

# UNIVERSITY OF WISCONSIN – STEVENS POINT COMMUNITY BILL OF RIGHTS AND RESPONSIBILITIES

## PREAMBLE

The University of Wisconsin-Stevens Point is an academic community of individuals committed to the pursuit of learning, the acquisition of knowledge, and the education of all who seek it. The members of the community include students, faculty, staff, administrators, and support personnel. The mission of the University is to stimulate intellectual growth through the discovery and dissemination of knowledge which commits its members to scholarship in all of its forms. The mission also directs all members to work for the application of knowledge beyond the physical boundaries of the campus for the betterment of all members of society.

All who open their minds in this community are considered students and all students engage the academic enterprise with basic expectations, needs, freedoms, and responsibilities. As the academic community seeks to achieve its mission it can be expected:

1. To develop in its members a heightened intellectual, cultural, and humane sensitivity;
2. To instill a passion for learning and a sense of value and purpose;
3. To develop fundamental abilities which would allow one to thoughtfully engage the world, carefully consider the relationships between ideas, critically evaluate conclusions, and responsibly select among competing choices.

All who are members of this community share an obligation to provide an environment conducive to the best possible education for all who genuinely and sincerely seek it.

As members of the Stevens Point community, UW-SP has a commitment to work with the complete Stevens Point community to maintain an appropriate community environment. Each member of the campus community has an obligation to foster positive university-community relationships wherever possible.

The members of the UW-SP community are dedicated to personal and academic excellence. Becoming a member of the community obligates each member to a code of behavior, which includes:

1. The practice of personal and academic integrity. A commitment to this ideal is inconsistent with

cheating in classes, in games, or in sports. It should eliminate the practice of plagiarism or borrowing others work, lying, deceit, and excuse making. And it should foster caring and concern with personal relationships.

2. The respect of all people. A commitment to this ideal is inconsistent with behaviors which compromise or demean the dignity of individuals or groups, including hazing, intimidating, taunting, baiting, ridiculing, insulting, harassing, and discrimination.
3. The respect of the rights and property of others. A commitment to this ideal is inconsistent with all forms of theft, vandalism, arson, misappropriation, malicious damage, and desecration or destruction of property. Respect for another's personal rights is inconsistent with any behavior which violates persons' right to move about freely, to express themselves appropriately, and to enjoy privacy.
4. The respect for equal rights and opportunity. This is essential in order to learn from the differences in people, ideas, and opinions. A commitment to this ideal pledges affirmative support for equal rights and opportunities for all members regardless of their age, sex, race, religion, disability, ethnic heritage, socioeconomic status, political, social or other affiliation, or disaffiliation, and/or sexual orientation.
5. The respect for the individual's needs of conditions which support work and development. A commitment to this ideal encourages behavior which is sensitive, hospitable and just.

Allegiance to these ideals obligates each member to refrain from and discourage behaviors which threaten the freedom and respect all community members of UW-SP deserve. This last clause reminds community members that they are not only obliged to avoid these behaviors, but that they also have an affirmative obligation to confront and challenge, and respond to, or report the behaviors whenever or wherever they are encountered.

## ACCESS TO INFORMATION

Access to information is absolutely critical to the functioning of the university. Therefore, the university is committed to establishing and maintaining a high quantity flow of high quality information while seeking to eliminate or restrict anything that interferes or reduces the effectiveness of information dissemination.

Some forms of information are important to the completion of the mission of the university.

Important information concerns:

1. The legal rights and safeguards established by law for the well-being of all individuals. All members of the university community have a right to the privacy and confidentiality ensured by these laws.
2. The set of requirements and obligations which students must fulfill in order to graduate in a timely fashion. Students will receive clear, accurate and timely, comprehensive and readily accessible information about academic programs, services, and requirements. The university is obligated to provide accurate and timely information about requirements and/or changes to requirements. Students are obligated to maintain accurate information on their progress, to seek out appropriate information, and to be responsible for making appropriate choices for degree progress.
3. The university policies and procedures that guide the operation of the university and the behavior of all members of the university community. The primary information included here tells members of the academic community how to go about achieving legitimate ends connected with university community. A critical part of this information concerns the identification of what constitutes a violation of acceptable behavior and the procedures for adjudicating such offenses.
4. The learning activities of the classroom including any extensions such as field trips, etc. Nothing should be allowed to interrupt the activities of the classroom unless officially sanctioned by the proper university authority.
5. The data related to the effective selection of courses and degree programs. Students have access to the aggregate results of student evaluations on each instructor, per UW-SP policy.
6. Opportunities and benefits that members of the academic community might wish to take part in as supplements to the accrual of academic credits toward graduation: intramural sports, professional organizations, etc.
7. The social interactions of the university. Campus organizations should be afforded reasonable opportunity to disseminate information to members of the academic community. Use of class time, however, remains at the sole discretion of the instructor.

## CAMPUS ENVIRONMENT

Members of this campus community can expect a safe and inviting campus environment.

A **safe** environment should include:

1. The ability to access all parts of the campus without fear of interference, harassment, or physical harm.

2. Timely information about the existence of known dangerous and/or toxic substances.
3. Timely information about the existence of known hazards.
4. The ability to become members of organizations without threat of hazing or other forms of humiliation.
5. Access to accurate aggregate statistics on UW-SP campus crimes, including patterns and trends.

An **inviting** environment should include:

1. An openness and receptivity to a wide range of ideas, regardless of source, which are engaged on the basis of merit.
2. A protection and receptivity to differences consistent with the enforcement of federal, state and university protections against discriminatory treatment because of race, ethnicity, gender, religion, sexual orientation, age, disability, military status, socioeconomic status, family status, or political views.
3. A physical plant and technological support that facilitate learning.
4. Campus facilities that are accessible to documented disabled persons in compliance with applicable regulations.
5. The right, as provided by applicable UW system policy and federal and state statutes, to lobby, demonstrate, circulate petitions, distribute leaflets, listen to speakers of their choice, use campus facilities for all lawful purposes and respect of others to do the same.
6. The right to express (or not express) beliefs and opinions on all issues, and to challenge the beliefs and opinions of others.
7. Publication and broadcast media that may cover, describe, and interpret all issues and events without prior interference, within limits of procedures and applicable federal and state statutes and consistent with principles of ethical and responsible journalism.

## GENERAL ACADEMICS

1. Students can expect regularly scheduled and reasonably followed instructor office hours, and are responsible for keeping and scheduling appointments. Instructors and students need to make reasonable attempts to inform each other of necessary changes.
2. Students can expect, and should take advantage of opportunities for expanded learning experiences beyond the classroom.
3. Students can expect reasonable opportunities to enroll in courses required for timely graduation. This includes accurate, timely, comprehensive, and readily accessible information about academic programs, services and requirements.

## Curriculum

1. All members of the university community can expect a curriculum that provides opportunities to enhance the skills and knowledge outlined in the preamble of this document.

2. Students can expect a curriculum that considers significant social and cultural issues and includes the contributions of diverse peoples. The development and content of such curricula remains faculty prerogative and responsibility. Faculty members are encouraged to consider student needs and interests.

### **Classroom**

1. Students can expect to receive a syllabus in the first class meeting of each course. The syllabus should include a statement of course objectives and requirements, a description of the grading system, tentative examination schedule, as appropriate to the course, and a clear attendance policy. Faculty can expect students to keep up with class assignments and requirements.
2. Students have the right to be evaluated in a fair and equitable manner according to course objectives as outlined in the syllabus and without reference to their personal or political views. Evaluations shall be based on demonstrated learning of course content and meeting other course requirements. Students have the responsibility to participate fully in the learning experience and to complete all course requirements.
3. Members of the university community have the right to reasonable accommodation of their demonstrable religious beliefs with regard to the scheduling of all examinations and other academic requirements. Persons with disabilities have the right to reasonable accommodation with regard to the scheduling of all examinations and other academic requirements. Students should inform instructors of their accommodation needs in a timely manner.
4. Students can expect timely and accurate information and feedback about their academic progress and achievements, as well as feedback prior to the deadline for dropping courses.
5. Students have an obligation to respect the integrity of the academic process, and to comply with the rules governing academic dishonesty such as prohibitions against cheating on examinations, false representation of work submitted for evaluation, and plagiarism.
6. Members of the university community have the right to expect a harassment free classroom environment.

### **ADVISING**

#### **Students are responsible for:**

1. Determining a course of study that satisfies the requirements defined for the appropriate degree in the UW-SP catalog.

2. Scheduling and appearing promptly for appointments with the adviser when necessary (at least once each semester).
3. Preparing for an advising session by having the necessary forms available and a list of questions and courses (and alternatives) needed.
4. Being knowledgeable about policies, procedures, and requirements as published.
5. Being prepared to discuss personal values and goals as they related to academic and career-related needs.
6. Following through with appropriate action after the advising meeting.
7. Accepting responsibility for the decisions being made.
8. Taking primary responsibility for determining their own course selections.

#### **Faculty who serve as advisers are responsible for:**

1. Providing timely and accurate advising on academic and career matters.
2. Making advising readily available.
3. Maintaining files on advisees necessary to monitor progress toward the advisee's educational goals.
4. Conveying information on academic requirements, policies, and procedures.
5. Assisting the student in identifying and pursuing educational goals and objectives and in securing information about career opportunities.
6. Helping the student examine course offerings in the major; relate these to courses in his/her broader field of study; and understand the graduation requirements for the chosen curriculum.
7. Tailoring the advising approach to individual students and making referrals appropriate to their needs and interests.
8. Being responsive to discussions of students' personal values and goals as they relate to academic and career-related needs.
9. Being sensitive to issues relating to the student's retention at UW-SP, and making appropriate referrals when necessary and/or possible.

### **IMPLEMENTATION**

The Vice Chancellor for Academic Affairs and/or the Vice Chancellor for Student Affairs have the responsibility to insure that the rights and responsibilities listed above are implemented and to identify clearly the person(s) to whom members of the University community can turn to for assistance if they believe that their needs regarding the above have not been met. The above enumeration shall not be construed as exhaustive of the rights and responsibilities of all.

Approved by Faculty Senate 5/04/1994  
Approved by Chancellor 5/30/1994

**UNIVERSITY OF WISCONSIN SYSTEM  
AND  
UNIVERSITY OF WISCONSIN – STEVENS POINT  
CHAPTER 14  
STUDENT ACADEMIC STANDARDS AND 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.**

- (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 Coordinator of Rights and Responsibilities 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 Coordinator of Rights and Responsibilities.**
- (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.
  - (g) Violates electronic communication policies or standards as agreed upon when logging on initially (See [uwsp.edu/it/policy](http://uwsp.edu/it/policy)).
- (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) **Recommendation of 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 **Coordinator of Rights and Responsibilities** 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. UWSP 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 an administrative hearing**; 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 **e-mailed 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 **Coordinator of Rights and Responsibilities** 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 an administrative hearing** 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 **Coordinator of Rights and Responsibilities** 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. UWSP 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 out-side 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. UWSP 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 basis 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 possibly 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 he or she may be represented by a person of his or her choice, including legal counsel, at his or her 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; **normally, however, the conference with the instructor shall occur before 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 **e-mailed 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 **Coordinator of Rights and Responsibilities.**
  - (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 an administrative hearing** 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 **Coordinator of Rights and Responsibilities within ten calendar 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, **Coordinator of Rights and Responsibilities** 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) I 2, the **Coordinator of Rights and Responsibilities** shall take the necessary steps to convene the academic misconduct hearing committee (**see UWSP 14.15**) and shall schedule the hearing within 10-15 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 Coordinator of Rights and Responsibilities 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 only be allowed to advise and support the student; not speak on his/her behalf. The university may also be represented by legal counsel. If the university is to be represented by legal counsel, the student shall be so informed.**

- (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 indigence 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 first class United States mail** and shall become final within 15 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 Coordinator of Rights and Responsibilities.**

#### **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 Coordinator of Rights and Responsibilities 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 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 sub-committee 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, the Coordinator of Rights and Responsibilities, 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 Coordinator of Rights and Responsibilities.** 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.
  - (a) **The student academic misconduct hearing committee for the University of Wisconsin-Stevens Point shall be composed of seven members. Three members shall be chosen from among the student body and appointed by the Student Government. Three members shall be chosen from among the faculty and academic staff and appointed by the Executive Committee of the Faculty Senate. One member, who shall serve as chair, shall be appointed by the Vice Chancellor for Student Affairs.**
  - (b) **Seven alternate members shall be chosen in the same manner as the seven regular members as stated above. Two alternate members, on a rotating basis established by the Chair of the Committee, shall attend all hearings. Alternate members shall normally attend all regular Committee meetings, but may be excused at the discretion of the Chair.**
- (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 Office of Student Rights and Responsibilities; each residence hall desk; the Reserve Desk of the Learning Resources Center; the 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.

**Revised 1996, 2009**

**UNIVERSITY OF WISCONSIN SYSTEM  
AND  
UNIVERSITY OF WISCONSIN-STEVENSON POINT  
CHAPTER 17  
NON-ACADEMIC STANDARDS AND DISCIPLINARY PROCEDURES**

The University of Wisconsin "Student Nonacademic Disciplinary Procedures," Chapter UWS 17 of the Wisconsin Administrative Code, Rules of the Board of Regents of the University of Wisconsin System, were adopted in January, 1976, and revised September, 1996 and September, 2009. Additional statements for the University of Wisconsin-Stevens Point are indicated in **BOLDFACE** type. These added statements, in conjunction with Chapter UWS 17, constitute Chapter UWSP 17.

**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.

**17.02 Definitions.** In this chapter:

**17.02(1)** "Chief administrative officer" means the chancellor of an institution or dean of a campus or their designees.

**17.02(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."

**17.02(3)** "Days" means calendar days.

**17.02(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.

**17.02(5)** "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.

**17.02(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.

**17.02(7)** "Disciplinary sanction" means any action listed in s. UWS 17.10(1) taken in response to student nonacademic misconduct.

**17.02(8)** "Expulsion" means termination of student status with resultant loss of all student rights and privileges.

**17.02(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.

**17.02(10)** "Institution" means any university, or an organizational equivalent designated by the board, and the university of Wisconsin colleges.

**17.02(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.

**17.02(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.

**17.02(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.

**17.02(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.

**17.02(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.

**17.02(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.

**17.02(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.

**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.

**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.

**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.

**17.06 Non-academic misconduct hearing examiner.**

**17.06(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.

**17.06(2)** A hearing examiner shall be selected by the chief administrative officer from the faculty and staff of the institution, pursuant to the policies adopted under sub. (1).

**17.07 Non-academic misconduct hearing committee.**

**17.07(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.

**17.07(2)** A student nonacademic misconduct hearing committee shall consist of at least three persons, including at least one student or students, except that no such committee shall be constituted with a majority of members who are students. The presiding officer shall be appointed by the chief administrative officer. The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice.

**17.08 Nonacademic misconduct occurring on or outside of university lands.**

**17.08(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.

**17.08(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.

**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:

**17.09(1) DANGEROUS CONDUCT.** Conduct that endangers or threatens the health or safety of oneself or another person.

**17.09(2) SEXUAL ASSAULT.** Conduct defined in s. 940.225, Stats.

**17.09(3) STALKING.** Conduct defined in s. 940.32, Stats.

**17.09(4) HARASSMENT.** Conduct defined in s. 947.013, Stats.

**17.09(5) HAZING.** Conduct defined in s. 948.51, Stats.

**17.09(6) ILLEGAL USE, POSSESSION, MANUFACTURE, OR DISTRIBUTION OF ALCOHOL OR 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.

**17.09(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.

**17.09(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.

**17.09(9) FORGERY OR FALSIFICATION.** Unauthorized possession of or fraudulent creation, alteration, or misuse of any university or other governmental document, record, key, electronic device, or identification.

**17.09(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 computing resources.

For more information regarding Information Technology policies, please refer to the following Web site:

<http://www.uwsp.edu/it/about/policies/>.

**17.09(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.

**17.09(12) VIOLATION OF CRIMINAL LAW.** Conduct that constitutes a criminal offense as defined by state or federal law.

**17.09(13) SERIOUS AND REPEATED VIOLATIONS OF MUNICIPAL LAW.** Serious and repeated off-campus violations of municipal law.

**17.09(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.

**17.09(15) VIOLATION OF UNIVERSITY RULES.** Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.

**17.09(16) NONCOMPLIANCE WITH DISCIPLINARY SANCTIONS.** Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.

### **17.10 Disciplinary sanctions.**

**17.10(1)** The following are the disciplinary sanctions that may be imposed for nonacademic misconduct, in accordance with the procedures of ss. UWS 17.11 to 17.13, are any of the following:

- (a) A written **warning or** reprimand.
- (b) Denial of specified university privileges.
- (c) 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.

**17.10(2)** One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of nonacademic misconduct.

**17.10(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.

**17.11 Disciplinary procedure. (1)** 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).

**17.11(2) CONFERENCE WITH STUDENT.** When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the student in person, by telephone, or by electronic mail to 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 basis for his or her belief that the student engaged in nonacademic misconduct, and to afford the student an opportunity to respond. If the student does not respond to the investigating officer's offer to discuss the matter, the investigating officer may proceed to make a determination on the basis of the available information.

**17.11(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.

### **17.11(4) PROCESS FOLLOWING DETERMINATION BY THE INVESTIGATING OFFICER THAT NONACADEMIC MISCONDUCT OCCURRED.**

17.11(4)(a) If, as a result of a discussion or review of available information 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 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 student upon request, except as may be precluded by applicable state or federal law.
3. Specification of the sanction sought.
4. Notice of the student's right to a hearing.
5. A copy of this chapter and of the institutional procedures adopted to implement this section.

**17.11(4)(b)** The written report shall be delivered to the student.

**17.11(4)(c)** A student 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 sanction, 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 student desires a hearing, the student shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the student. If the student 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 par. (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 student waives, in writing, the right to such a hearing.

**Students who choose to appeal disciplinary sanctions must do so in writing within ten (10) days from the date of the written decision, and shall state in the appeal exactly what is being appealed, whether the findings, decision, sanctions, or all three. In cases heard by an investigating officer, the appeal shall be to the hearing examiner. In cases heard by a hearing examiner, the appeal shall be made to the vice chancellor for student affairs. An appellate decision by the vice chancellor may be appealed to the chancellor, who may review the decision at his/her discretion.**

**If, during a hearing involving a disciplinary sanction listed s. UWSP 17.10 (1) (a) to (h), the hearing officer concludes that suspension or expulsion should be sought rather than a lesser sanction, the hearing officer may cause a statement of charges to be served upon the student in accordance with UWSP 17.11 (4).**

### **17.12 Hearing.**

**17.12(1)** A student 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.

**17.12(2)** If a student 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 student and investigating officer, or is ordered or permitted by the hearing examiner or committee.

**17.12(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 student 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.

