THE UNIVERSITY OF WISCONSIN-MILWAUKEE, FACULTY DOCUMENT NO. 489, APRIL 17, 1969

UNIVERSITY STUDENT DISCIPLINARY POLICIES AND ACTIONS

The UWM Codification Committee recommends the amendment of AS-5.222 (Blue Book), the Student Conduct and Appeals Committee, as follows:

A. Disciplinary Action by the Administration

For the purpose of this section administration is construed to mean the following officers or their designates; the Chancellor, the appropriate Dean of the College or School, and the Dean of Student Affairs. With respect to a case of alleged misconduct by a student, the Administration performs the following functions as appropriate:

1. It receives reports of the alleged misconduct.

2. It counsels the student, and makes available to the student the various university facilities which may be helpful.

3. It investigates the alleged incident by obtaining reports and documents, and by interviewing those persons who were involved.

4. It refers alleged misconduct to governmental authorities in appropriate cases.

5. It decides whether the alleged misconduct requires that some University action be taken.

   a. After investigation, it may impose disciplinary action less severe than suspension, provided that the student is first notified and given an opportunity to make any statement he wishes in his own behalf. In its discretion, the Administration may refer any such case to the Committee for Student Conduct Hearings, rather than impose the lesser disciplinary action itself. If the Administration imposes disciplinary action pursuant to this power, rather than referring the matter to the Committee on Student Conduct Hearings, the student has the right to appeal directly to the Committee on Student Conduct Appeals which will, if the student requests, give him a full hearing. In any case in which the Administration acts pursuant to this section, the penalty imposed by the Administration will not be increased in any subsequent appeal.
b. In special cases, in which there is a strong indication that the student's misconduct will be repeated or continued, or in which the Administration believes that it is necessary to the continuance of University functions, it may impose immediate suspension, with resultant loss of all student rights and privileges, provided that the student has the right to an immediate review by the Committee on Student Conduct Appeals, limited to the question whether temporary suspension should continue pending a hearing of the matter by the Committee on Student Conduct Hearings.

c. It may elect to refer the case to the Committee on Student Conduct Hearings with a recommended penalty of suspension or expulsion. If expulsion is recommended, the student will be given the option of resigning from the University "under charges", in which case the proceedings will end, the phrase "resigned under charges" will appear on the student's transcript, and the student's right to apply for reinstatement will be the same as if he had been expelled. If the Administration believes that suspension is the maximum penalty required, and intends to make such a recommendation to the Committee on Student Conduct Hearings, the student will be given the option of requesting leave "under charges" for the time of the proposed suspension, with a similar entry on the student's transcript. Any such resignation or request for leave under charges will be entirely voluntary with the student, but if signed voluntarily by the student, will be given effect and will end the proceedings in the case.

B. Committee on Student Conduct Hearings.

1. Membership

The Committee on Student Conduct Hearings includes five elected faculty members, and four student members, to be selected annually by USG, of whom at least two will be undergraduates. The committee elects its chairman annually from its faculty members. Whenever the Committee sits in any case, it must be composed in fact of a majority of faculty members, in accordance with Regent's By-Laws.

2. Functions

a. The Committee has authority to hear and to decide cases involving the policies of the University on all matters of individual student conduct, at the request of the Administration, and exercises the powers of reprimand, disciplinary probation, suspension, and other corrective measures. The Committee is charged with the continuing review of student discipline policies and procedures, and with periodic communication of the results of its review to the faculty, and through them, to the Administration and the Board of Regents.
b. The Committee will assure due process by giving the parties adequate notice, by fixing a reasonable hour for hearing, by affording the student an opportunity to be represented by any person of his own choice, and by conducting a prompt, fair, and orderly hearing. Once adequate notice and a reasonable time for preparation have been afforded, and having fixed a reasonable date and time for hearing, the Committee has the authority, should the student not appear, to find him in violation of this section, and has the power to suspend him from the University.

c. The deliberations of the Committee will not be public, except that any hearing before it to receive evidence or arguments will be public unless the student whose case is being heard requests a closed hearing, or the Committee determines that it is necessary, for instance, to preserve order or to protect the reputations of innocent persons, to close the hearing to the public. Further, a student will be heard exclusively by the faculty members of the Committee if he so requests.

C. Committee on Student Conduct Appeals.

1. Membership

The Committee on Student Conduct Appeals includes five elected faculty members. The chairman is elected annually by the committee.

2. Functions

a. Either the Administration or the student may initiate an appeal within ten days after a decision of the Committee on Student Conduct Hearings. Within seven days of receipt of notice of an appeal, the Committee will begin action on the appeal. The Committee will have plenary power of review, either de novo or on the record. The Committee has discretion with regard to the amount of evidence it hears. If the appeal is on a limited issue, the Committee may limit evidence before it to that particular issue. In cases in which a substantial (not necessarily verbatim) written record was made at the hearing below, the Committee may hear arguments, study the record, and decline to receive additional evidence. The Committee has authority to review the matter as completely as seems necessary, to change the findings of fact, to make its own judgments as to the seriousness of the conduct, and to reduce or to disapprove the penalty.

b. The deliberations of the Committee will not be public, except that any hearing before it to receive evidence or arguments will be public unless the student whose case is being heard requests a closed hearing, or the Committee determines that it is necessary, for instance, to preserve order or to protect the reputations of innocent persons, to close the hearing to the public.

c. The Committee will have jurisdiction over appeals from disciplinary action imposed upon individuals directly by the
Administration, and from the highest student court in which a decision may be had, except that the Committee will have no jurisdiction in cases involving student violation of University traffic regulations.

d. Pending appeal, any penalty imposed by the authority appealed from will be in force, except that the Committee may in its discretion stay the penalty upon petition by the student.

e. The Committee will assure due process by giving the parties adequate notice, by fixing a reasonable hour for hearing, by affording the student an opportunity to be represented by any person of his own choice, and by conducting a prompt, fair, and orderly hearing. Once adequate notice and reasonable time for preparation have been afforded, and having fixed a reasonable date and time for hearing, the Committee has the authority, should the student not appear, to find him in violation of this section, and has the power to suspend him from the University.

D. Student Court

With regard to the disciplining of individual students, the jurisdiction of the Student Court is confined to University vehicle registration and parking cases and cases of Student organizational activity.

E. Nothing contained herein will be construed to sanction any action by the University, its Administration, or the Committees established herein which denies to any University student in his relation to the University the due process, rights, privileges, and immunities accorded to United States citizens by the Constitutions of the United States and of the State of Wisconsin.

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