

CHAPTER UWSP 14

STUDENT ACADEMIC DISCIPLINARY PROCEDURES

The University of Wisconsin "Student Academic Disciplinary Procedures," Chapter UWS 14 of the Wisconsin Administrative Code, Rules of the Board of Regents of the University of Wisconsin System, were adopted in March 1989. Additional statements for the University Of Wisconsin-Stevens Point are indicated in **BOLDFACE** type. These added statements, in conjunction with Chapter UWS 14, constitute Chapter UWSP 14.

UWSP 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.

UWSP 14.02 Definitions.

In this chapter:

- (1) "Academic misconduct" means an act described in s. UWSP 14.03.
- (2) "Academic misconduct hearing committee" means the committee or hearing examiner appointed pursuant to s. UWSP 14.15 to conduct hearings under s. UWSP 14.08.
- (3) "Chancellor" means the chancellor or designee. **The chancellor's designee for the University of Wisconsin-Stevens Point is the Vice Chancellor for Student Affairs, who shall act on behalf of the chancellor in accordance with the provisions of this chapter.**
- (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. UWSP 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. UWSP 14.15 for the purpose of conducting a hearing under s. UWSP 14.08.
- (10) "Institution" means any university or center, 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. **The investigating officer for the University of Wisconsin-Stevens Point is the Dean of Students or his/her designee.**
- (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. **The student affairs officer for the University of Wisconsin-Stevens Point is the Dean of Students or his/her designee.**
- (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.

UWSP 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; stealing examinations or course materials; submitting, if contrary to the rules of a course, work previously presented in another course; 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.

UWSP 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. UWSP 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;
 - (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.

UWSP 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. UWSP 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. **At the time the instructor offers to discuss the alleged misconduct with the student, the instructor must also inform the student that he or she may bring a representative to the discussion.** 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.
- (a) **During this discussion, the instructor must provide to the student a copy of this chapter and explain the right to a hearing.**
 - (b) **If, at any time, during the initial conference, an instructor believes that a more severe sanction than s. UWSP 14.04 (a) through (c) is warranted, the instructor shall terminate the conference and proceed under the provisions of s. UWSP 14.06.**
- (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. UWSP 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 **Dean of Students Office** within 10 **working** days of imposition of the disciplinary sanction by the instructor.

UWSP 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. UWSP 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. UWSP 14.08, one or more of the disciplinary sanctions listed under s. UWSP 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.
- (a) **While the initial contact with the student and the scheduling of the conference may be verbal, reasonably in advance of the conference, the instructor shall inform the student in writing of the alleged offense and of the facts or conduct on which the allegations are based. The student shall also be informed of the date, time, and place of the initial conference. The written notification shall also:**
 - 1) **Inform the student that both the instructor and the student may each be accompanied by one person of their choice;**
 - 2) **Inform the student that the student's failure to attend the conference will not stop the instructor from taking appropriate action on the basis of information available to the instructor; and**
 - 3) **Include a copy of this chapter and the institutional procedures adopted to implement this section.**
 - (b) **Nothing in s. UWSP 14.06(1)(a) shall preclude the instructor and student from holding an informal meeting before written notice is presented to the student, provided that**
 - 1) **The meeting is at the request of the student; and**
 - 2) **The student is fully informed by the instructor at the beginning of the meeting of rights under this section and of hearing rights, after which the student may, without prejudice, elect to terminate the meeting pending receipt of written notification of allegations.**

(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 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 request a hearing before the academic misconduct hearing committee **or a hearing examiner**; and
4. A copy of **this chapter and** the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or be **emailed and** mailed 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 **Dean of Students or his/her designee** 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 **or a hearing examiner** under s. UWSP 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 **Dean of Students or his/her designee** 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.

(4) Process following determination by the instructor that disciplinary probation, 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. UWSP 14.04 (1) (i) or (j) should be recommended, the instructor shall provide a written report to the investigating officer **and to the student**, 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. UWSP 14.07, to impose a disciplinary sanction.

(c) **If an instructor chooses to proceed under the provisions of s. UWSP 14.07 and recommends probation, suspension or expulsion, any sanctions recommended by the instructor under s. UWSP 14.05 or 14.06 shall become recommendations to the investigating officer. Section UWSP 14.06(3)(c) notwithstanding, no request for a hearing regarding the instructor's recommendations under s. UWSP 14.05 or 14.06 may be undertaken until after the decision of the investigating officer.**

UWSP 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. **Reasonably in advance of the conference, the investigating officer shall inform the student in writing of the alleged offense, the facts or conduct on which the allegations are based, and the penalties which may possible be recommended. The written notification shall also:**

- (a) **Inform the student of the date, time and place of the conference;**
- (b) **Inform the student that the student may be accompanied by a person of the student's choice, including legal counsel, at the student's own expense;**
- (c) **Inform the student that the student's failure to attend the conference will not stop the investigating officer from taking appropriate action based on the available information; and**
- (d) **Include a copy of this chapter and the institutional procedures adopted to implement this section.**

(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. UWSP 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 **this chapter and** the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or **emailed and** 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 **Dean of Students or his/her designee.**

(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. UWSP 14.08 **or a hearing examiner** 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 **Dean of Students or his/her designee** 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 Dean of Students Office** shall, upon receipt of the written report under par. (b), proceed under s. UWSP 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.