**17.12(4)** The hearing shall be conducted in accordance with the following guidance and requirements:

**17.12(4)(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.

**17.12(4)(b)** The student 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 student'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 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 cases where the recommended disciplinary sanction is identified in s. UWS 17.10(1)(i) or (j), or where the student 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 student. 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.

**17.12(4)(c)** The hearing examiner or committee shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony. The hearing examiner or committee shall observe recognized legal privileges.

**17.12(4)(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 student is allowed to effectively question the witness.

**17.12(4)(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.

**17.12(4)(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 and sexual assault.

**17.12(4)(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.

**17.12(4)(h)** The hearing shall be conducted by the hearing examiner or committee, and the university's case against the student shall be presented by the investigating officer or his or her designee.

**17.12(4)(i)** The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered to the student **by e-mail and first class United States mail to his or her current address as maintained by the institution. If further investigation is needed prior to a decision being made that may go beyond the 14 days, an e-mail will be sent to the student alerting them and providing a date a decision will be made.** The decision shall become final within 14 days of the date of the written decision, unless an appeal is taken under s. UWS 17.13.

**17.12(4)(j)** If a party fails to appear at a scheduled hearing and to proceed, the hearing examiner or committee may either dismiss the case or, based upon the information provided, find that the student committed the misconduct alleged.

**17.12(4)(k)** Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the student whose case is being heard 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.

### **17.13 Appeal to the chief administrative officer.**

**17.13(1)** Where the sanction prescribed by the hearing examiner or committee is one of those listed in s. UWS 17.10(1)(h) through (j), the student may appeal 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 such a case, the chief administrative officer has 30 days from receipt of the student's appeal to respond and shall sustain the decision of the nonacademic misconduct hearing examiner or committee unless the chief administrative officer finds any of the following:

- (a) The information in the record does not support the findings or decision of the hearing examiner or committee.
- (b) Appropriate procedures were not followed by the nonacademic misconduct hearing examiner or committee and material prejudice to the student resulted.
- (c) The decision was based on factors proscribed by state or federal law.

**17.13(2)** If the chief administrative officer makes a finding under sub. (1), he or she may return the matter for consideration by a different hearing examiner or committee, or may invoke an appropriate remedy of his or her own.

**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.

**17.15 Settlement.** The procedures set forth in this chapter allow the university and a student 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 student and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the student.

**17.16 Effect of discipline within the institution.** A student 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.

**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.

**17.17(2)** A student 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.

**17.17(3)** A student 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. 17.18.

**17.17(4)** A person 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.

**17.17(5)** Upon completion of a suspension period, a student 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.

**17.18 Petition for restoration of rights after suspension or expulsion.**

A student 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. 17.17(2). A student 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 student was suspended or expelled or of a different university of Wisconsin institution to which the student seeks admission. The chief administrative officer shall make the readmission decision.

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

**17.19(2)** The chief administrative officer of each institution may impose an emergency suspension on a student when all of the following conditions are met:

- (a) The investigating officer has made a reasonable attempt to offer the student the opportunity for discussion, either in person or by telephone;
- (b) The investigating officer recommends a sanction of suspension or expulsion; and
- (c) The chief administrative officer concludes, based on the available information, that the misconduct occurred and that the student's continued presence on campus meets one or more of the following conditions:
  1. Would constitute a potential for serious harm to the student;
  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; or
  4. Would constitute a potential for serious damage to university facilities or property.

**17.19(3)** If the chief administrative officer determines that an emergency suspension is warranted under sub. (2), he or she shall promptly have written notification of the emergency suspension delivered to the student. The chief administrative officer's decision to impose an emergency suspension shall be effective immediately when delivered to the student and is final.

**17.19(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 student agrees to a later date.

**17.19(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 student agrees to a longer period.

**17.19(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.



**UNIVERSITY OF WISCONSIN SYSTEM  
AND  
UNIVERSITY OF WISCONSIN-STEVENSON POINT  
CHAPTER 18  
CONDUCT ON UNIVERSITY LANDS**

The University of Wisconsin "Student Nonacademic Disciplinary Procedures," Chapter UWS 17 of the Wisconsin Administrative Code, Rules of the Board of Regents of the University of Wisconsin System, were adopted in January, 1976, and revised September, 1996 and September, 2009. Additional statements for the University of Wisconsin-Stevens Point are indicated in **BOLDFACE** type. These added statements, in conjunction with Chapter UWS 17, constitute Chapter UWSP 17.

**18.01 Jurisdiction.** These rules shall regulate conduct on all lands subject to the control of the board of regents of the University of Wisconsin System.

**18.02 Definitions** For purposes of this chapter:

**18.02(1)** "Board of regents" or "board" means the board of regents of the University of Wisconsin System.

**18.02(2)** "Building" means any structure, including stadia, on university lands.

**18.02(3)** The "chief administrative officer" means the chancellor of an institution or dean of a campus or their designees.

**18.02(4)** "Discharge pollutants into storm sewers" means placing pollutants or water containing pollutants into any storm sewer on or serving university lands.

**18.02(5)** "Discharge pollutants to storm water" means placing pollutants onto university lands so that they are carried by storm water to waters of the state.

**18.02(6)** "Pollutants" has the meaning described in s. 283.01(13), Stats.

**18.02(7)** "University lands" means all real property owned by, leased by, or otherwise subject to the control of the board of regents.

**18.03 Law enforcement.**

**18.03(1)** The board may designate police officers who are authorized to enforce these rules and regulations and to police all lands under the control of the board. These officers shall have all the powers provided in s. 36.11(2), Stats., except where such powers are specifically limited or modified by the board. These officers may accept concurrent appointments as deputy sheriffs.

**18.03(2)** Uniformed police officers shall be identified by an appropriate shield or badge bearing the word "Police" and a number or name plate, which shall be conspicuously worn when enforcing this chapter. Police officers assigned to non-uniformed duties shall identify themselves with an appropriate badge or police identification card when enforcing this chapter.

**18.03(3)** Parking attendants are authorized to enforce the parking regulations in s. UWS 18.05.

**18.04 Traffic rules.**

**18.04(1)** No person may operate any motor vehicle (self-propelled vehicle) on any roadway under the control of the board without a valid and current operator's license issued under ch. 343, Stats., except a person exempt under the provisions of s. 343.05, Stats.

**18.04(2)** No person may operate any motor vehicle on any roadway under the control of the regents unless the same has been properly registered as provided by ch. 341, Stats., unless exempt under the provisions of s. 341.05, Stats.

**18.04(3)** All provisions of ch. 346, Stats., entitled "Rules of the Road," which are applicable to highways as defined in s. 340.01(22), Stats., and which are not in conflict with any specific provisions of these regulations, are hereby adopted for the regulation of all vehicular traffic, including bicycles, on all roadways, including those off-street areas designated as parking facilities, under the control of the board and are intended to apply with the same force and effect. All traffic shall obey the posted signs approved by the chief administrative officer regulating such traffic.

**18.04(4)** All provisions of ch. 347, Stats., entitled "Equipment of Vehicles" which are applicable to highways as defined in s. 340.01(22), Stats., are hereby adopted for the regulation of all vehicular traffic on the roadways under the control of the board and are intended to apply with the same force and effect, except those provisions of ch. 347, Stats., which conflict with specific provisions of these regulations.

**18.04(5)** The chief administrative officer may require the registration of all student, faculty, or staff motor vehicles or bicycles on university lands under said officer's jurisdiction and may limit or prohibit their use in designated areas during designated hours. Any person who violates institutional regulations promulgated under this subsection may be fined up to \$25.

### **18.05 Parking rules.**

**18.05(1)** Parking is prohibited at all times on roads, drives and fire lanes traversing university lands, except that the chief administrative officer is authorized to establish parking areas, parking limits, and methods of parking on the lands under said officer's jurisdiction, and may designate parking areas for specific groups at specific times, providing such areas are properly posted as parking areas. Parking in university parking facilities may be restricted or prohibited as required for reasons of maintenance and snow removal.

**18.05(2)** Except as provided in sub. (3), parking in university parking areas shall be prohibited during posted times to persons other than those specifically assigned to those areas. Motor vehicles so assigned to any parking areas shall be identified by a valid parking permit affixed to the vehicle in a manner prescribed by the chief administrative officer.

**18.05(3)(a)** In order to provide parking in university parking facilities for patrons of public university events, motor vehicles may be permitted to park in facilities designated for this purpose by the chief administrative officer. Public events parking shall be for a limited time only, not exceeding 12 hours continuously, and appropriate fees may be established. Otherwise valid permits are voidable during this period.

**18.05(3)(b)** The chief administrative officer may establish visitor parking lots and set appropriate fees for parking in those lots.

**18.05(3)(c)** Unrestricted and unassigned parking areas for students, faculty, staff and visitors may be established by the chief administrative officer.

**18.05(4)(a)** Parking shall be prohibited at all times in areas which must be kept clear for the passage of fire apparatus. These areas shall be designated by standard signs reading "Fire Zone, No Parking at Any Time, Day or Night" or "Fire Lane, No Parking at Any Time, Day or Night."

**18.05(4)(b)** Parking is prohibited at all times in areas which must be kept clear for vehicles to load and unload. These areas shall be designated by appropriate signs.

**18.05(5)** Motor vehicles parked in a restricted parking area without a valid permit or motor vehicles parked in a fire zone, fire lane, loading zone, or no parking zone, and unlicensed or partially dismantled motor vehicles may, at the owner's expense, be towed from the restricted parking areas and stored. Towed vehicles, if not claimed after notice to the owner, shall be considered abandoned and shall be disposed of as provided in s. 20.909 (1), Stats.

**18.05(6)** Any person who violates any of the provisions of this section may be fined up to \$200. Each institution shall establish a schedule of fines, which may include penalties for late payment.

**18.06(1) Prohibited Acts; Land.** No person may remove any shrubs, vegetation, wood, timber, rocks, stone, earth, signs, fences, or other materials from university lands, unless authorized by the chief administrative officer.

**18.06(2) Prohibited Acts; Wildlife.** No person may remove, destroy, or molest any bird, animal or fish life within the boundaries of university lands except as authorized by the chief administrative officer or except when this provision conflicts with a special order of the department of natural resources.

### **18.06(3) Prohibited Dumping; Prohibited Discharges to Storm Water.**

**18.06(3)(a)** No person may dump or deposit any garbage, waste, hazardous material, rubbish, brush, earth or other debris or fill into any university dumpster or garbage receptacle or on any university lands unless authorized by the chief administrative officer.

**18.06(3)(b)** No person may discharge pollutants to storm water or storm sewers on or serving university lands, except where authorized by the chief administrative officer and in conformance with state law.

**18.07(1) Access to Roofs, Service Tunnels, and Maintenance Facilities Prohibited.** No person may climb into, out of, or onto any university buildings, service tunnels or maintenance facilities, or walk or climb upon any university building or roof, except when emergency access to a fire escape is necessary, for required maintenance, or when authorized by the chief administrative officer.

**18.07(2) Closing Hours.**

**18.07(2)(a)** Except as specifically provided in this code, the chief administrative officer may establish closing hours and closed periods for university lands, buildings, or portions thereof. These closing hours and closed periods shall be posted in at least one conspicuous place adjacent to or at the periphery of the area to be closed or, in the case of buildings, on the building.

**18.07(2)(b)** No person, unless authorized to be present during closed periods, may enter or remain within the designated university lands, buildings, or portions thereof during a closed period established under this section.

**18.07(2)(c)** For the purpose of par. (b), "person authorized to be present" means a person authorized to be present by an order issued pursuant to par. (a) or s. 36.35(2), Stats.

**18.07(2)(d)** No person, except those authorized to be present after the posted closing hour, may enter or remain in any university arboretum or picnic area unless traversing those areas or on park roads at the times the roads are open to the public.

**18.07(3) Limited Entrance.** The chief administrative officer may, by posting appropriate signs, limit or prohibit entrance to university lands, or portions thereof, in order to maintain or preserve an instruction or research area.

**18.07(4) Picnicking and Camping.** No person may picnic or camp on university lands, except in those areas specifically designated as picnic or camping grounds, or as authorized by the chief administrative officer. No person may violate any rules and regulations for picnicking or camping established and posted by the chief administrative officer. For purposes of this subsection, camping shall include the pitching of tents or the overnight use of sleeping bags, blankets, makeshift shelters, motor homes, campers or camp trailers.

**18.07(5) Prohibitions on Blocking Entrances.** No person may intentionally physically block or restrict entrance to or exit from any university building or portion thereof with intent to deny to others their right of ingress to, egress from, or use of the building.

**18.07(6) Restricted Use of Student Centers or Unions.** No person, except members of the student center or union, university faculty and staff, invited guests, and university-sponsored conference groups, may use student center or union buildings and grounds except on occasions when, and in those areas where, the buildings or grounds are open to the general public.

**18.07(7) Structures.** No person may place or erect any facility or structure upon university lands unless authorized by the chief administrative officer.

**18.08(1) Animals**

**18.08(1)(a)** The presence of dogs, cats, and other pets is prohibited in all university buildings and in arboretums at all times except as authorized by the chief administrative officer. The chief administrative officer may also prohibit the presence of dogs, cats, and other pets on other designated university lands.

**18.08(1)(b)** The presence of dogs, cats and other pets is prohibited on all other university lands not described in par. (a) unless the animal is on a leash which is physically controlled by the individual responsible for the animal, except as authorized by the chief administrative officer.

**18.08(1)(c)** The chief administrative officer may not grant the exceptions allowed under par. (a) and (b) in any outdoor area where food is being served or where animals are otherwise prohibited by signage.

**18.08(1)(d)** Any pet waste deposited on university lands shall be removed and properly disposed of by the individual responsible for the animal.

**18.08(1)(e)** Any individual found in violation of this subsection may have the animal for which they are responsible impounded and be subject to the penalty provisions in s. UWS 18.13.

**18.08(1)(f)** This section does not apply to police and service animals, when those animals are working.

### **18.08(2) Athletic Events.**

**18.08(2)(a)** No person may enter onto the playing surface of an officially sanctioned athletic event while the event is in progress without prior authorization from the chief administrative officer. An event is in progress from the time when teams, officials, trainers, support staff, or bands first reach the playing surface until the time when they have left.

**18.08(2)(b)** As used in this subsection, "playing surface" means that area on which the event is contested, together with the contiguous area used by teams, officials, trainers, and support staff.

**18.08(3) Bicycles.** No person may park or store a bicycle in buildings, on sidewalks or driveways, or in motor vehicle parking spaces, except in areas designated for that purpose or in bicycle racks, or as authorized by university housing policies. Bicycles shall be parked so as not to obstruct free passage of vehicles and pedestrians. Bicycle riding is prohibited on university lands when and where the intent is to perform tricks or stunts and those tricks or stunts may result in injury to any person or cause damage to property.

**18.08(4) Deposit of Human Waste Products.** No person may deposit human waste products upon, nor urinate or defecate upon, any university lands or facilities other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system.

### **18.08(5) Improper Use of University Identification Cards.**

**18.08(5)(a)** No person may falsify, alter or duplicate, or request the unauthorized falsification, alteration or duplication, of a university identification card.

**18.08(5)(b)** No person may knowingly present a false, altered or duplicate university identification card with the intent that such card be relied upon by university employees, university agents, or state or local officials in connection with obtaining services, privileges or goods.

**18.08(5)(c)** No person may knowingly use or permit another person to use a university identification card for the purpose of making a false statement with respect to the identity of the user, and with the intent that such statement be relied upon by university employees or agents in connection with obtaining university services, privileges or goods.

**18.08(5)(d)** University officials may confiscate false, altered or duplicate university identification cards, or university identification cards used in violation of par. (c).

### **18.08(6) Physical Security Compliance.**

**18.08(6)(a)** No person may ignore, bypass, circumvent, damage, interfere with, or attempt to deceive by fraudulent means, any university authorized security measure or monitoring device, whether temporary or permanent, that is intended to prevent or limit access to, or enhance the security of, university lands, events, facilities or portions thereof.

**18.08(6)(b)** No person may duplicate, falsify or fraudulently obtain a university key or access control device, or make any unauthorized attempt to accomplish the same.

**18.08(6)(c)** No person who is authorized to possess a university key or access control device may transfer a university key or access control device to an unauthorized person, nor may any unauthorized person be in possession of a university key or access control device.

**18.08(6)(d)** Any university key or access control device in the possession of an unauthorized person may be confiscated by any authorized university official.

### **18.08(7) Loitering.**

**18.08(7)(a)** No minor person may loiter, idle, wander or play, either on foot or in or on any vehicle of any nature, on university lands between the hours of 11:00 p.m. and 5:00 a.m. on Sunday through Thursday, and the hours of midnight through 5:00 a.m. on Friday and Saturday, unless accompanied by a parent, guardian, or other adult person having care and custody of the minor.

**18.08(7)(b)** This subsection shall not apply to minors returning home from functions authorized by any school or religious organization and carrying proof of identification on their persons, or to currently enrolled university students.

### **18.08(8) Misuse of Parking Services.**

**18.08(8)(a)** No person may falsify, alter or duplicate or request the unauthorized falsification, alteration or duplication of any type of university parking permit.

**18.08(8)(b)** No person may knowingly display on a vehicle, or knowingly allow another person to display on a vehicle, a falsified, altered, duplicated, stolen, lost or found parking permit.

**18.08(8)(c)** No person may knowingly provide false information to any university employee or agent with the intent to obtain a valid university parking permit.

#### **18.08(9) Postings and Signage.**

**18.08(9)(a)** No person may erect, post or attach any notices, posters, pictures or any item of a similar nature in or on any building or upon other university lands except on regularly established bulletin boards, or as authorized by the provisions of this code or by the chief administrative officer.

**18.08(9)(b)** No person may fail to comply with a sign that reasonably conveys prohibited behavior and that has been approved and posted on university buildings or lands in compliance with the university's formal process for posting signs. This subsection does not apply to traffic related offenses (ch. 346, Stats.).

#### **18.08(10) Recreational Activities.**

**18.08(10)(a)** No person may swim, fish, boat, snowmobile, ride horseback or use any type of all-terrain or off-road vehicle on university lands except in those areas and at times expressly designated by the chief administrative officer and denoted by official signs.

**18.08(10)(b)** No person may dock, moor, park, or store any boats, boating gear, snowmobiles, or similar equipment on university lands except under conditions specified by the chief administrative officer.

#### **18.08(11) Smoking.**

**18.08(11)(a)** No person may smoke in any residence hall or other university-owned or university-leased student housing or in any location that is 25 feet or less from such residence hall or housing.

**18.08(11)(b)** No person may smoke in any nonresidential university building except in those areas designated for that purpose.

