion.

To the extent that violations of the UWM Discriminatory Conduct Policy are not offenses within the scope of Chapter 17, UWS Admin. Code, UWM will seek changes in Chapter 17 which will permit disciplinary action for all prohibited discriminatory conduct.

(2) Where the Office of Affirmative Action/Equal Opportunity finds discriminatory conduct on the part of a student organization, the Dean of Students will act in accordance with "Student Organization Disciplinary Procedures." Sanctions may include: official warning, revocation and/or limitation of privileges, probation, restitution, suspension, or charter and/or revocation of Charter.

VIII. Resolution of the Case

The final decision on the resolution of the case and appropriate disciplinary action rests with the Chancellor.

IX. External Redress

The Office of Affirmative Action/Equal Opportunity will provide appropriate information for pursuit of external redress.

IMPLEMENTATION AND EVALUATION

X. Publicity/Education

It is the policy of UWM that all students, faculty, staff and other employees shall be fully informed of campus policy and procedures regarding discriminatory conduct. Moreover, there shall be an active and continuing program to inform students and campus personnel how and where to complain about discriminatory conduct. The Office of Affirmative Action/Equal Opportunity has the primary duty to coordinate this publicity.