UWSP 14.08 Hearing.

- (1) If a student requests a hearing, or a hearing is required to be scheduled under s. UWSP 14.07 (5) (c) 2., the **Dean of Students or his/her designee** shall take the necessary steps to convene the academic misconduct hearing committee (see **UWSP 14.15**) and shall schedule the hearing within 10 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the student, instructor or investigating officer, and the members of the hearing committee. **The student will be contacted by the Dean of Students or his/her designee to determine his or her choice of hearing option.**
- (2) Reasonably in advance of the hearing, the committee shall obtain from the instructor or investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide **written notice of the date, time and place of the hearing; a copy of the instructor's explanation; and** a copy of ch. UWSP 14 to the student.
- (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. **including legal counsel, at his or her own expense. The representative shall normally only be allowed to advise and support the student; they may only speak on his/her behalf with permission of the hearing committee or hearing examiner. The university may also be represented by legal counsel. If the university is to be represented by legal counsel,**
 - (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 or **e-mail and** by first class United States mail and shall become final within 10 days of service, unless an appeal is taken under s. UWSP 14.09. **A copy of the decision shall be sent to the instructor and to the Dean of Students or his/her designee.**

UWSP 14.09 Appeal to the Vice Chancellor for Academic Affairs (or the vice chancellor's designee).

- (1) Where the sanction prescribed by the hearing committee is suspension or expulsion, the student may appeal to the vice chancellor for Academic Affairs to review the decision of the hearing committee on the record. In such a case, the vice chancellor for Academic Affairs shall sustain the decision of the academic misconduct hearing committee unless the vice chancellor for Academic Affairs 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 vice chancellor makes a finding under sub. (1), the vice 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.
- (3) **A decision by the vice chancellor may be appealed to the chancellor, who may review the decision at his or her discretion. If the chancellor grants a review, the chancellor shall be bound by the provisions of UWSP 14.09(1) and (2).**

UWSP 14.10 Discretionary appeal to the Board of Regents.

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

UWSP 14.11 Settlement.

The procedures set forth in this chapter do not preclude a student from agreeing that academic misconduct occurred and to the imposition of a sanction, after proper notice has been given. **Any such agreement shall be reduced to writing which, when signed by the student and either the instructor involved, the Dean of Student or his/her designee, or the Vice Chancellor for Academic Affairs, as appropriate, shall conclude the case.** Required written reports, however, may not be waived.

UWSP 14.12 Effect of discipline within the university system.

Suspension or expulsion shall be system-wide in effect.

- (1) A student who is suspended or expelled from one institution 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.

UWSP 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. **If the charges which resulted in expulsion or suspension were initiated by the University of Wisconsin-Stevens Point, the petition must be in writing and directed to the Vice Chancellor for Student Affairs; in all other cases, 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 suspension cases. The vice chancellor for Student Affairs shall, after consultation with elected representatives of the faculty, academic staff, and students, adopt procedures for determining whether such petitions will be granted or denied. **A subcommittee of the University Affairs Committee, appointed by the chair of the committee, will hear the petition for readmission or early readmission and make recommendations to the vice chancellor for Student Affairs. Neither the Vice Chancellor for Student Affairs, or the Dean of Students, if a member of the University Affairs Committee, is eligible to serve on the petition review subcommittee. The guidelines for the subcommittee are:**

- (1) The subcommittee shall be made up of six (6) members, three (3) students and three (3) faculty.**
- (2) A simple majority vote is required for action.**

UWSP 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 officer for the University of Wisconsin-Stevens Point is the Dean of Students or his/her designee.** The investigating officer shall have responsibility for investigating student academic misconduct and initiating procedures for academic misconduct under s. UWSP 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.

UWSP 14.15 Academic misconduct hearing committee: institutional option.

The chancellor of each institution, in consultation with faculty, academic staff, and student representatives, 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. The composition of the committee shall be at least one member chosen from among the student body and appointed by the Student Government Association, at least one member chosen from among the faculty and academic staff and appointed by the Executive Committee of the Faculty Senate, and one member, who shall serve as presiding officer, appointed by the Vice Chancellor for Student Affairs.**
- (2) A hearing examiner shall be selected by the vice chancellor for Student Affairs from the faculty and staff of the institution.**

UWSP 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. **Copies of this chapter, as amended, and copies of the University of Wisconsin System Administrative Code, Rules of the Board of Regents of the University of Wisconsin System, are available to UWSP students in the following locations: the Dean of Students Office; each residence hall desk, the Reserve Desk of the Learning Resources Center, the Dreyfus University Center Information Center, and the office of each academic dean.**

UWSP 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. UWSP 14 and any institutional policies implementing ch. UWSP 14 upon employment with the university, and each department chair shall be provided such copies upon assuming the duties of the chair.

UWSP 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 academic affairs.

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