#### **18.08(12) Ticket Scalping.**

**18.08(12)(a)** Every ticket or other evidence of the right of entry to any amusement, game, contest, exhibition, event, or performance given by or under the auspices of the University of Wisconsin System, or an institution of the University of Wisconsin System, shall be considered a revocable license to the person to whom the ticket has been issued and shall be transferable only on the terms and conditions prescribed on the ticket or other evidence of the right of entry.

**18.08(12)(b)** No person may buy or sell a ticket or other evidence of the right of entry for more than the price printed upon the face of the ticket.

#### **18.09(1) Alcohol Beverages.**

**18.09(1)(a)** The use or possession of alcohol beverages is prohibited on all university premises, except in faculty and staff housing and as permitted by the chief administrative officer, subject to statutory age restrictions. The chief administrative officer may generally permit the use or possession of alcohol beverages by promulgating institutional regulations in consultation with appropriate staff and students, or in specific instances by written permission.

**18.09(1)(b)** No person may procure, sell, dispense or give away alcohol beverages to any person contrary to the provisions of ch. 125, Stats.

**18.09(1)(c)** In this subsection, "alcohol beverages" means fermented malt beverages and intoxicating liquors containing 0.5% or more of alcohol by volume.

**18.09(1)(d)** Notwithstanding s. UWS 18.14, institutional regulations developed pursuant to this subsection shall be reported to the president of the system for review and approval.

#### **18.09(2) Possession of Drug Paraphernalia.**

**18.09(2)(a)** No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of ch. 961, Stats.

**18.09(2)(b)** In this subsection, the term "drug paraphernalia" has the meaning specified in s. 961.571(1), Stats.; the term "controlled substance" has the meaning specified in s. 961.01(4), Stats.; and the term "controlled substance analog" has the meaning specified in s. 961.01(4m), Stats.

**18.09(2)(c)** In determining whether an object is drug paraphernalia under this subsection, the factors listed in s. 961.572, Stats., and all other legally relevant factors, shall be considered.

**18.09(3) Possession of Marijuana.**

**18.09(3)(a)** No person may intentionally use or possess marijuana on university lands, except when such use or possession is authorized under ch. 961, Stats. or is permitted under s. 961.34, Stats.

**18.09(3)(b)** In this subsection, the term "marijuana" has the meaning specified in s. 961.01(14), Stats.

**18.10(1) Assaultive Behavior.**

**18.10(1)(a)** No person may intentionally strike, shove, hit, punch, kick or otherwise subject another person to physical contact or cause bodily harm without the consent of the person.

**18.10(1)(b)** This subsection shall not be applicable if the individuals involved have a relationship, as defined in s. 968.075(1)(a), Stats., which requires a law enforcement officer to investigate the matter as a domestic abuse incident.

**18.10(2) Containers in Spectator Facilities.** No person may carry or possess any disposable container within the confines of public areas in spectator facilities. As used in this subsection "disposable container" means any bottle, can, or other container designed or used for carrying liquids or solids, but does not include a personally owned container designed for reuse and originally sold or purchased exclusively as a refillable container. The provisions of this section shall not apply to containers used or supplied by authorized concessionaires who are required to dispense beverages to consumers in either paper or plastic containers.

**18.10(3) Dangerous Weapons.**

**18.10(3)(a)** No person may carry, possess or use any dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer or for law enforcement purposes.

**18.10(3)(b)** No person may display or portray as real any object that resembles a dangerous weapon on university lands or in university buildings or facilities, except with the written approval of the chief administrative officer.

**18.10(3)(c)** Dangerous weapons in violation of this subsection may be confiscated and removed from university lands by police.

**18.10(3)(d)** In this subsection, the term "dangerous weapon" has the meaning specified in s. 939.22(10), Stats.

**18.10(4) Fire Safety.**

**18.10(4)(a)** No person may light, build or use, or cause another to light, build or use, any fires, including but not limited to burning candles, burning incense or gas or charcoal cooking appliances, on university lands or in university facilities except in such places as are established for these purposes and designated by the chief administrative officer.

**18.10(4)(b)** No person may handle burning material in a highly negligent manner. In this subsection, burning material is handled in a highly negligent manner if it is handled under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to property is created.

**18.10(4)(c)** No person may throw away any cigarette, cigar, pipe ash or other burning material without first extinguishing it.

**18.10(4)(d)** No person may interfere with, tamper with or remove, without authorization, any smoke detector, fire extinguisher, fire hose, fire hydrant, fire sprinkler, or other fire fighting equipment.

**18.10(4)(e)** No person may intentionally give a false fire alarm, whether by means of a fire alarm system or otherwise.

**18.10(4)(f)** No person may deface, remove, tamper with or obstruct from view any sign which has been posted to provide directions for fire or emergency exits from university facilities.

**18.10(4)(g)** No person may remain in any university facility or on university lands when an audible or visual fire alarm has been activated or upon being notified by fire fighting, law enforcement or security personnel to evacuate.

### **18.10(5) Operation of a Motor Vehicle Off Roadways.**

No person shall operate an unauthorized motor vehicle or motorized device, including but not limited to motorcycles, mopeds, motor scooters and self-balancing transportation devices, off designated roadways, paved or unpaved, or on service roads or pedestrian paths, regardless of the surface, on university lands. This section does not apply to motorized wheelchairs or other mobility devices which have the primary design function of assisting the physically challenged.

### **18.10(6) Possession of Fireworks.**

**18.10(6)(a)** No person may possess or use fireworks on university lands without authorization from the chief administrative officer.

**18.10(6)(b)** In this subsection, the term "fireworks" has the meaning specified in s. 167.10(1), Stats.

### **18.10(7) Resisting or Obstructing Police Officers.**

**18.10(7)(a)** No person may knowingly resist or obstruct a university police officer while that officer is doing any act in an official capacity and with lawful authority.

**18.10(7)(b)** In this subsection, "obstruct" includes without limitation knowingly giving false information or knowingly placing physical evidence with the intent to mislead a university police officer in the performance of his or her duty.

**18.10(8) Play Vehicles.** No person may use a skateboard, roller skates, in-line skates or any similar wheeled devices, a toboggan, or a sled anywhere on university lands, except as designated by the chief administrative officer. **It is the policy of the University of Wisconsin-Stevens Point that the University designate specific areas for the use of skateboards, roller skates, in-line skates and similar wheeled devices in or on any University property. As guidance for the interpretation of this policy the following shall be enacted:**

- (a) **Wheeled devices shall not be used in enclosed/fenced areas, buildings or within 20 feet of doors and entryways.**
- (b) **Ramps, stairs, curbs, ledges, loading docks, parking lots, benches, exterior or interior stairs, tennis courts, running tracks, other permanent and/or constructed fixtures may not be used in conjunction with these activities. It is the responsibility of each person operating these devices to act with due care and caution with an acknowledgment that pedestrians always have the right-of-way. None of the areas designated for the use of these devices is maintained specifically for use of the devices; furthermore, no area is limited exclusively to the use of these devices. If this policy is violated it shall be enforced by University Protective Services, applying fines and forfeitures as allowed under Chapter UWS 18.06, Wisconsin Administrative Code.**

**18.10(9) Throwing Hard Objects.** No person may, in a manner likely to cause physical harm or property damage, throw, drop, kick, hit or otherwise project any hard object, bottle, can, container, snowball or other item of a similar nature on university lands or within, or from within, university buildings or facilities.

### **18.11(1) Computer Use.**

**18.11(1)(a)** No person may, with intent to harass, annoy or offend another person, send a message to the person on an electronic mail or other computerized communication system and in that message use any obscene, lewd or profane language or suggest any lewd or lascivious act.

**18.11(1)(b)** No person may, with intent to harass, annoy or offend another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message use any obscene, lewd or profane language or suggest any lewd or lascivious act.

**18.11(1)(c)** No person may, with intent solely to harass another person, send repeated messages to the person on an electronic mail or other computerized communication system.

**18.11(1)(d)** No person may, with intent solely to harass another person, send repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.

**18.11(1)(e)** No person may, with intent to harass or annoy another person, send a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

**18.11(1)(f)** No person may, while intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass or annoy another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

**18.11(1)(g)** No person may knowingly permit or direct another person to send a message prohibited by this subsection from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

**18.11(2) Disorderly Conduct.** No person may engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance, in university buildings or on university lands.

**18.11(3) Improper Use of Telephones.**

**18.11(3)(a)** No person may make or cause the telephone of another repeatedly to ring with intent to harass any person at the called number.

**18.11(3)(b)** No person may make repeated telephone calls, whether or not conversation ensues, with intent to harass any person at the called number.

**18.11(3)(c)** No person may intentionally use an emergency telephone in a university building or on university lands when the person knows or reasonably should know that no emergency exists.

**18.11(3)(d)** No person, with the intent to harass or offend, may telephone another and use any obscene, lewd or profane language or suggest any lewd or lascivious act.

**18.11(3)(e)** No person, with the intent to harass any person at the called number, may make a telephone call, whether or not conversation ensues, without disclosing his or her identity.

**18.11(3)(f)** No person may knowingly permit any telephone under his or her control to be used for any purpose prohibited by this subsection.

**18.11(4) Picketing, Rallies, Parades, Demonstrations and Other Assemblies.**

**18.11(4)(a)** In order to preserve the order which is necessary for the enjoyment of freedom by members of the university community, and in order to prevent activities which physically obstruct access to university lands or buildings and prevent the university from carrying on its instructional, research, public service, or administrative functions, any picketing, rally, parade, demonstration, other assembly, or congregation of spectators to such activity may be declared unlawful if its participants:

1. Intentionally gather or intentionally remain assembled outside any university building in such numbers, in such proximity to each other or in such fashion as to physically hinder entrance to, exit from, or normal use of the building.

2. Intentionally congregate or assemble within any university building in such fashion as to obstruct or seriously impair university-sponsored or university-authorized activities, or in such fashion as to violate any of the following conditions:

a. No group may be admitted into the private office of any faculty member or other university employee unless invited by the authorized occupant of that office, and then not in excess of the number designated or invited by that person.

b. No group may obstruct or seriously impair passage through corridors, stairways, doorways, building entrances, fire exits, and reception areas leading to offices.

c. No group, not authorized to do so by the person in immediate charge of the room, or by a person designated by the chief administrative officer to approve requests for the use of rooms for meetings, may enter or occupy any university building or part thereof.

d. No group may assemble immediately outside rooms at times when they are normally in use for classes, study, or research.

e. No signs supported by standards or sticks shall be permitted in any assembly in a university building. 17

3. Intentionally create a volume of noise that unreasonably interferes with university-sponsored or university-authorized activities.

4. Intentionally employ force or violence, or intentionally constitute an immediate threat of force or violence, against members of the university community or university property.

**18.11(4)(b)** For the purpose of par. (a), "intentionally" means that the participant or spectator knew or reasonably should have known that his/her conduct by itself or in conjunction with the conduct of others would have the prohibited effect.

**18.11(4)(c)** The chief administrative officer may designate a university official or officials who shall have primary authority to implement par. (a). He/she may prescribe limitations for any picketing, rally, parade, demonstration or other assembly in order that it will meet the requirements of par. (a). When informed of any picketing, rally, parade, demonstration, or other assembly which may not comply with par. (a), the chief administrative officer or the designee



may proceed immediately to the site and determine if there is compliance with par. (a). If he/she finds a violation of par. (a), he/she may declare the assembly unlawful or he/she may prescribe those limitations on numbers, location or spacing of participants in the demonstration which are reasonably necessary to ensure compliance with par. (a). If he/she prescribes limitations, and if his/her limitations are not observed by the assembly, he/she may then declare the assembly unlawful. Any declaration of illegality or prescription of limitations shall be effective and binding upon the participants in the assembly unless and until modified or reversed.

**18.11(4)(d)** Any participant or spectator within the group constituting an unlawful assembly who intentionally fails or refuses to withdraw from the assembly after it has been declared unlawful under this section shall be subject to immediate arrest and liable to the penalties of s. UWS 18.13.

***The University of Wisconsin-Stevens Point values the free and open exchange of ideas. Members of the community wishing to engage in free speech activities are encouraged to use areas away from instructional spaces so as not to interfere with the rights of others, and to abide by the policies and procedures of the University and the State of Wisconsin as spelled out in state code UWS Chapters 17 & 18.***

### **18.11(5) Sound-Amplifying Equipment**

**18.11(5)(a)** In order to permit the use of sound-amplifying equipment on university lands, if needed for the dissemination of ideas to large audiences, but to prevent its use from interfering with university functions which inherently require quiet, the following provisions shall apply:

1. No person may use sound-amplifying equipment on any lands without the permission of the chief administrative officer, except as provided in par. (b).

2. In granting or denying permission, the following principles shall govern:

a. Except in extraordinary circumstances, permission may be granted to use the equipment only during the following hours, 12 noon to 1:30 p.m. and 5:00 p.m. to 7:00 p.m. every day, and only when the equipment is more than 50 feet from and directed away from any classroom building, residence hall, library or building being used as a study hall.

b. An applicant for permission shall have the burden of establishing the need for amplification to communicate with the anticipated audience. In particular, the applicant must show that the audience can reasonably be anticipated to include at least 250 people.

c. An applicant for permission shall have the burden of establishing that the volume and direction of the sound from the equipment will minimize interference with other activities.

3. Any request for the permission required by this section must be submitted in writing to the chief administrative officer at least 24 hours prior to the intended use of the sound-amplifying equipment and must be signed by a student or employee of the institution where the equipment is to be used. The request shall contain:

a. The proposed hours, date and location where the equipment is to be used.

b. The size of the anticipated audience and the reasons why the equipment is needed.

c. A description of the proposed equipment which includes the manufacturer, model number, and wattage.

d. The names of the owner of the equipment and of any person or persons, in addition to the person signing the application, who will be responsible for seeing that the equipment is operated in compliance with the terms of the permit and the provisions of this rule. The chief administrative officer may require the presence of additional persons if said officer believes this is necessary to ensure compliance.

**18.11(5)(b)** Permits issued by the chief administrative officer shall not be required for the use of university sound-amplifying equipment used with the permission of the university employee having control of the equipment for authorized university classes, research, or meetings in university buildings, or for university sponsored academic, recreational or athletic activities, or for crowd control by authorized university officials.

**18.11(5)(c)** For the purpose of this section, "sound-amplifying equipment" means any device or machine which is capable of amplifying sound and capable of delivering an electrical input of one or more watts to the loudspeaker.

### **18.11(6) Persons Prohibited from Entering University Buildings.**

**18.11(6)(a)** University buildings and the university-authorized activities that occur therein are primarily dedicated to the support of the university mission of teaching, research and service. No person may be present in any university building if his or her presence and/or behavior interferes with this purpose or with the university's administrative operations, is in violation of a university policy, rule, regulation or any other provision of this chapter, or is without the consent of an authorized university official or faculty member.

**18.11(6)(b)** Persons present in any class, lecture, laboratory, orientation, examination, or other instructional session shall be enrolled and in good standing or shall have the consent of an authorized university official or faculty member to be considered legally present.

### **18.11(7) Persons Prohibited from Entering University Lands.**

**18.11(7)(a)** No person who is in a state of suspension or expulsion from the university under ch. UWS 17, or who takes leave or resigns under charges after being charged by the university under ch. UWS 17, may enter the university lands of any institution without the written consent of the chief administrative officer.

**18.11(7)(b)** No person who is convicted of any crime involving danger to property or persons as a result of conduct by him or her on university lands may enter any university lands within 2 years of the effective date of his or her conviction without the written consent of the chief administrative officer.

**18.11(7)(c)** In granting or denying consent to enter a campus under s. 36.35(3), Stats., or par. (a) or (b), the following shall be considered:

1. The probability that the offensive conduct will be continued or repeated by the applicant.
2. The need for the applicant to enter university lands, for example, to attend a university disciplinary hearing in which the applicant is being tried or is to be a witness, or to receive treatment in university hospitals.

**18.11(7)(d)** No person who has been determined to have committed serious or repeated violations of ss. UWS 18.06 to 18.12 and to whom the chief administrative officer has issued a written order prohibiting entry on university lands may enter the university lands of that institution.

**18.11(7)(e)** The provisions of this section in no way limit the chief administrative officer from issuing a written order barring any person from entering the university lands of that institution in accordance with the chief administrative officer's responsibility for the health, safety, and welfare of the university.

**18.11(7)(f)** For the purposes of s. 36.35(3), Stats., and par. (b), "crime involving danger to property or persons" shall mean any crime defined in ch. 940, Stats. (crimes against life and bodily security); s. 941.12, Stats. (interfering with fire fighting); s. 941.13, Stats. (false alarms); s. 941.20, Stats. (endangering safety by use of dangerous weapon); s. 941.21, Stats. (disarming a peace officer); s. 941.23, Stats. (carrying concealed weapon); s. 941.235, Stats. (carrying firearm in public building); s. 941.24, Stats. (possession of switchblade knife); s. 941.26, Stats. (machine guns and other weapons); s. 941.28, Stats. (possession of short-barreled shotgun or short-barreled rifle); s. 941.29, Stats. (possession of firearm); s. 941.295, Stats. (possession of electric weapon); s. 941.30, Stats. (recklessly endangering safety); s. 941.32, Stats. (administering dangerous or stupefying drug); s. 941.37, Stats. (obstructing emergency or rescue personnel); s. 943.01, Stats. (criminal damage to property); s. 943.02, Stats. (arson of buildings; damage of property by explosives); s. 943.03, Stats. (arson of property other than building); s. 943.05, Stats. (placing of combustible materials an attempt); s. 943.06, Stats. (Molotov cocktails); s. 943.10, Stats. (burglary); s. 943.11, Stats. (entry into locked vehicle); s. 943.14, Stats. (criminal trespass to dwellings); s. 943.32, Stats. (robbery); s. 944.20, Stats. (lewd and lascivious behavior); s. 946.41, Stats. (resisting or obstructing officer); s. 947.015, Stats. (bomb scares); s. 167.10, Stats. (fireworks regulated); or attempts to commit any of the above crimes as defined in s. 939.32, Stats.

**18.11(8) Selling, Peddling and Soliciting.** No person may sell, peddle or solicit for the sale of goods, services, or contributions on any university lands except in the case of:

**18.11(8)(a)** Specific permission in advance from a specific university office or the occupant of a university house, apartment, or residence hall for a person engaged in that activity to come to that particular office, house, apartment, or residence hall for that purpose.

**18.11(8)(b)** Sales by an individual of personal property owned or acquired by the seller primarily for his/her own use pursuant to an allocation of space for that purpose by an authorized university official.

**18.11(8)(c)** Sales of newspapers and similar printed matter outside university buildings.

**18.11(8)(d)** Subscription, membership, ticket sales solicitation, fund-raising, selling, and soliciting activities by or under the sponsorship of a university or registered student organization pursuant to a contract with the university for the allocation or rental of space for that purpose.

**18.11(8)(e)** Admission events in a university building pursuant to contract with the university, and food, beverage or other concessions conducted pursuant to a contract with the university.

**18.11(8)(f)** Solicitation of political contributions under ch. 11, Stats., and institutional regulations governing time, place and manner.

### **18.11(9) Campaigning in State-owned Residence Halls.**

**18.11(9)(a)** The residence halls students of each institution, subject to the approval of the chief administrative officer, shall establish policies and procedures assuring that political literature may be distributed and political campaigning may be conducted in state-owned residence halls consistent with the rights of residence halls students, and prescribing the time, place and manner in which these activities may be conducted.

**18.11(9)(b)** Where appropriate and consistent with the rights of residence halls students, the policies and procedures developed under this subsection shall apply to all residence halls at an institution. Matters to be addressed in institutional policies and procedures shall include at least the following:

1. The hours of the day and the time of year, if any, to which particular activities shall be limited.
2. The locations in residence halls, if any, to which particular activities shall be limited.
3. Any requirement for registering or obtaining permission to enter a residence hall before engaging in a particular activity.

**18.11(9)(c)** Notwithstanding s. UWS 18.14, institutional policies and procedures developed pursuant to this subsection shall be reported to the board of regents for approval.

**18.11(9)(d)** Institutional policies and procedures developed pursuant to this subsection shall be available at each residence hall, at the office of each chief administrative officer of an institution, and at the office of the secretary to the board of regents.

**18.12(1) Computer Data, Programs, Equipment or Supplies.** No person may willfully, knowingly and without authorization do or attempt to do any of the following:

**18.12(1)(a)** Modify, destroy, access, take possession of or copy data, computer programs or supporting documentation;

**18.12(1)(b)** Disclose restricted access codes or other restricted access information to a person not authorized to possess such codes or information;

**18.12(1)(c)** Modify, destroy, use, take or damage a computer, computer system or computer network;

**18.12(1)(d)** Modify, destroy, use, take or damage any equipment or supplies used, or intended to be used, in a computer, computer system or computer network.

**18.12(1)(e)** Cause an interruption in service by submitting a message or multiple messages to a computer, computer program, computer system, or computer network that exceeds the processing capacity of the computer, computer program, computer system, or computer network.

**18.12(2) Fraud in University Accommodations or Eating Places.**

**18.12 (a)** No person may, after having received any food, lodging or other service or accommodation at any university facility or eating place, intentionally abscond without paying.

**18.12(b)** No person may, while in any university facility or eating place, intentionally defraud the university or its employees or agents in charge of the facility or eating place, in any transaction arising out of the relationship as a user of the facility or eating place.

**18.12(c)** In this subsection, prima facie evidence that the person intentionally absconded without paying for the food, lodging or other service or intentionally defrauded the university or its employees or agents has the meaning and includes the items of proof set forth in s. 943.21(2), Stats.

**18.12(3) Issue of Worthless Check.**

**18.12(3)(a)** No person may issue any check or other order for the payment of money in an amount not more than \$2,500 which, at the time of issuance, he or she intends shall not be paid.

**18.12(3)(b)** In this subsection, prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid, has the meaning and includes the items of proof set forth in s. 943.24, Stats.

**18.12(3)(c)** This subsection does not apply to a postdated check or to a check given for past consideration, except a payroll check.

**18.12(4) Library Materials.**

**18.12(4)(a)** No person may intentionally take, carry away, transfer, conceal or retain possession of any library material without the consent of a library official, agent or employee and with the intent to deprive the library of possession of the material.

**18.12(4)(b)** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person

upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

### **18.12(5) Retail Theft.**

**18.12(5)(a)** No person may intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant, or property of the merchant, without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise.

**18.12(5)(b)** No person may intentionally remove a theft detection device from merchandise, or use a theft detection shielding device, without the merchant's consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise.

**18.12(5)(c)** In this subsection, "merchant" includes any "merchant" as defined in s. 402.104(3), Stats., and any vendor or bookstore authorized to sell in university buildings or on university lands.

**18.12(5)(d)** In this subsection, "theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to merchandise held for resale by a merchant or to property of a merchant, and "theft detection shielding device" means any laminated or coated bag or device designed to shield such merchandise from detection by an electronic or magnetic theft alarm sensor.

### **18.12(6) Theft.**

**18.12(6)(a)** No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another with a value of under \$100, without consent and with the intent to deprive the owner permanently of such property.

**18.12(6)(b)** No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another with a value of at least \$100 but not more than \$1,000, without consent and with the intent to deprive the owner permanently of such property.

**18.12(7) Use of Cheating Tokens.** No person may obtain the property or services of another by depositing anything which he or she knows is not lawful money or is an unauthorized token in any receptacle used for the deposit of coins or tokens.

**18.12(8) Vandalism.** No person may break, tear up, mar, destroy or deface any notice, tree, vine, shrub, flower or other vegetation, or dislocate any stones, or disfigure natural conditions, or deface, alter, destroy or damage in any way any other property, real or personal, within the boundaries of any university lands unless authorized by the chief administrative officer.

**18.13 Penalties.** Unless otherwise specified, the penalty for violating any of the rules in ss. UWS 18.06 to 18.12 shall be a forfeiture of not more than \$500, as provided in s. 36.11(1)(c), Stats.

**18.14 Institutional regulations.** Institutional regulations promulgated under ss. UWS 18.04 to 18.12 shall take effect when filed with the secretary of the board.

### **18.15 Additional Statutory Penalty Provisions Regulating Conduct on University Lands.**

**18.15(1) CONTROLLED SUBSTANCES.** The use or possession of controlled substances as defined in s. 961.01(4), Stats., is prohibited on all university property with the specific exemptions set forth in ch. 961, Stats., and as permitted under s. 961.34, Stats. The penalty provisions of ch. 961, Stats., and chs. UWS 17 and 18 may apply to violations occurring on university lands.

**18.15(2) STUDENT CONVICTED OF DANGEROUS AND OBSTRUCTIVE CRIME.** Section 36.35(3), Stats., provides: "Any person who is convicted of any crime involving danger to property or persons as a result of conduct by him which obstructs or seriously impairs activities run or authorized by an institution and who, as a result of such conduct, is in a state of suspension or expulsion from the institution, and who enters property of that institution without permission of the chief administrative officer of the institution within 2 years, may for each such offense be fined not more than \$500 or imprisoned not more than 6 months, or both."

**UNIVERSITY OF WISCONSIN SYSTEM  
AND  
UNIVERSITY OF WISCONSIN – STEVENS POINT  
CHAPTER 22  
ACCOMMODATION OF RELIGIOUS BELIEFS**

**UWS 22.01 DECLARATION OF POLICY**

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

**UWS 22.02 DEFINITIONS**

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

**UWS 22.03 ACCOMMODATION OF RELIGIOUS BELIEFS**

History: Cr. Register, August, 1993, No. 452, eff. 9-1-93.

**UWS 22.01 DECLARATION OF POLICY.**

It is the policy of the board of regents that students' sincerely held religious beliefs shall be reasonably accommodated with respect to all examinations and other academic requirements. The Board of Regents adopts this chapter in order to ensure that all institutions of the University of Wisconsin system have in place appropriate mechanisms for ensuring the reasonable accommodation of students' sincerely held religious beliefs, and for appeals related to these matters.

**UWS 22.02 DEFINITIONS.**

In this chapter:

- (1) "Board of Regents" or "board" has the meaning given under s. UWS 1.02.
- (2) "Chancellor" means the chief executive officer of a university, the University of Wisconsin Centers, or the University Extension.
- (3) "Examination or other academic requirement" means any course requirement established by an instructor which will be considered in awarding the student's grade in the course.
- (4) "Institution" has the meaning given under s. UWS 1.06.
- (5) "Instructor" has the meaning given under s. UWS 14.02(11).
- (6) "Student" means any person who is registered for study in an institution of the University of Wisconsin system for the current academic period.

**UWS 22.03 ACCOMMODATION OF RELIGIOUS BELIEFS.**

- (1) A student shall be permitted to make up an examination or other academic requirement at another time or by an alternative method, without any prejudicial effect, where:
  - (a) There is a scheduling conflict between the student's sincerely held religious beliefs and taking the examination or meeting the academic requirements; and
  - (b) The student has notified the instructor, within the first three weeks of the beginning of classes (within the first week of summer session and short courses), of the specific days or dates on which he or she will request relief from an examination or academic requirement.
- (2) Instructors may schedule a make-up examination or other academic requirement before or after the regularly scheduled examination or other academic requirement.
- (3) Instructors shall accept, at face value, the sincerity of students' religious beliefs.
- (4) Student notification of instructors and requests for relief under sub. (1) shall be kept confidential.
- (5) Complaints of failure to provide reasonable accommodation of a student's sincerely held religious beliefs as required by this rule may be filed under institutional complaint and grievance procedures adopted pursuant to Chs. UWS 6 and 13.
- (6) The chancellor of each institution shall, through appropriate institutional publications (to include at a minimum the timetable and catalog), provide notification to students and instructors of the rules for accommodation of religious beliefs, and of the procedure and appropriate office for filing complaints.

## UNIVERSITY OF WISCONSIN – STEVENS POINT AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) was signed into law July 26, 1990. The term “disability” means, with respect to an individual:

- (A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (B) A record of such an impairment; or
- (C) Being regarded as having such an impairment.

The ADA provides a clear and comprehensive mandate that eliminates discrimination against individuals with disabilities. The ADA addresses discrimination against individuals with disabilities in such critical areas as employment, education, housing, public accommodations, transportation, communication, recreation, health services and access to public services. Any individual can request information about services and/or accommodations at UWSP by contacting the UW-Stevens Point ADA Coordinator.

The ADA Coordinator at Stevens Point is:

Mai Vang  
210E Old Main Building  
Stevens Point, WI 54481  
Phone: (715) 346-2002  
Fax: (715) 346-3698  
Email: [eeaoffice@uwsp.edu](mailto:eeaoffice@uwsp.edu)  
Web: <http://www.uwsp.edu/equity/index.htm>

### REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

#### Policy Statement

It is the policy of the University of Wisconsin-Stevens Point (UWSP) that qualified individuals with disabilities not be discriminated against because of their disability in regard to job application procedures, hiring, and other terms and conditions of employment. It is further the policy of UWSP to provide reasonable accommodations to qualified individuals with disabilities in all aspects of the employment process.

The UW-Stevens Point is prepared to modify or adjust the job application process or the job or work environment to make reasonable accommodations to the known physical or mental limitations of the applicant or employee to enable the applicant or employee to be considered for the position he or she desires, to perform the essential functions of the position in question, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly-situated employees without disabilities, unless the accommodation would impose an undue hardship or pose a direct threat of substantial harm to the health or safety of the applicant, employee or others.

#### Procedures

This policy and procedures paper will be distributed to all new employees to make them aware of their right to request an accommodation.

#### I. DEFINITIONS

- A. The term **disability** means, with respect to an individual:
  - 1. a mental or physical impairment which substantially limits one or more of the major life activities of such individual;
  - 2. a record of such impairment; or
  - 3. being regarded as having such an impairment.

The following conditions are excluded from the definition of disability: transvestitism, pedophilia, exhibitionism, voyeurism, compulsive gambling, kleptomania, pyromania, gender identity disorders, current psychoactive substance use disorders, and other sexual behavior disorders.

For purposes of this policy, the term “disability” is used with the understanding that it has the same meaning as “handicap” in state and federal law. (see State Fair Employment Act [s. 111.32 (8)]; Section 504 of the Federal Rehabilitation Act and 45 CFR 85.3; Americans with disabilities Act and 29 CFR 1630).

- B. The term **major life activities** means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- C. The term **qualified individual with a disability** means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such

individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

- D. The term reasonable accommodation means a modification or adjustment to a job, the work environment, the job application process, or the way things are usually done that enables a qualified individual with a disability to perform the essential functions of the job and to enjoy an equal employment opportunity. Reasonable accommodation includes, but is not limited to, making facilities accessible, adjusting work schedules, restructuring jobs, providing assisting devices or equipment, providing readers or interpreters, and modifying examinations, training materials or policies.

## II. REQUESTING ACCOMMODATIONS

### A. Applicants for Employment

1. All UW-Stevens Point position announcements will contain the statement, "It is the policy of the University of Wisconsin-Stevens Point to provide reasonable accommodations to qualified individuals with a disability who are applicants for employment or employees."
2. Each applicant invited for an interview shall again be informed of the University of Wisconsin-Stevens Point policy requiring reasonable accommodations to be provided in the hiring process.
3. All applicants should make requests for accommodations through the contact person as identified in the vacancy announcement. When requested by an applicant with a disability, the University of Wisconsin-Stevens Point is prepared to modify or adjust the job application process to make reasonable accommodation to the known physical or mental limitations of the applicant to enable the applicant to be considered for the position he/she desires.
4. Each applicant is responsible for making timely and complete disclosures and specific requests regarding accommodations to meet his or her particular needs in order to enable UWSP to provide an appropriate response. It is strongly recommended that requests for accommodations be made as soon as possible to avoid delays in providing reasonable accommodations.
5. An interviewer may not ask an applicant whether or not he/she has a disability. This includes both physical and psychological disabilities. If the applicant volunteers information about a disability, the interviewer shall not ask any questions relating to the nature or extent of the disability or whether treatment will be necessary.
6. With respect to the ability to perform required job duties, an interviewer may ask each applicant whether or not he/she is able to perform the essential functions of the job applied for with or without reasonable accommodation.
  - a) If an applicant indicates in response to such an inquiry that he/she can perform the essential functions of the job but does not volunteer comment on the need for accommodation, then no inquiry shall be made about the need for an accommodation.
  - b) If, however, the applicant indicates in response to such an inquiry that he/she can perform the essential functions of the job and does volunteer the need for an accommodation, the interviewer may ask the applicant how he/she will perform the essential functions of the position and what accommodation will be necessary.

### B. Current Employees or Applicants Offered Job

1. To request a reasonable accommodation, an employee or applicant offered a job is required to submit a written statement to the UW-Stevens Point ADA Coordinator. The written statement must identify the nature of the claimed physical or mental disability, identify the functional limitations with respect to the disability, and identify the requested accommodation(s).
2. An individual who identifies him/herself as having a disability and requests a reasonable accommodation may be required to provide documentation, including medical records, sufficient to establish the existence of the claimed physical or mental impairment and the need for accommodation. The information should be appropriately current and have been prepared by a qualified professional. The employee or applicant offered a job must bear the cost of this initial verification of a disability.
3. The UW-Stevens Point may require an employee or applicant offered a job who is requesting a reasonable accommodation to undergo further testing or evaluation by qualified professionals to verify or further establish the claimed disability, the need for an accommodation, and to provide a basis upon which a reasonable accommodation can be developed or implemented. The cost of such evaluation will be paid by UW-Stevens Point.
4. If an employee is having difficulty performing his/her job, the supervisor, in consultation with the ADA Coordinator, should inform the employee of the existence of UWSP policy to provide reasonable accommodations. If the employee requests a reasonable accommodation, the procedures in this policy shall apply. However, if the employee does not request an accommodation, an accommodation will not be offered nor provided. Please see page 54 for the Reasonable Accommodation Request-Report Form.

### III. PROVIDING ACCOMMODATIONS

#### A. Decision-Making Procedures

1. Each request for an accommodation shall be reviewed on a case-by-case basis. The employee or applicant will be involved in the process of determining potential reasonable accommodations.
2. The UWSP ADA Coordinator will make the decision to approve or deny an accommodation request. If the hiring authority, supervisor or the ADA Coordinator is concerned about providing an accommodation, the hiring authority, supervisor and ADA Coordinator shall consult with the appropriate UWSP Line Officer.
3. The decision to approve or disapprove an accommodation request must be made by the ADA Coordinator in writing and provided to the applicant or employee within 20 working days after the filing of a request. If an accommodation request is denied, the written decision must inform the employee or applicant of the complaint procedures available to that individual as listed in Section IV of this document.
4. Where there is more than one effective accommodation, the final decision as to which accommodation will be provided shall be made by UW-Stevens Point after consideration of the wishes of the individual, the documentation provided, and advice from other appropriate personnel.
5. A qualified individual with a disability is not required to accept an accommodation, aid, service, opportunity or benefit which such qualified individual chooses not to accept. However, if such individual rejects a reasonable accommodation, aid, service, opportunity or benefit that is necessary to enable the individual to perform the essential functions of the position held or desired and cannot, as a result of that rejection, perform the essential functions of the position, the individual will not be considered a qualified individual with a disability.
6. UW-Stevens Point does not provide individuals with disabilities with personal devices or assistance for personal use, including, but not limited to, wheelchairs, eye glasses, hearing aids, personal assistance for eating or dressing, or readers for personal use.
7. When no reasonable accommodation is available to allow an employee with a disability to remain in his/her current position, UW-Stevens Point will attempt to reassign that employee to a vacant position which is equivalent in terms of pay and status within UWSP, if available. The employee must be qualified for the vacant position and the position must be vacant or become vacant within a reasonable period of time. Assignment to another vacant position is only available to employees.
8. All material and information collected from an applicant or employee regarding the individual's accommodation request shall be considered confidential information and be kept in a separate file. Upon completion of the decision-making process regarding the accommodation request, all material collected will be kept in a separate, locked file by the ADA Coordinator. This information will be confidential with the following exceptions:
  - a) Supervisors and managers may be informed regarding necessary accommodations or necessary restrictions on the work or duties of the employee.
  - b) First aid and safety personnel may be informed, when appropriate, if the disability might require alternative actions in emergency situations.
  - c) Government officials investigating compliance with nondiscrimination laws shall be provided relevant information on request.
9. The ADA Coordinator will periodically monitor the effectiveness of accommodations provided to applicants or employees.
10. For reporting the Department of Employment Relations (DER) only, the ADA Coordinator will complete a "Reasonable Accommodation Request-Report Form" for each accommodation request and provide a copy to the DER Division of Affirmative Action. The form is attached as Appendix A.

#### B. Assessing Accommodation Requests

Several factors will be considered before asking an individual to further verify the existence of a disability and when reviewing an accommodation request for reasonableness.

1. Requesting Additional Verification
  - a) Is the employee known to have a disability?
  - b) Does the applicant or employee have an observable disability?
  - c) Does the request expand on an existing accommodation or previously provided accommodation for which a verification was required?
2. Determining Reasonableness of Accommodation Requests
  - a) Are the job functions for which the accommodation is required essential?
  - b) Is the applicant or employee otherwise qualified to perform the essential job functions?
  - c) Does the accommodation accomplish the desired result, i.e., allowing the individual to overcome limitations of the disability to effectively perform the essential functions of the job or to enjoy the benefits and privileges of similarly-situated employees? Is the accommodation necessary and effective?
  - d) Will the accommodation adversely affect the productivity or work environment of other employees in the work unit?
  - e) Is the cost of the accommodation feasible within the UWSP budget? If not, can approval be obtained from the Department of Administration to use funds which are statutorily reserved for reasonable accommodations?



- f) Are there other more cost-effective options which will allow the individual to perform the essential functions of the job?

#### IV. COMPLAINT PROCESS

A. The UW-Stevens Point has an internal complaint procedure to resolve complaints alleging violations of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. If an applicant, an applicant offered a job, or an employee disagrees with a decision regarding his or her request for an accommodation, a complaint may be filed with the appropriate UWSP line officer pursuant to this internal complaint procedure. The line officers are: Vice Chancellor for Business Affairs, Vice Chancellor for Student Affairs, Provost/Vice Chancellor, and the Chancellor.

1. Complaints filed pursuant to this internal procedure must be filed within fifteen (15) working days after the complainant is informed of the accommodation decision. Individuals wishing to file such a complaint should immediately contact the Vice Chancellor for Business Affairs, Vice Chancellor for Student Affairs, Provost/Vice Chancellor or the Chancellor. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

B. At any time, an individual may pursue other remedies available to him/her under applicable state or federal law. An employee may contact UW-Stevens Point's Personnel Office to obtain information on existing complaint/grievance resolution processes.

#### **Appendix A: University of Wisconsin – Stevens Point Reasonable Accommodation Request Report Form (attached)**

#### **University of Wisconsin – Stevens Point Reasonable Accommodation Policy Complaint Procedure**

This procedure is referenced in section IV "Complaint Process," page 6 of the *University of Wisconsin Reasonable Accommodations Policy and Procedures*.

If an applicant, an applicant offered a job, or an employee files a complaint (see Appendix A, attached) with the appropriate university official, as per the policy "Complaint Process," the University official shall:

1. Appoint a three (3) member committee to review the decision.
2. The committee membership shall consist of individuals who are employees of UW-Stevens Point.
3. Persons involved in the initial decision or members of the unit/department of the complainant are not eligible to serve on the committee.
4. The committee will make its recommendation to the appropriate line officer within fifteen (15) working days after the complaint was filed.
5. The appropriate university official shall inform the complainant of his/her decision five (5) working days after receiving the recommendation from the committee.

To arrive at a recommendation the committee can request additional information from the complainant and/or the ADA Coordinator. If requested by the committee, the complainant may present additional information as well as present supporting documentation/information from a qualified professional. The complainant shall bear the cost for the qualified professional. July, 1998

# University of Wisconsin – Stevens Point

## GUIDELINES FOR ACCESSIBILITY OF UWSP WEB PAGES ON THE INTERNET

The Reasonable Accommodations Policy: The Americans with Disabilities Act

**The Americans with Disabilities Act (ADA)** requires State and local governments and places of public accommodation to furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities, unless doing so would result in a fundamental alteration to the program or service or in an undue burden. (*Accessibility of Web pages on the Internet*, Deval L. Patrick, Assistant Attorney, General, Civil Rights Division, United States Department of Justice Policy Ruling #204 September 9, 1996) The actual text from the *Reasonable Accommodations Policy* of The Americans with Disabilities Act Title II Technical Assistance Manual follows:

**II-7.0000 COMMUNICATIONS Regulatory references: 28 CFR 35.160-35.164. II-7.1000** Equally Effective Communication. A public entity must ensure that its communications with individuals with disabilities are as effective as communications with others. This obligation, however, does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of its services, programs, or activities, or in undue financial and administrative burdens.

In response to the need to ensure that University of Wisconsin-Stevens Point Web pages are accessible to persons with disabilities navigating at our web site, we will make every attempt to provide reasonable accommodations for qualified individuals with disabilities. The features that provide power and elegance for some users present potential barriers for users with sensory impairments. For example, the indiscriminate use of graphic images and video restrict access for users with visual impairments, and the use of audio and non-captioned video may restrict access for users with hearing impairments.

**Essential Information:** In order not to create an undue burden on UWSP Web authors, the University of Wisconsin-Stevens Point requires that the “essential information” in *official* (not *UWSP personal* or *class-generated pages*) campus Web pages be in text format, so that the material can be read intelligently by screen readers. *Essential information may include, but not be limited to:*

- Contact, address information (name, phone, address, e-mail, etc.)
- Date and Calendar information (class syllabus, calendar of events, due dates, etc.)
- Admissions, degree or course requirements
- Grading policies
- Navigational elements

However, it is understood that much content will be offered only in multimedia formats, such as simulations, or graphics and photos, or sound files, *where it is not reasonable or possible to provide a text equivalent*. In such cases, each multimedia element will have an “Alt” tag with a brief description of that element.

**Approved March 23, 1999: Technology Coordinating Council**  
**Approved May 10, 1999: UWSP Chancellor's Cabinet**

# UNIVERSITY OF WISCONSIN – STEVENS POINT

## EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY

### **PURPOSE**

The University of Wisconsin-Stevens Point is committed to a policy of equal employment opportunity and nondiscrimination. The University's Affirmative Action Plan represents both a commitment to hire and promote underrepresented groups, and a positive effort to assure that minorities, women, and persons with disabilities are not underrepresented among our employees.

### **Objectives**

The objectives of the University include a commitment to prevent and eliminate discrimination or harassment by supervisors, coworkers, or students on the basis of age, race, color, religion, sex, gender identity or expression, national origin, ancestry, pregnancy, marital status, parental status, sexual orientation, disability, political affiliation, arrest record, membership in the National Guard, state defense force and/or any other reserve component of the military forces of the United States or of this state, or other protected class status. Such harassment is unlawful in the state of Wisconsin.

### **RESPONSIBILITY**

#### **Program Development**

The responsibility for the development of an effective affirmative action program on this campus is assigned to the Affirmative Action Director.

#### **Program Implementation**

Administrative personnel are responsible for implementation of the affirmative action/equal employment program and for enforcement in their area of responsibility. Affirmative action programs will be monitored and management performance in this program will be evaluated as is performance of other administrative objectives.

#### **Discriminatory Practices**

Each administrative officer of the University is responsible for eliminating discriminatory practices where they exist and for assuring that applicants and employees are not denied access to employment, training, transfers, or promotions based upon age, race, color, religion, sex, gender identity or expression, national origin, ancestry, marital status, pregnancy, parental status, sexual orientation, disability, political affiliation, arrest record, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, or other protected class status.

#### **Compliance**

Federal, state, and gubernatorial laws and orders regulate affirmative action and equal employment opportunity practices in the State of Wisconsin. The University of Wisconsin-Stevens Point is committed to complying with these rules and acknowledges equal employment opportunity as a legal responsibility. In addition, this commitment is institutionalized and incorporated into the *University Handbook*, institutional policy, administrative evaluations, and University structure and procedures. The Compliance Officer at UWSP is Mai H. Vang, 210 Old Main, ext. 2002.

#### **Related Policies**

Additional policies which further describe and support the University's commitment to a discrimination- and harassment-free environment are the "Sexual Harassment Policy," the "Discrimination-free Environment Policy," and the various policies and procedures for dealing with allegations and complaints of harassment or discrimination under Chapters UWS and UWSP 3, 4, 6, 10, 11, and 13.

### **APPLICATION**

The University is committed to an affirmative action/equal opportunity program to assure that all employees are treated fairly.

#### **Equal Employment Opportunity**

The University is committed to equal employment opportunity for all persons, regardless of race, creed, ancestry, religion, color, sex, gender identity or expression, national origin, age, disability, arrest record, marital status, pregnancy, parental status, political affiliation, sexual orientation, or membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, or other protected class status.

### **General Principle**

All classified, unclassified, and student positions are open to both sexes, persons with disabilities, and members of minority groups.

### **Employment Considerations**

The individual's ability and willingness to do the job are the only considerations, and jobs may not be restricted

- To members of one race, color, religion, creed, age, sex, gender identity or expression, or national origin for reasons such as the preferences of coworkers, employers, clients, or customs;
- Because a job has been traditionally limited to members of one sex or race;
- By an assumption that members of one sex or race are less able to do a particular job—such as assemble parts, type, operate machinery, serve as lead worker—without regard to the applicant's actual abilities.

### **Affirmative Action Needed**

Affirmative action efforts for women, racial/ethnic minorities, persons with disabilities and Vietnam Era and disabled veterans are required when necessary to ensure equal opportunity and to overcome the effects of past discrimination. When deemed necessary, affirmative action will affect all employment practices, including but not limited to recruiting, hiring, transfer, layoff, termination, retention, promotion, certification, and testing.

### **Disability Accommodation**

Reasonable accommodations for persons with disabilities are provided to ensure equal access to employment in accordance with federal and state regulations.

### **Retaliation Prohibited**

Retaliation against an employee who files a discrimination complaint is also a form of discrimination and will not be tolerated.

### **Equal Educational Opportunity**

Under the provisions of 36.12 (1) Wis. Stats., "No student may be denied admission to, participation in, or the benefits of, or be discriminated in any service, program, course or facility of the system or its institutions or centers because of the student's race, color, creed, religion, sex, gender identity or expression, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status."

### **Students' Rights**

The University of Wisconsin-Stevens Point affirms the right to equal opportunity in education. All campus programs and activities are equally available to all students. In its educational programs, activities, and employment practices, the University does not discriminate on the basis of age, race, color, religion, sex, gender identity or expression, national origin, ancestry, pregnancy, marital status, parental status, sexual orientation, disability, political affiliation, arrest record, membership in the National Guard, state defense force and/or any other reserve component of the military forces of the United States or this state.

### **Religious Accommodations**

In response to an employee's or student's request, reasonable accommodations are provided for religious practices.

### **Student Complaints**

Students wishing to file a discrimination complaint with the University of Wisconsin-Stevens Point should do so with the Affirmative Action Director within 300 days of the alleged violation.

## **AFFIRMATIVE ACTION PLAN**

UWSP's Affirmative Action Plan requires that the campus, including each department/unit, affirm its commitment to implement all federal, state and University of Wisconsin System equal employment opportunity and affirmative action laws, executive orders, rules, regulations and policies.

Such laws and regulations include but are not limited to

- Equal Pay Act of 1963;
- Title VII of the Civil Rights Act of 1964;
- Age Discrimination in Employment Act of 1967;
- Sections 503 and 504 of the Rehabilitation Act of 1973;
- Executive Order 11246;
- Title IX of the Education Amendments of 1972;
- Section 402 of the Vietnam Veterans Readjustment Act of 1974;
- Wisconsin Statutes Chapter 230;
- Wisconsin Fair Employment Act;
- Executive Order 28; and
- University of Wisconsin System EEO/AA Policy.

Passed by UWSP Faculty Senate February 17, 1993  
Rev. 1-18-94; Reissued January, 1995

# UNIVERSITY OF WISCONSIN – STEVENS POINT DISCRIMINATION POLICY

## STATEMENT OF PURPOSE

It is the policy of the University of Wisconsin-Stevens Point to:

- Foster an environment of respect for the dignity and worth of all students, employees, and guests of the University;
- Provide an environment which is conducive to the free and open exchange of ideas; and
- Strive to eliminate bias, prejudice, discrimination, and harassment in all forms and manifestations.

## Discrimination

Discrimination based on an individual's age, race, color, religion, sex, gender identity or expression, national origin, ancestry, marital status, pregnancy, parental status, sexual orientation, disability, political affiliation, arrest or conviction record, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, or other protected class status is demeaning to all students, employees, and guests; impairs the process of education; and violates individual rights.

Complaints about discrimination, including sexual harassment should be brought to the Director of Equity and Affirmative Action (EAA) for action under Section 36.12(1), Wisconsin Statutes (within 300 days of the alleged violation), and Title IX of the Education Act, 1972. This commitment shall be incorporated into Community Rights and Responsibilities (for students and staff) and the University Handbook (for faculty and staff).

## For Resolution of a Discrimination Complaint

Any person (student or staff member) who believes s/he has been the target of discrimination on the basis of race, gender, gender identity or expression, religion, color, creed, disability, sexual orientation, national origin, ancestry, age, marital status, pregnancy, or parental status in employment or as a UWSP student should report it to Mai H. Vang, Assistant to the Chancellor for Equity and Affirmative Action, 210 Old Main, ext. 2002 for resolution. Other campus service providers (i.e., Counseling Center personnel, Health Service care providers, Residence Hall Directors) should refer complainants to the Equity & Affirmative Action (EAA) Office for complaint resolution.

## Educational Programming

To promote UWSP's goal of creating a discrimination-free educational environment, the Director of Equity and Affirmative Action will regularly conduct informational sessions and workshops for faculty and staff on UWSP policies and procedures related to sexual harassment and other forms of discrimination. The Equity and Affirmative Action Committee will serve as a further source of information and programming on these issues.

## **UWSP PROCEDURES FOR RESPONDING TO DISCRIMINATION\* COMPLAINTS**

Any person (student or staff member) who believes s/he has been the target of discrimination on the basis of age, race, color, religion, sex, gender identity or expression, national origin, ancestry, marital status, pregnancy, parental status, sexual orientation, disability, political affiliation, arrest or conviction record, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, or other protected class status, should report it to Mai H. Vang, Assistant to the Chancellor for Equity and Affirmative Action (EAA), Room 210, Old Main, ext. 2002 for resolution. Others (counseling center personnel, faculty, residence hall directors, deans, department chairs, personnel office staff, student employment office staff) should refer a complainant to the EAA Office unless a resolution is reached by contact with the aforementioned professionals.

### **I. Informal (Not Written) Complaint**

- A. The incident(s) will be recorded by the Assistant to the Chancellor for Equity & Affirmative Action (EAA) or other appropriate official and options for resolution will be discussed with the complainant.
- B. If an informal complaint is brought to a person other than the Assistant to the Chancellor for Equity & Affirmative Action, the individual to whom the complaint is brought consults with the Assistant.
- C. Other than collegial consultation, no action of any kind will normally be taken on any allegations in the absence of a written complaint.
- D. If the Assistant to the Chancellor determines that there are compelling reasons to investigate the allegations of discrimination, s/he may do so even in the absence of a formal written complaint. Such an investigation will follow the procedures outlined in the University Handbook, Chapter 4C, Sections 7 & 9, and every attempt will be made to confine university action to collegial consultation whenever a complaint is made informally.
- E. A written record of the complaint will be kept in the EAA Office for at least one year.
- F. Complaints should be received within 300 days of the alleged discrimination under Wisconsin Statute. However, complaints about alleged discrimination may be received at any time under Title IX of the Education Act, 1972, and Title VII.

## II. Formal (Written) Complaints

A. Whenever the Assistant to the Chancellor for Equity and Affirmative Action, or other appropriate official receives a written complaint against a faculty or academic staff member, that official shall inform the complainant that the faculty or academic staff member against whom the allegations have been made must be promptly notified in writing of the allegations and that such notice includes the identity of the complainant. The complainant shall also be informed of the procedures for both informal and formal complaints as described in the University Handbook, Chapter 4, Sections 7 and 9.

B. The university official will offer to meet with the faculty or academic staff member against whom the complaint is made to afford the individual an opportunity to respond to the allegations. At this meeting, the faculty or academic staff member is reminded that retaliation is prohibited and that if retaliation occurs, it will be dealt with through the line administrative structure.

C. After reviewing the response, or in the absence of a meeting or response, the official shall either investigate the allegations to determine whether sufficient evidence exists to warrant disciplinary action or, in the case of faculty or academic staff, refer the complaint to the appropriate Mediation Subcommittee.

D. If an investigation does not lead to a mutually acceptable response, the official forwards a written report to the Chancellor or other appropriate administrator who may invoke a disciplinary response or refer the complaint to the appropriate Mediation Subcommittee.

E. Referrals, requests for hearings, and disciplinary action will be handled according to:

- Chapter 4, Section 7 or 9 in the University Handbook and Chapters UWS 4, 6, 11, and 13 of the Wisconsin Administrative Code for faculty and academic staff.
- Various collective bargaining agreements, the UWSP Classified Employee Handbook and/or Chapter 230 of the Wisconsin Statutes, as appropriate, for classified staff.
- Community Rights and Responsibilities and Chapter UWS 17 of the Wisconsin Administrative Code.

\*Including sexual harassment complaints.

## **UNIVERSITY OF WISCONSIN – STEVENS POINT SEXUAL HARASSMENT POLICY**

Sexual harassment is recognized as a violation of civil rights laws, U.S. Equal Opportunity Commission Rules and by the civil law courts. The University of Wisconsin-Stevens Point is committed to providing its faculty, staff, and students with a sexual harassment-free environment.

The Chancellor, the Faculty Senate, and the Board of Regents of the University of Wisconsin System approved the following policy statement. "Sexual harassment," it says, "is impermissible and unprofessional conduct, subject to disciplinary action in accordance with applicable due process requirements, including, but not limited to reprimand, temporary suspension, expulsion, or discharge of the harassing individual."

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either as an implicit or explicit condition of an individual's employment, career advancement, grades, or academic achievement.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual.
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working environment.

### **UWSP PROCEDURES FOR RESPONDING TO SEXUAL HARASSMENT COMPLAINTS**

The courts have ruled that sexual harassment itself is discriminatory. The University of Wisconsin-Stevens Point is committed to maintaining a sexual-harassment-free environment. You have a right and an obligation to ask harassers to stop offensive behavior.

Any person (student or staff member) who believes s/he has been the target of sexual harassment should report it to the Equity & Affirmative Action (EAA) Office for resolution. Others (counseling center personnel, faculty, residence hall directors, deans, department chairs, personnel office staff, student employment office staff) should refer a complainant to the EAA Office unless a resolution is reached by contact with the aforementioned professionals. To discuss sexual harassment issues, contact Mai H. Vang, Room 210, Old Main, ext. 2002.

### **III. Informal (Not Written) Complaint**

- A. The incident(s) will be recorded by the Assistant to the Chancellor for Equity & Affirmative Action (EAA) or other appropriate official and options for resolution will be discussed with the complainant.
- B. If an informal complaint is brought to a person other than the Assistant to the Chancellor for Equity & Affirmative Action, the individual to whom the complaint is brought consults with the Special Assistant.
- C. Other than collegial consultation, no action of any kind will normally be taken on any allegations in the absence of a written complaint.
- D. If the Assistant to the Chancellor determines that there are compelling reasons to investigate the allegations of sexual harassment, s/he may do so even in the absence of a formal written complaint. Such an investigation will follow the procedures outlined in the University Handbook, Chapter 4C, Sections 7 & 9, and every attempt will be made to confine university action to collegial consultation whenever a complaint is made informally.
- E. A written record of the complaint will be kept in the EAA Office for at least one year.
- F. Complaints should be received within 300 days of the alleged discrimination under Wisconsin Statute. However, complaints about alleged discrimination may be received at any time under Title IX of the Education Act, 1972, and Title VII.

### **IV. Formal (Written) Complaints**

- A. Whenever the Assistant to the Chancellor for Equity & Affirmative Action, or other appropriate official receives a written complaint against a faculty or academic staff member, that official shall inform the complainant that the faculty or academic staff member against whom the allegations have been made must be promptly notified in writing of the allegations and that such notice includes the identity of the complainant.

The complainant shall also be informed of the procedures for both informal and formal complaints as described in the University Handbook, Chapter 4, Sections 7 and 9.

B. The university official will offer to meet with the faculty or academic staff member against whom the complaint is made to afford the individual an opportunity to respond to the allegations. At this meeting, the faculty or academic staff member is reminded that retaliation is prohibited and that if retaliation occurs, it will be dealt with through the line administrative structure.

C. After reviewing the response, or in the absence of a meeting or response, the official shall either investigate the allegations to determine whether sufficient evidence exists to warrant disciplinary action or, in the case of faculty or academic staff, refer the complaint to the appropriate Mediation Subcommittee.

D. If an investigation does not lead to a mutually acceptable response, the official forwards a written report to the Chancellor or other appropriate administrator who may invoke a disciplinary response or refer the complaint to the appropriate Mediation Subcommittee.

E. Referrals, requests for hearings, and disciplinary action will be handled according to:

- Chapter 4, Section 7 or 9 in the University Handbook and Chapters UWS 4, 6, 11, and 13 of the Wisconsin Administrative Code for faculty and academic staff.
- Various collective bargaining agreements, the UWSP Classified Employee Handbook and/or Chapter 230 of the Wisconsin Statutes, as appropriate, for classified staff.
- Community Rights and Responsibilities and Chapter UWS 17 of the Wisconsin Administrative Code.

All members of the UWSP learning community are encouraged to log on to [www.uwsp.edu/equity](http://www.uwsp.edu/equity) for online training.



# UNIVERSITY OF WISCONSIN – STEVENS POINT CONSENSUAL AND FAMILIAL RELATIONSHIP POLICY

## **DEFINITIONS**

As used in this policy statement:

### **Instructor**

“Instructor” means all those who teach at UWSP, including faculty, coaches, teaching academic staff, and graduate students with teaching responsibilities.

### **Sexual Relations**

A person engages in “sexual relations” when the person causes contact with any body part of any person with the intent to arouse or gratify the sexual desire of any person. The term “person” includes not only the one doing the contacting but also the one being contacted. “Contact” means intentional touching, either directly or through clothing.

### **Familial Relationship**

The term “familial relationship” means an evaluative relationship with one’s spouse, child, parent, sibling, or anyone qualifying as a “dependent” under the Internal Revenue Code.

## **INTRODUCTION AND BACKGROUND**

The University of Wisconsin-Stevens Point has only limited authority to regulate the private lives of its employees and students. The University has even less interest in formalizing regulations concerning the private lives of its employees and students, except insofar as the University has a duty to protect the rights of employees and students and to define professional/ethical standards for its employees.

The University also recognizes that all individuals entering into consensual relationships must accept responsibility for their actions. Nonetheless, certain consensual relationships are of concern to the University.

Consensual relationships of concern to the University of Wisconsin-Stevens Point are those sexual relationships in which the parties appear to have consented, but where there is a definite power differential between the parties and where there is the appearance of bias on the part of an instructor or supervisor.

Codes of ethics for most professional associations forbid improper professional-client relationships. University policy and general ethical principles preclude professional individuals from evaluating the work or academic performance, or from making hiring, salary or similar financial decisions concerning family members. The same principles apply to romantic/sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate, or prospective employee.

## **RELATIONSHIPS AND CORRESPONDING REGULATIONS**

### **Consensual Sexual Relationships with a Student in One’s Class**

These relationships with a non-spousal student in an instructor’s class are not permitted. Violation of this regulation will subject an instructor to appropriate disciplinary action by the Provost/Vice Chancellor, including, but not limited to, reprimand, suspension, or dismissal. The University feels that the instructor/student relationship is one where a great fiduciary duty is imposed upon the instructor (one which is equivalent to doctor/patient or attorney/client) and where this prohibition is as appropriate as the prohibition imposed in other professions.

### **Consensual Sexual Relationships with a Student Not in One’s Class**

These relationships are often problematic and should be avoided. The potential conflict of interest, bias, power differential, and appearance of impropriety problems are obvious. Further, there is the possibility that the student may subsequently enroll in the instructor’s class, resulting in the difficult choice of putting the relationship on hold or facing disciplinary action.

### **Consensual Sexual Relationships with an Employee under One’s Supervision**

These relationships are of concern to the University (and all other employers) because of conflict of interest and abuse of power differential problems. If such a situation develops, the supervisor should work with his or her supervisor to remedy the problem (e.g. by having one or both of the couple transferred.).

### **Familial Relationships**

The situation where one is in an evaluative position (such as a supervisor or instructor) with a family member is to be avoided if at all possible. The supervisor or instructor must consult with his or her dean/chair/supervisor before accepting such a responsibility. Together they should act to avoid the situation (e.g. by transferring an employee, having a student take another section of a course or take the course by independent study, correspondence, etc.).

Passed by UWSP Faculty Senate on February 17, 1993

Revised on February 17, 1999

## **UNIVERSITY OF WISCONSIN – STEVENS POINT EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993**

The Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

**REASONS FOR TAKING LEAVE:** Unpaid leave must be granted for any of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.
- At the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave.

**ADVANCE NOTICE AND MEDICAL CERTIFICATION:** The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is “foreseeable.”
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work.

**JOB BENEFITS AND PROTECTION:**

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan.”
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**UNLAWFUL ACTS BY EMPLOYERS:** FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**ENFORCEMENT:**

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

For additional information on the Family and Medical Leave Act of 1993, contact:

UWSP Personnel Office  
133 Main  
Stevens Point, WI 54481  
(715) 346-2606

## **UNIVERSITY OF WISCONSIN – STEVENS POINT ON-CAMPUS RESIDENCY REQUIREMENT**

### **BOARD OF REGENT POLICY RESOLUTION**

The UW Board of Regents has mandated that all freshman and sophomores live in residence halls. Specifically, resolution 173 (May 5, 1972) states:

- (1) Those freshman and sophomore students who are not veterans, married or living with parents or guardian, shall be required to live in a university-operated residence hall when such accommodations are available;
- (2) Any Chancellor with a campus situation which he feels would warrant exception to the provisions of this resolution, may submit a plan to the Board for its consideration;
- (3) Any Chancellor may grant exceptions to this policy to individuals with special situations, such as significant personal hardship.

At UW-Stevens Point, the policy is enforced for those students who have graduated from high school two years or less prior to the start of the academic year (e.g., a student graduation in 1995 would be exempt from the residency requirement for 1997-98 while a student who graduated in 1996 or 1997 would not be).

Exceptions are granted on a routine basis to students who are married, live with their parent(s) or legal guardian(s) and commute from within a 40-mile radius, have a dependent child living with them, or are enrolled for five or fewer credits. Students who feel that they should be exempt from the policy may request an exception from Kate Reck, Assignments Coordinator. If the request is denied, the student may appeal to the Housing Policy Appeals Committee, a group comprised of residence hall students.

## **UNIVERSITY OF WISCONSIN – STEVENS POINT STUDENT RIGHT-TO-KNOW GRADUATION RATES**

The federal Student Right-to-Know legislation requires that graduation rates be disclosed for new freshmen entering an institution as a full-time student. This new legislation became effective July 1, 1993. In accordance with this legislation, we have provided graduation rates below that were prepared by the Office of Policy Analysis and Research of the University of Wisconsin System. If you have a need to discuss this matter further, please arrange an appointment in the Registration and Records Office.

2010 New Freshman Cohort Proportion (Full-time Students) 1644  
UW System Average (w/o Colleges): 97 %  
UW-Stevens Point Average: 99%

### 2004 Full-time New Freshman Cohort – Six Year Graduation Rates

|                          | UW System (w/o Colleges) | UW-Stevens Point Avg. |
|--------------------------|--------------------------|-----------------------|
| From Initial Institution | 60.4%                    | 59.7 %                |
| From UW System           | 66.7%                    | 69.6%                 |

**UNIVERSITY OF WISCONSIN – STEVENS POINT  
POSTED LOCATION OF OFFICIAL FEDERAL AND STATE NOTICES**

**At UW-Stevens Point, all official Federal and State notices are posted in an enclosed bulletin board outside the Personnel Services Office, Room 133 Old Main Building.**

Listed below are the Federal and State laws and regulations dealing with employment that must be posted **in a conspicuous place where employees and job applicants can readily see them:**

- Employee Polygraph Act of 1968
- Equal Employment Opportunity Commission Age Discrimination
- Federal Family and Medical Leave Act of 1993
- Federal Minimum Wage Notice
- Occupational Safety and Health Act (OSHA)
- Wisconsin Access to Public Records Notice
- Wisconsin Business Closing/Layoff Law
- Wisconsin Child Labor Code
- Wisconsin Family Leave Act
- Wisconsin Fair Employment Act
- Wisconsin Hazardous Chemicals in the Workplace Notice
- Wisconsin Minimum Wage and Board/Lodging and Special Minimum Wage
- Wisconsin Open Records Law
- Wisconsin Public Employee Safety & Health Act
- Wisconsin State Personnel Commission Appeal Rights
- Wisconsin Unemployment Compensation Law

# UNIVERSITY OF WISCONSIN – STEVENS POINT

## ANNUAL SECURITY REPORT AND POLICY STATEMENT

### INTRODUCTION

The University of Wisconsin-Stevens Point makes an earnest effort to inform its members of the security procedures, policies and services in place to preserve the integrity of the campus and to educate its members about personal protection and safety. A report of campus policy procedures and incidence of campus crime follows.

- I. Reports of criminal actions or other emergencies occurring at the campus of the University of Wisconsin-Stevens Point shall be made to the office of Protective Services (001 George Stien Building, 346-3456). The office is open 24 hours a day, seven days a week, 365 days per year. Additionally, the central office is in radio contact with security officers on campus around the clock. The officers respond in accordance with established safety and security procedures.
- II. General access and use of the facilities of the University of Wisconsin is governed by Chapter UWS 21, Wisconsin Administrative Code and Institutional Policies on file in the office of the Vice Chancellor for Business Affairs. Security is provided in the maintenance of the university's facilities through a number of mechanisms which include limited hours of operation, enforced policies on key allocation, restricted access to those bearing proper identification as university staff or students, adequate lighting, and emergency phone assistance. Specific security procedures may vary with the type of university facility.
  - A. Residence Halls
    1. Overnight Guests in Residence Halls
      - a) An overnight guest roommate agreement must be completed and filed at the front desk of the appropriate hall. In cases where roommates cannot agree, the right of the person to occupy his/her room without the presence of a guest shall prevail.
      - b) A guest registration card is to be filled out for each guest prior to their arrival.
      - c) After arrival, the guest is to sign in and carry a guest ID card with them during their visit.
      - d) Guests are to stay in the room in which they are registered, and abide by the same behavioral standards which guide our campus community.
      - e) Exceptions to these policies/procedures may be made by the Residence Hall Director.
    2. Visitation
      - a) Two visitation options exist; closed, which permits no visitation between genders in individual rooms, and open, which permits 24 hour visitation between genders in individual rooms.
      - b) Each house may adopt less than the maximum permissible visitation hours, but no modification of closed visitation is permitted.
    3. Residence Hall Security
      - a) All perimeter doors are locked 24 hours per day. One can enter only with an access card.
      - b) The front doors are open from 9:00 AM to 9:00 PM, coinciding with front desk operation.
  - B. OTHER CAMPUS FACILITIES
    1. Standards for behavior elsewhere on university grounds and in university facilities can be found in UWSP Chapter 17; Student Non-Academic Disciplinary Procedures, or in UWSP Chapter 18; Conduct on University Lands.
    2. Policies and procedures for individual facilities can be obtained from the appropriate administrator of each facility.
- III. The Protective Services Department at the University of Wisconsin at Stevens Point is the university's law enforcement authority. They represent the first line support for emergency response, safety and security of the campus community. The Protective Services Department maintains a close working relationship with local, regional, state and federal law enforcement agencies, and all appropriate elements of the criminal justice system. Regular meetings are held, both on a formal and informal basis, and crime related reports and statistics are routinely exchanged.
- IV. UWSP provides information to students and employees about campus security procedures and practices, encourages them to be responsible for their own security and the security of others, and informs them about the prevention of crimes through the following programs and literature:
  - A. PROGRAMS
    1. Protective Services Walking Escort Service
    2. Student Transit Van Service

3. Residence Hall Staff Training
4. Student organization Officer Training
5. Presentations by University Staff and Community Agencies dealing with:
  - a) Alcohol/Drugs
  - b) Safety/Security
  - c) Crime Prevention
  - d) Sexual diseases
  - e) Sexual Harassment/Assault
  - f) Regular Monitoring of Physical Environment by Protective Services

B. Literature

1. Community Rights and Responsibilities Guidebook
2. Residence Hall Handbook
3. Student Organization Handbook
4. Handouts and Brochures from Residential Living, Student Development, Protective Services.

V. The following crimes were reported on the UW-Stevens Point campus during the years indicated. These crimes are classified by the FBI as Part One crimes (data reported by the UW-Stevens Point Protective Services Office).

|    | CRIME               | 07  | 08 | 09  | 10 |
|----|---------------------|-----|----|-----|----|
| A. | Murder              | 0   | 0  | 0   | 0  |
| B. | Rape (Forcible*)    | 0   | 0  | 0   | 0  |
| C. | Robbery             | 0   | 0  | 0   | 0  |
| D. | Aggravated Assault  | 0   | 0  | 0   | 0  |
| E. | Simple Assault      | 0   | 0  | 2   | 0  |
| F. | Burglary            | 1   | 0  | 21  | 16 |
| G. | Larceny/Theft       | 104 | 96 | 104 | 77 |
| H. | Motor Vehicle Theft | 0   | 0  | 0   | 0  |
|    |                     |     |    |     |    |

\*It is important to note that while there were no forcible rapes according to FBI Part One crime definitions, there could be sexual assaults reported to the university during this time period. In 2010, there were none (0 fourth degree; 0 third degree, 0 second degree and 0 first degree).

VI. UWSP cooperates with the local police authorities to monitor and record information about criminal activity occurring off-campus that involves university students or university-recognized student organizations.

VII. The following arrests occurred on the campus at UWSP during the years indicated. These arrests are not for violations of the Part One crimes that are listed in section V., above.

|    | VIOLATION             | 07  | 08  | 09 | 10 |
|----|-----------------------|-----|-----|----|----|
| A. | Liquor Law Violations | 123 | 105 | 93 | 32 |
| B. | Drug Abuse Violations | 34  | 30  | 25 | 6  |
|    |                       |     |     |    |    |

VIII. The possession, use and sale of alcohol and illegal drugs are regulated at UW-Stevens Point in accordance with the Drug-free Schools Act, the Drug-free Workplace Act, applicable provisions of state and federal law, and Chapter UWS 18, Wisconsin Administrative Code. The Protective Services Office and other university personnel enforce violations of underage drinking laws, and other violations of state and federal laws regulating the possession, use and sale of alcohol and illegal drugs. In addition, UW-Stevens Point offers numerous educational programs and information dealing with alcohol and other drug abuse, primarily sponsored by the Alcohol Education Coordinator, Health Advocate Staff, Health Center, Counseling Center AODA Counselor, Residence Life and the Office of Student Rights and Responsibilities.

IX. **Students are encouraged to report crimes to the UWSP Protective Services Department at 346-3456.**

# UNIVERSITY OF WISCONSIN – STEVENS POINT

## INFORMATION CONCERNING SEXUAL ASSAULT

### INTRODUCTION

The UWSP community is concerned about sexual assault, particularly acquaintance assault which is the most prevalent form of sexual assault. *Sexual intercourse or sexual contact without consent is not only inappropriate, it is illegal.*

### WHAT IS THE LAW?

Sexual assault is any forced or coerced sexual intercourse or contact. It is a crime of violence in which assailants, whether known to the victim or not, are motivated by a desire to humiliate and/or exert power over the victim. (Refer to Wisconsin State Statutes 940.225 and 948.02.)

In short, any sexual contact which you do not want is sexual assault. There are four degrees of sexual assault in Wisconsin.

#### 1.) **First Degree Sexual Assault**

Whoever does any of the following is guilty of a Class B felony:

- 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.
- 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.
- 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.

#### 2.) **Second Degree Sexual Assault**

Whoever does any of the following is guilty of a Class C felony:

- a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.
- 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.
- 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.
- (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 appraising the person's conduct, and the defendant knows of such condition.
- d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.
- e) 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.
- f) 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.

#### 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. with a person without the consent of that person is guilty of a Class G felony.

#### (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.

### 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) and (g). 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):

- b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.
- c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.



## DEFINITIONS

In this section:

(ag) "Inpatient facility" has the meaning designated in s. 51.01 (10).

(ai) "Intoxicant" means any controlled substance, controlled substance analog or other drug, any combination of a controlled substance, controlled substance analog or other drug or any combination of an alcohol beverage and a controlled substance, controlled substance analog or other drug. "Intoxicant" does not include any alcohol beverage.

(am) "Patient" means any person who does any of the following:

- 1.) Receives care or treatment from a facility or program under s.940.295 (2) (b), (c), (h) or (k), from an employee of a facility or program or from a person providing services under contract with a facility or program.
- 2.) Arrives at a facility or program under s. 940.295 (2) (b), (c), (h) or (k) for the purpose of receiving care or treatment from a facility or program under s. 940.295 (2) (b), (c), (h) or (k), from an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k), or from a person providing services under contract with a facility or program under s. 940.295 (2)(b),(c), (h) or (k).

(ar) "Resident" means any person who resides in a facility under s. 940.295 (2)(b),(c),(h) or (k).

(b) "Sexual contact" means any of the following:

1. Intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1).
2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

(c) "Sexual intercourse" includes the meaning assigned under s. 939.22 (36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(d) "State treatment facility" has the meaning designated in s. 51.01 (15).

## MARRIAGE NOT A BAR TO PROSECUTION

A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

## DEATH OF VICTIM

This section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.

## PENALTIES:

Penalties for conviction of a criminal or civil action based on a crime of sexual assault or rape range from fines, financial restitution and probation to imprisonment, depending on the degree of the assault.

**First degree sexual assault** is a class B felony. A person found guilty of first degree sexual assault may be imprisoned up to 20 years.

**Second degree sexual assault** is a class C felony. One found guilty of second degree sexual assault can be imprisoned not more than 10 years and/or fined not more than \$10,000.

**Third degree sexual assault** is a class D felony. The penalty for a third degree sexual assault is imprisonment for not more than five years and/or a fine of not more than \$10,000.

**Fourth degree sexual assault** is a class A misdemeanor. The penalty for fourth degree sexual assault is imprisonment for not more than nine months and/or a fine of not more than \$10,000.

Procedures for campus actions can be found in UWS/UWSP Chapter 17. Penalties for students found guilty of sexual assault by the Student Rights and Responsibilities office range from probation to suspension/expulsion. The University may also take whatever action it deems necessary to provide for the safety of the members of the university community. The University will also report each sexual assault to the city police, without reference to individuals.

## HOW OFTEN DOES SEXUAL ASSAULT OCCUR?

It is difficult to know exactly how many sexual assaults occur because sexual assaults often go unreported. However, below are some facts of which you should be aware:

**Nationally** in 2009, there were 88,097 sexual offenses reported (Federal Bureau of Investigation). In **Wisconsin**, 4,633 sexual assaults were reported in 2009. Across the **UW System Campuses**, there were 253 sexual assaults in 2010...157 of which were acquaintances. At **UW-Stevens Point**, there were 4 reports of sexual assault during 2010. Two of these sexual assaults were acquaintances.

## WHAT SHOULD YOU DO IF YOU OR SOMEONE YOU KNOW HAS BEEN A VICTIM OF SEXUAL ASSAULT?

- Seek medical attention immediately. A hospital visit is highly recommended. It is important to preserve evidence toward the proof of sexual assault.
- Report any sexual assault or attempted sexual assault to a university official. No other action will be taken unless so determined by the victim.

- Seek assistance from a professional counselor. Free counseling is available at the UWSP Counseling Center.
- Consider options of initiating disciplinary action through the Office of Student Rights and Responsibilities and/or seeking a legal response by reporting the assault to the Stevens Point Police Department. It is always the victim's choice about what course of action to pursue.

Our primary concern is that victims of sexual assault receive appropriate support and assistance. We also understand that confidentiality is of the utmost importance to victims.

## **PREVENTION INFORMATION**

Both men and women should be especially careful in situations involving the use of alcohol or drugs. Alcohol and drugs can interfere with your ability to assess situations and to communicate effectively.

## **PROTECTING AGAINST STRANGER ASSAULT**

### **Walking On/Off Campus:**

1. Always be aware of what is going on around you. Stay alert to your surroundings.
2. Walk with confidence. Hold your head up and shoulders straight.
3. At night, stick to well-lighted, populated areas and walk with another person. Avoid walking alone or in isolated areas.
4. Use campus escort services.
5. Take special precautions in parking lots, stairwells, elevators, bath-rooms, and dark areas with shrubbery. Studies show that many assaults by strangers occur in these places.
6. If you suspect that you are being followed, go to a place where there are other people as soon as possible. If you choose to run, run as fast as you are able and scream to attract attention or summon help.
7. Follow your gut instincts. If you sense that you may be at risk or in danger, try to get out of the situation. For example, if you see a suspicious looking person or someone who makes you feel uncomfortable in a parking lot, leave the area. Report your suspicions to the authorities.

### **In Residence Halls:**

1. Lock your door at all times, even if you run down the hall for just a few minutes to visit a friend.
2. Do not prop security doors open.
3. In residence halls accessed only by a special key, do not let anyone without such a key enter, no matter how presentable their appearance or how plausible their request seems. Simply tell them, "I would like to help you out, but we are very concerned about security in this residence," and direct them to campus security for assistance.
4. Be especially aware of security during vacation periods, when there are fewer people on campus.

## **REPORTING**

Anyone who is aware of a sexual assault must report it to the Coordinator of Rights and Responsibilities. Such reporting is for statistical purposes only; no other action is required unless so directed by the victim.

Any University employee who witnesses a sexual assault on campus or receives a report that a student has been sexually assaulted is required by 1989 Wisconsin Act 177 to report the assault to the Director of Student Rights and Responsibilities.

Report forms are available on the Web at [www.uwsp.edu/admin/stuaffairs/rightsandresponsibilities.aspx](http://www.uwsp.edu/admin/stuaffairs/rightsandresponsibilities.aspx), in the back of this publication (Appendix B), and are also available in the offices of the Chancellor, Counseling Center, University Health Services, Student Rights and Responsibilities, Residence Hall Directors, Protective Services, Academic Deans, and Department Chairs. All completed reports should be submitted to:

Office of Student Rights and Responsibilities  
 First Floor, Delzell Hall  
 (715) 346-2611

## **LEGAL RIGHTS OF VICTIMS**

Each individual has the option to pursue appropriate law enforcement, student conduct, protective services, counseling, medical assistance and to be assisted by campus authorities in finding appropriate services.

Should a victim choose to prosecute legally, that person should be aware of Wisconsin Statute 950, which addresses the legal rights of victims. A victim has legal rights and is eligible for the services under this chapter only if the victim reports the crime to law enforcement authorities within 5 days of its occurrence or discovery, unless he or she has a reasonable excuse not to do so.

Sections of 950.04 and 950.045 of the Wisconsin Statutes identifies the following basic rights of victims and witnesses of crime:

- To be informed by local law enforcement agencies and the district attorney of the final disposition of the case. If the crime charged is a felony or is specified in ch. 940 or s. 948.02, 948.03 or 948.05, the victim shall be notified whenever the defendant or perpetrator is released from custody. The victim shall be notified of a pardon application by the governor.
- To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court.
- To have the court provided with information pertaining to the economic, physical and psychological effect of the crime upon the victim of a felony and have the information considered by the court.

- To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available.
- To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services.
- To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled.
- To be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants.
- To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence.
- To be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
- To be entitled to a speedy disposition of the case in which they are involved as a victim or witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.
- To have the family members of all homicide victims afforded all of the rights under subs. (1) to (4) and (6) to (9) and analogous services under s. 950.05, whether or not they are witnesses in any criminal proceedings.
- To be entitled to provide written statements concerning parole and pardon applications.

### **CAMPUS CONDUCT PROCESS**

Should a victim choose to bring charges against another student through the student conduct process, the following steps will be followed:

- A written report will be filed with the office of Student Rights and Responsibilities.
- An adjudication officer will be assigned and interviews will be conducted to determine whether violations of UWSP Chapter 17 have occurred.
- Rights of the victim, the conduct process and victim services will be reviewed.
- If evidence suggests a violation of our community standards, the adjudicating officer will notify the accused student in writing, stating the charges and setting a date for a hearing.
- The procedures outlined in UWSP Chapter 17.05 and 17.06 will be followed pertaining rights of the accused.
- The alleged victim is not present at the hearing, however, content and details of the initial report may need to be discussed during the hearing.
- After the adjudicating officer has obtained all available information on the case, a written decision will be rendered.
- If the accused is found to be in violation of one or more sections of Chapter 17, sanctions will be imposed. Sanctions may include probation, suspension, removal or restrictions within the student's residential community, alcohol assessment, psychological assessment and/or other requirements determined by the adjudicating officer depending on the severity of the case.
- The victim will be notified about the outcome of the case when it is completed.
- The accused shall have 10 days to submit an appeal to the office of Student Rights and Responsibilities if they so choose.
- The office of Student Rights and Responsibilities shall exercise authority when deemed necessary to restrict contact between individuals, determine housing changes if appropriate during or after the hearing, and make other decisions intended to bring order to the academic environment.

### **SERVICES/SUPPORT AVAILABLE FOR VICTIMS OF SEXUAL ASSAULT**

#### **Campus Resources**

Counseling Center  
Delzell Hall - 3rd Floor 346-3553

Equity and Affirmative Action Office  
210 Old Main 346-2002

Protective Services  
George Stien Building 001 346-3456

Residence Hall Directors  
601 Division 346-3511

Student Health Promotions  
004 Allen Center 346-4313

Student Health Services  
Delzell Hall - 1st Floor 346-4646

Student Rights and Responsibilities  
Delzell Hall - 1st Floor 346-2611

Women's Resource Center  
Lower Level Dreyfus Univ. Center 346-4851

#### **Community Resources**

Community Connections 345-5976

Family Crisis Center  
1616 River Drive 343-7125

Portage County Health and Human Services  
817 Whiting Avenue 345-5350

Portage County Sheriff's Dept.  
1500 Strongs Avenue 346-1400

Sexual Assault Victim Services, Inc.  
1616 West River Drive  
office: 715-343-7114  
crisis: 715-343-7125

St. Michael's Hospital  
900 Illinois Avenue  
346-5000  
346-5100 (24 hour emergency services)

Stevens Point Police Dept.  
1515 Strongs Avenue  
346-1500

# UNIVERSITY OF WISCONSIN – STEVENS POINT HEALTH STANDARDS – ALCOHOL AND OTHER DRUGS

## PROMOTING OPTIMAL WELL-BEING

One of the important missions of the University of Wisconsin-Stevens Point is to assist each student in achieving the healthiest lifestyle possible. The University understands that a supportive community makes healthy choices an easier option. The University is also interested in providing an optimal environment for student growth and development.

In order to support the optimal environment and to support the wishes of the majority of the students on the campus, policies are in place to severely restrict smoking, to discourage illegal use of alcohol, and to encourage healthy food choices. As a wellness campus we are interested in increasing the opportunities for each person, be they student or employee to achieve higher levels of wellness.

## UNIVERSITY OF WISCONSIN-STEVENS POINT HEALTH AND SAFETY POLICY STATEMENT

The University of Wisconsin-Stevens Point is concerned about the health and well being of its employees, students, campus guests and visitors. The University of Wisconsin-Stevens Point will provide opportunities for information sharing, training and direction setting to the campus community through the campus Environmental Health and Safety Committee and the Environmental Health and Safety Department. University Administration shall be responsible for securing resources necessary to implement this policy.

It is the policy of UW Stevens Point to devote its best efforts to comply with all applicable federal, state and local rules and regulations and appropriate operating standards applicable to the work and campus environment. The campus shall strive to continuously improve the campus environment, minimize hazardous material use and maximize resource utilization through waste minimization and recycling efforts.

All administrative and supervisory personnel are responsible for providing employees information about the hazards they work with, proper training and following safe work practices. Faculty will provide their students with the necessary information and training to perform their activities safely.

In concern with the responsibility assumed by the University, employees, students, guests and visitors accept the responsibility to bring areas of question and concern regarding health and safety concerns to the attention of the Environmental Health and Safety Department. Specifically, it is an individual's responsibility to raise questions when unsure of appropriate health and safety precautions in the teaching, learning or work environment.

## SMOKING POLICY

Smoking is banned in all buildings on campus. Smokers are required to use designated areas outside of university facilities.

## POLICY ON A DRUG-FREE WORKPLACE

Congress has enacted the **Drug-Free Workplace Act of 1988** which places certain responsibilities on the University as the recipient of federal grants and contracts. Pursuant to the federal requirements and in keeping with current university policy, all UW-Stevens Point employees are reminded that university rules, policies and practices prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances on all university property and worksites. **Any employee who engages in any of these actions on university property or the worksite or during work time may be referred to counseling or treatment, and may be subject to disciplinary action up to and including discharge.**

Employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their dean, director, or department chair within 5 days of the conviction if the employees are employed by the university at the time of the conviction.

Employees who have problems with alcohol or controlled substances are encouraged to voluntarily contact their Employee Assistance Program (EAP) coordinator. Referral for treatment may be recommended if its in the best interests of the university and the employee. Voluntary contacts with the EAP coordinator may remain confidential. **Please contact the UWSP Counseling Center at 346-3553 to speak with the UW-Stevens Point EAP coordinator.**

## STANDARDS OF CONDUCT AND UNIVERSITY SANCTIONS CONCERNING ILLICIT DRUGS AND ALCOHOL

The University of Wisconsin System and University of Wisconsin-Stevens Point prohibit the unlawful possession, use, distribution, manufacture or dispensing of illicit drugs and alcohol by students and employees on university property or as part of university activities.

The use or possession of alcoholic beverages is prohibited on university premises, except in faculty and staff housing and as expressly permitted by the chief administrative officer or under institutional regulations, in

accordance with s. UWS 18.06(13)(a), Wis. Adm. Code. Without exception, alcohol consumption and procurement are governed by Wisconsin statutory age restrictions under s. UWS 18.06(13)(b), Wis. Adm. Code.

The unlawful use, possession, distribution, manufacture or dispensing of illicit drugs ("controlled substances" as defined in ch. 961, Wis. Stats.) is prohibited in accordance with s. UWS 18.10(1), Wis. Adm. Code.

Violation of these provisions by a student may lead to the imposition of a disciplinary sanction, up to and including suspension or expulsion, under s. UWS 17.03(1)(b), Wis. Adm. Code. University employees are also subject to disciplinary sanctions for violation of these provisions occurring on university property or the worksite or during work time, up to and including termination from employment. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in Wisconsin statutes, administrative rules, faculty and academic staff policies, and collective bargaining agreements. Referral for prosecution under criminal law is also possible. Further, violations of ss. UWS 18.06(13) and 18.10(1), Wis. Adm. Code may result in additional penalties as allowed under ch. UWS 18, Wis. Adm. Code.

Employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their dean, director or department chair within 5 days of the conviction if the employees are employed by the university at the time of the conviction. [Revised 1/97]

## **FEDERAL AND STATE OF WISCONSIN LEGAL SANCTIONS**

### **WISCONSIN**

The Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes, regulates controlled substances and outlines specific penalties for the violation of the regulations. A first-time conviction for possession of a controlled substance can result in a sentence of up to one year in prison and a fine of up to \$5,000. Sec. 961.41 (3g), Stats. A person convicted of manufacturing a controlled substance, delivering a controlled substance, or possessing a controlled substance with an intent to manufacture or deliver, can be imprisoned for up to 30 years and fined up to \$1,000,000. Secs. 961.41(1) and (1m), Stats. Penalties vary according to the type of drug involved, the amount of drug confiscated, the number of previous convictions, and the presence of any aggravating factors. The distribution of a controlled substance to a minor can lead to the doubling of an authorized sentence term. Section 961.46, Stats.

Wisconsin has formidable legal sanctions that restrict the use of alcohol in various situations. It is illegal to procure for, sell, dispense or give away alcohol to anyone who has not reached the legal drinking age of 21 years. Sec. 125.07(1)(a)(1), Stats. Every adult has a legal obligation to prevent the illegal consumption of alcohol on premises owned by the adult or under the adult's control. Sec. 125.07(1)(a)(3), Stats. A first-time violator of either of the above subsections can be fined up to \$500. It is against the law for an underage person to procure or attempt to procure an alcoholic beverage, to falsely represent his or her age for the purpose of obtaining alcohol, to enter premises licensed to sell alcohol, or to consume or possess alcohol on licensed premises. Sec. 125.07(4)(a), Stats. A first-time underage violator of section 125.07(4)(b), Stats., can be fined up to \$500, ordered to participate in a supervised work program, and have their driver's license suspended. [Revised 1/97]

### **FEDERAL**

Pursuant to federal law, the United States Sentencing Guidelines establish mandatory minimum penalties for categories of drug offenses and provide for penalty enhancements in specific cases. Under these federal guidelines, courts can sentence a person for up to 6 years for unlawful possession of a controlled substance, including the distribution of a small amount (less than 250 grams) of marijuana; a sentence of life imprisonment can result from a conviction of possession of a controlled substance that results in death or bodily injury; and, possession of more than 5 grams of cocaine can trigger an intent to distribute penalty of 10-16 years in prison.

Federal Penalties and Sanctions for Illegal Possession of Controlled Substances

#### **21 U.S.C. 844(a)**

1<sup>st</sup> conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000 or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000 or both, if: (a) 1<sup>st</sup> conviction and the amount of crack possessed exceeds 5 grams; (b) 2<sup>nd</sup> crack conviction and the amount of crack possessed exceeds 3 grams; or (c) 3<sup>rd</sup> or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

#### **21 U.S.C. 853(a)(2) and 881(a)(7)**

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack, above.)

#### **21 U.S.C. 881(a)(4)**

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

#### **21 U.S.C. 844a**

Civil fine of up to \$10,000.

21 U.S.C. 862

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to purchase, receive, or transport a firearm.

Miscellaneous

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Federal Penalties for Illegal Trafficking of Controlled Substances

The Controlled Substances Act (CSA), Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, is a consolidation of numerous federal laws regulating the manufacture and distribution of controlled substances. The CSA places all controlled substances into one of five schedules, depending upon the substance's medical use, potential for abuse, and safety or dependence liability. The CSA provides penalties for the unlawful manufacturing and distribution of controlled substances. The charts on pages 8-9 of the U.S. Department of Justice publication, *Drugs of Abuse*, 1996 Edition, provide an overview of the penalties for trafficking of controlled substances. [Revised 1/97]

**UWSP ALCOHOL POLICY**

The current alcohol policies at the University of Wisconsin-Stevens Point are as follows:

**PHILOSOPHY**

The University of Wisconsin-Stevens Point will continue to establish and implement alcohol policies and procedures which

- a.) stress low risk drinking behaviors;
- b.) educate students, faculty, and staff about the use and abuse of alcohol, the need to make informed choices, and the consequences of alcohol abuse;
- c.) demonstrate its belief that individuals deserve trust and acceptance unless they show by their behavior that they require assistance; and
- d.) foster cooperative relationships among students, faculty, and staff.

The University shall make every effort to provide adequate resources to promote alcohol education programming.

**ALCOHOL CONSUMPTION ON CAMPUS**

- 1.) Alcoholic beverage consumption is permitted on campus only for individuals of legal drinking age and only in
  - a) staff housing;
  - b) areas of the University Centers where alcohol beverages are sold and consumption is permitted under the policies of the Centers; and
  - c) residence hall rooms, and such lounges as may be designated under residence hall policies; and in accordance with state statutes;

provisions of Chapter UWS 18 of the Wisconsin Administrative Code, Rules of the Board of Regents of the University of Wisconsin System, "Conduct on University Lands"; this policy; and/or any subordinate policies developed by units or subunits of the University (e.g., University Centers).

- 2.) Any subordinate policies developed by units or subunits shall conform to the provisions of this policy. Subordinate policies may be more stringent or limiting than this policy but may not grant rights or privileges beyond the limits of this policy.
- 3.) The Residential Living Alcohol Policy may be found in the Residential Living Handbook.

**PREVENTION**

The mission of the alcohol education program is to provide resources, information, and programs on issues surrounding alcohol use/abuse for the University of Wisconsin-Stevens Point community. Through these educational/preventive measures, the University shall encourage students and personnel to develop positive habits and attitudes, make healthy choices, and respect state laws and campus policies with regard to alcohol use or non-use.

Educational Policies: Under the direction and leadership of the Alcohol Education Program Coordinator and, for classified and unclassified personnel, the Employee Assistance Program Coordinator, the University shall:

- 1.) Encourage healthy behaviors concerning alcohol consumption for all members of the university community.
- 2.) Encourage appropriate role modeling behavior with regard to alcohol consumption.
- 3.) Provide information to members of the university community on

- a) personal and institutional liability concerning inappropriate alcohol use, providing alcohol to under-age drinkers, and serving intoxicated individuals; and
- b) other potential consequences of unacceptable or high risk drinking behaviors.

Programming: Student Development/Student Affairs shall:

- 1.) Establish a permanent review committee of students and staff to assess and prioritize student programming options.
- 2.) Increase programs, activities, and opportunities which
  - a) encourage students to engage in healthy behaviors;
  - b) involve students in planning and implementation;
  - c) offer students numerous and diverse alternatives (e.g., late night entertainment, nightly movies, dances, entertainers, food service) to events which do not have alcohol as a primary focus; and
  - d) provide a greater diversity of programs in residence halls and north campus dining centers.

## **INTERVENTION**

### Identification and Referral

- 1.) Residence Hall Directors, Community Advisors, Student Managers, and Protective Services personnel who believe that a resident or guest exhibits symptoms of abusive drinking, or that an underage individual is drinking, shall:
  - a) confront the individual under procedures developed by Residential Living; and
  - b) take other appropriate action to assure compliance with institutional policies and procedures.
- 2.) Individuals supervising a student group or organization or a university-sponsored event, or advisors who believe that an individual exhibits symptoms of abusive drinking, shall:
  - a) confront the individual, or
  - b) as appropriate, either refer the individual to the Office of Student Rights and Responsibilities for disciplinary action or refer the individual to the Alcohol Education Program Coordinator for assistance.
- 3.) Students and staff who believe that an individual exhibits symptoms of abusive drinking are strongly encouraged to:
  - a) confront the individual, or
  - b) call the Employee Assistance Program Coordinator for help in dealing with classified or unclassified staff who may be abusive drinkers, or
  - c) call the Alcohol Education Program Coordinator for help in dealing with students who may be abusive drinkers.
- 4.) The Office of Student Rights and Responsibilities shall consider an alcohol abuse assessment for any student referred to Rights and Responsibilities for an incident in which alcohol was involved.

Self-referral: Individuals who exhibit symptoms of abusive drinking or who are concerned about their own drinking behavior are encouraged to contact the Employee Assistance Coordinator or the Alcohol Education Program Coordinator.

### Incapacitation

- 1.) Individuals dealing with someone who is unconscious or who exhibits other symptoms of a medical emergency shall immediately call an ambulance.
- 2.) Individuals dealing with someone whom they believe to be incapacitated shall contact City of Stevens Point Police Department for assistance either directly or through appropriate channels, according to unit procedures.
- 3.) Individuals who refer an unconscious or incapacitated individual from a residence hall shall inform the residence hall director as soon as practicable.
- 4.) Individuals who refer an unconscious or incapacitated individual from campus locations other than residence halls shall inform Protective Services as soon as practicable.

## **ASSESSMENT AND TREATMENT**

Assessment: The Counseling Center provides alcohol screening for students and staff. Alcohol assessments are provided by community AODA agencies.

Treatment: AODA treatment is provided by certified AODA community agencies.

Referral: The Counseling Center shall refer to the appropriate agencies staff and students beyond the treatment scope of the Center.

Faculty Senate 4-6-88  
Chancellor P. Marshall 5-11-88

### **UWSP AOD CAMPUS ADVERTISING POLICY**

When, in conjunction with co-sponsored activities, university organizations or departments allow advertising by a firm that promotes alcohol and/or other drugs, every effort shall be made to ensure that the AOD promotions:

- 1.) discourage misuse or abusive practice language in their message, and/or encourage responsible use;
- 2.) provide proper balance in the sizing of product logos/advertisements vs. educational messages;
- 3.) limit the number and sizes of advertisements at each event, depending on the size of program venue.

Advice and suggestions shall be available from UWSP's coordinator of AODA programs.

December, 1999



## **UNIVERSITY OF WISCONSIN – STEVENS POINT RESOURCES FOR DRUG AND ALCOHOL ABUSE AWARENESS, PREVENTION, AND TREATMENT**

Employees who have problems with alcohol or controlled substances are encouraged to voluntarily contact their Employee Assistance Program (EAP) coordinator for referral to counseling or treatment programs. Voluntary contacts with the EAP coordinator may remain confidential. The UW-Stevens Point EAP Coordinator is located in the UW-Stevens Point Counseling Center, 3<sup>rd</sup> Floor Delzell Hall. The EAP telephone number is (715) 346-3553.

Students who have problems with alcohol or controlled substances are encouraged to voluntarily contact their campus' Office of Student Affairs/Dean of Students Office/Health Services for referral to counseling or treatment programs. Voluntary contacts with Counseling Center are confidential. The Counseling Center is located at 3<sup>rd</sup> Floor Delzell Hall and their telephone number is (715) 346-3553.

The Wisconsin Department of Health and Social Services, through its Division of Community Services, publishes a comprehensive pamphlet listing facilities around the state that provide treatment for drug and alcohol addiction. To obtain a copy of this pamphlet, entitled "Wisconsin Alcohol and Drug Abuse Services Directory," contact the Wisconsin Clearinghouse at 800/248-9244, or write to the following address:

Wisconsin Clearinghouse  
University Health Services  
1552 University Avenue  
Madison, WI 53705

As part of the University Health Services at the University of Wisconsin-Madison, the mission of the Wisconsin Clearinghouse is to help schools, families, and communities to lead healthy and productive lives. The Wisconsin Clearinghouse has been disseminating information and providing alcohol and drug abuse prevention products and services nationally and state-wide for more than 20 years.

The Wisconsin Clearinghouse publishes a sales catalog that lists more than 300 alcohol and drug abuse awareness and prevention materials (i.e., videotapes, software, curricula, activity books, pamphlets, and posters). If you'd like to receive a free catalog by mail, call the Wisconsin Clearinghouse at 800/322-1468, or e-mail your request to: [wchpr@www.uhs.wisc.edu](mailto:wchpr@www.uhs.wisc.edu)

The Prevention Resource Center is a statewide program of the Wisconsin Clearinghouse that provides an array of services to non-profit, private and public sector organizations and educators throughout Wisconsin. Services include disseminating alcohol and drug abuse awareness and prevention-related materials, lending curricula, videos and books, and providing technical assistance in such areas as grant writing and program evaluation. Staff also present ideas and information at conferences and workshops. The Wisconsin Clearinghouse also mails the "Prevention Package" to more than 500 sites, providing information on new publications, successful programs, and a calendar of upcoming conferences and training events. The "Prevention Outlook" newsletter is also published, with up-to-date articles on important issues in the prevention field. [Revised 1/97]

Individual assessment, counseling, treatment and/or support services are available from a variety of agencies and organizations throughout Stevens Point

**UNIVERSITY OF WISCONSIN – STEVENS POINT  
POLICY ON PARENTAL NOTIFICATION  
FOR VIOLATIONS OF THE DRUG/ALCOHOL POLICY**

UWSP believes it is important to treat students as the adults they have become. As members of our learning community, we will be sending grades and other official university communications directly to each student. What they choose to share and discuss with parents or guardians is a personal and/or family decision.

We also honor each student's right to privacy on behavioral matters. There are several notable exceptions to this policy, however. The university may choose to contact a parent or guardian:

- When a student's repeated abuse of chemicals is jeopardizing their own health or that of others,
- When repeated efforts to gain compliance with university alcohol, drug and other behavioral policies have failed and the student's status with the university is in question,
- When a student's physical or emotional health has become threatened or has become potentially dangerous to others, and/or when the university feels the student may be incapable of making safe healthy decisions for him/her self.

Contacts with parents or guardians in these instances will be made by the Vice Chancellor for Student Affairs or his/her designee.

## **UNIVERSITY OF WISCONSIN-STEVENS POINT**

### **Missing Student Notification Policy**

#### **Policy:**

This policy, with its accompanying procedures, establishes a framework for cooperation among members of the university community aimed at locating and assisting students who are reported missing. A student shall be deemed missing when he or she is absent from the university for more than 24 hours without any known reason. All reports of missing students shall be directed to Protective Services. Protective Services shall investigate each report and make a determination whether the student is missing in accordance with this policy. All students shall have the opportunity to identify an individual to be contacted by Protective Services in the event that the student is determined missing. If a missing student is under 18 years of age, Protective Services is required to notify the parent or guardian of the missing student not later than 24 hours after determination was made that the student is missing. Protective Services will also notify area law enforcement no later than 24 hours after it determines that the student is missing.

#### **Procedure:**

##### **Notification**

- Any report of a missing student, from whatever source, should immediately be directed to Protective Services.
  
- When a student is reported missing Protective Services shall:
  - Initiate an investigation to determine the validity of the missing person report.
  - Contact the vice chancellor of Student Affairs.
  - Make a determination as to the status of the missing student.
  - Notify the individual identified by the missing student as the emergency contact within 24 hours of making the determination that the student is missing.
  - If the missing student is under the age of 18, notify the student's custodial parent or guardian as contained in the records of the university within 24 hours of the determination that the student is missing.
  - Notify the Stevens Point Police Department within 24 hours after determining that student is missing so that NCIC entry can be made.

The vice chancellor of Student Affairs and the director of Residential Living will be notified by staff and the vice chancellor of Student Affairs shall initiate whatever action he or she deems appropriate under the circumstances in the best interest of the missing student.

#### **Student contact information:**

Students shall be given an opportunity to designate emergency contact information on the university website and on their emergency information card that is completed while they reside in the residence halls.

# UNIVERSITY OF WISCONSIN-STEVENS POINT

## WORKPLACE VIOLENCE

### REPORTING GUIDELINES

Acts of violence are prohibited by law. The University of Wisconsin – Stevens Point is committed to providing faculty, staff and students with an environment that is safe, secure and free from violence, and other forms of aggressive behavior; one which is based upon civility, respect and the free expression of ideas.

To promote an atmosphere that encourages learning and productive employment, quick responsive action will be taken if violence or the threat of violence arises. This includes any direct, conditional or implied threat, intentional act, or other conduct that reasonably arouses fear, hostility, intimidation or the apprehension of harm.

Violence and threats of violence are always prohibited on campus, especially whenever:

- the act, behavior or communication is abusive and could cause another person physical, emotional or psychological harm; and/or
- the act, behavior or communication damages or threatens to damage property of the university or of an individual.

All members of the university community should report any act of violence, potential violence, threatening, aggressive or disruptive behavior to a supervisor, department chair, Student Rights and Responsibilities Office (if students are involved), the Personnel Office or Protective Services. These resource people can help ensure that your concerns are properly reported and investigated. The employee who receives such a report is obligated to channel the complaint through the appropriate university procedures.

Examples of campus violence include, but are not limited to:

- threats of harm to a person or their property
- intentional damage to university or private property
- brandishing a weapon or an object that appears to be a weapon
- threatening or directing abusive language toward another person
- stalking as defined by Wisconsin statute
- physical attacks on another person such as slapping, punching, pushing or intimidating gestures
- domestic conflicts that extend into the workplace

Any person who exhibits violent, aggressive or threatening behavior will be held accountable for their actions under university policy and rules, as well as local, state and federal laws. Violators are subject to disciplinary action, including suspension or dismissal, and may be subject to criminal prosecution.

This policy does not replace any current disciplinary or formal grievance process established in agreements with collective bargaining units and governance groups; nor does the use of this process cause an employee to forfeit the right to file a grievance. If an employee is represented by a bargaining unit, he/she may request the assistance of a union representative at any step in this process.

October 27, 2000

### REPORTING PROCEDURES

#### Employee Responsibilities:

- Remove yourself from the threat as soon as possible.
- Contact Protective Services at ext. 3456 if there is a threat of danger or physical violence.
- Call 911 if there is a medical emergency.
- Immediately notify your supervisor, department chair, dean, or residence hall director if you are a victim of, or a witness to, an act of violence or other violation(s) of this policy.
- Document the incident as soon as possible.

#### Department Responsibilities:

- Contact Protective Services at ext. 3456 if there is a threat of danger or physical violence.
- Call 911 if there is a medical emergency.
- Obtain written statements from witnesses.
- Investigate or arrange to investigate the complaint.
- Interview witnesses, gather facts, and assess the situation.
- Determine if the complaint can be resolved within the unit without disciplinary action or if other action should be taken.
- If resolved within the unit, take whatever action is deemed appropriate.
- If disciplinary or other action is considered, confer with the Personnel Office, the appropriate division head, or the Student Rights and Responsibilities Office (if students are involved) to determine the appropriate course of action.

October 27, 2000

## UNIVERSITY OF WISCONSIN – STEVENS POINT FIRE SAFETY ACTION PLAN

- 1.) The Vice Chancellor for Business Affairs will issue a message to the campus community stating that upon hearing a fire alarm you are to leave the building immediately. Deans will be directed to ensure that their employees are aware of this message. Supervisors will be directed to ensure their employees are aware of this message. Residence Hall Directors will be directed to ensure that their residents are aware of this message.
- 2.) Continue to have the mandated unannounced once a year fire drill for all academic / administrative buildings. Begin once a year announced fire drills. These announced fire drills will be held early in the semester. During these drills faculty can inform the students on the quickest / safest way out of the building. Building safety officers can use this time to introduce themselves and assist in the drill. Fire Prevention Officer Graff will also be present to aid in these drills.
- 3.) Continue to have the mandated unannounced once a semester fire drill for all residence halls.
- 4.) At the start of each performance, the master of ceremonies will explain evacuation routes.
- 5.) At the start of each indoor sporting event the announcer will explain evacuation routes.
- 6.) Employees that are unwilling to depart an academic / administrative building will be reported to their next level supervisor for action.
- 7.) Students that are unwilling to depart a residence hall will be referred to their Hall Director for action.
- 8.) Protective Services will criminally charge any individuals identified as setting off False Fire Alarms.
- 9.) Protective Services will criminally charge any individuals identified as Interfering With Fire Fighting for either:
  - 1) The proper functioning of a fire alarm system or the lawful efforts of the firefighters.
  - 2) Tampering with or removing any fire extinguisher, hose, or other fire fighting equipment.
- 10.) The Vice Chancellor for Business Affairs will issue a message to the campus community stating that upon hearing a fire alarm you are to leave the building immediately. Deans will be directed to ensure that their employees are aware of this message. Supervisors will be directed to ensure their employees are aware of this message. Residence Hall Directors will be directed to ensure that their residents are aware of this message.
- 11.) Continue to have the mandated unannounced once a year fire drill for all academic / administrative buildings. Begin once a year announced fire drills. These announced fire drills will be held early in the semester. During these drills faculty can inform the students on the quickest / safest way out of the building. Building safety officers can use this time to introduce themselves and assist in the drill. Fire Prevention Officer Graff will also be present to aid in these drills.
- 12.) Continue to have the mandated unannounced once a semester fire drill for all residence halls.
- 13.) At the start of each performance, the master of ceremonies will explain evacuation routes.
- 14.) At the start of each indoor sporting event the announcer will explain evacuation routes.
- 15.) Employees that are unwilling to depart an academic / administrative building will be reported to their next level supervisor for action.
- 16.) Students that are unwilling to depart a residence hall will be referred to their Hall Director for action.
- 17.) Protective Services will criminally charge any individuals identified as setting off False Fire Alarms.
- 18.) Protective Services will criminally charge any individuals identified as Interfering With Fire Fighting for either:
  - 1) The proper functioning of a fire alarm system or the lawful efforts of the firefighters.
  - 2) Tampering with or removing any fire extinguisher, hose, or other fire fighting equipment.

## UNIVERSITY OF WISCONSIN – STEVENS POINT SECURITY CAMERA POLICY

Security cameras may be installed in situations and places where the security of either equipment or people would be enhanced. Cameras will be limited to uses that do not violate the reasonable expectation of privacy as defined by law. When appropriate, the cameras may be placed campus-wide, inside and outside buildings. Although the physical cameras may be identical, the functions of these cameras fall into three main categories:

- 1.) **Anti-theft and Vandalism:** Where the main intent is to take pictures and store them on a remote device so that if an item is discovered stolen or vandalized, the pictures will show the perpetrator. Examples: an un-staffed computer lab, an un-staffed science lab, or a parking lot.
- 2.) **Personal Security:** Where the main intent is to take pictures and store them on a remote device so that if a person is assaulted, the picture will show the perpetrator. Someone from Protective Services may also monitor these cameras live. Examples: a major hallway, or a parking lot.
- 3.) **Extended Responsibility:** Where the main intent is to have the video in one room monitored by staff member in a different room who is responsible for people and equipment in both rooms. In this case, pictures may or may not be stored. Example: a computer lab with multiple rooms and only one staff.

This policy does not apply to cameras used for instructional purposes. Further, cameras being used for research would be governed by other policies involving human subjects and are therefore excluded from this policy. Requests for installation of security cameras should be made to and approved by the Security Camera Officer (a position appointed by and responsible to the Provost).

- Information obtained from the cameras would be used exclusively for law and/or policy enforcement.
- All camera installations are subject to federal and state laws.
- The places where these cameras may be installed may be restricted access sites such as a departmental computer lab; however, they are not places where a person has a reasonable expectation of privacy. Cameras will be located so that personal privacy is maximized. No audio should be recorded.
- Unless the camera is being used for criminal surveillance, or in extraordinary circumstances, the following places should not be monitored by security cameras:
  - Bathrooms
  - Locker Rooms
  - Offices
  - Residence Hall rooms
  - Classrooms not used as a lab

For Anti-theft/Vandalism and Personal Security cameras, access to images from cameras should be limited to the Security Camera Officer and other persons authorized by the Provost. For Extended Responsibility Cameras, the live video can be monitored live by the staff person, however any images stored must be stored remotely and access limited to the Security Camera Officer. If images are retained, the images should be retained for a period of at least one week and no longer than 28 days, unless it is part of an investigation. Information that directly affects an investigation will be kept for at least one year (or for a period of time determined by the investigating agency.) Anti-theft/Vandalism cameras requested in locations that may not be utilized for extended periods (such as a storage room during summer break) may have images retained for a period longer than 28 days as determined appropriate by the Security Camera Officer.

When an incident has been reported or is suspected to have occurred, personnel responsible for the area in question may request that the Security Camera Officer review the images from the camera. As circumstances require, the Provost may authorize others to review images. A record log will be kept of all instances of access to, and use of recorded material. The Security Camera Officer will give a semi-annual report to the University Affairs Committee.

Units requesting security cameras will be required to follow the procedures outlined in this policy. Concerns or questions should be directed to the Security Camera Officer. The Security Camera Officer's job description needs to clearly outline his/her responsibilities, and his/her performance in these areas will be evaluated by the Provost on an annual basis. Breaches of this policy can result in disciplinary action.

Unless the camera is being used for criminal surveillance, areas being monitored should have at least two signs indicating that security camera monitoring may be taking place. The wording on the signs should not create a false sense of security to lead someone to believe that the cameras were being monitored live when in fact they were not. These signs should be at the entrance to the area being monitored and should identify a contact person who can answer questions regarding the cameras.









