

**Recommendation of the Policy Advisory Committee to Eliminate
SAAP 65.5 – Student Nonacademic Code of Conduct Implementation**

Rationale: After consulting with the Dean of Students Office and Legal Affairs, the PAC moves that S-65.5 be eliminated. The policy is covered under UWS Chapter 17 and is not a campus-level requirement.



Student Nonacademic Code of Conduct Implementation

No: S-65.5

Authority: Wisconsin Administrative Code UWS Chapter 17

Date: October 2017

Initiator: Vice Chancellor of Student Affairs

Responsible Party: Dean of Students

I. Purpose

The Board of Regents of the University of Wisconsin System promulgates rules governing student nonacademic conduct and procedures for the administration of misconduct violations. The Board’s rules for nonacademic misconduct are found in Wisconsin Administrative Code Chapter UWS 17, commonly referred to as “UWS 17.” The Student Nonacademic Code of Conduct describes UW-Milwaukee’s nonacademic disciplinary procedures as required by or otherwise authorized under UWS 17.

A. History

Wisconsin Administrative Code Chapter UWS 17 was revised by the Board of Regents and approved by the State Legislature to take effect September 1, 2009 and revised again to take effect on July 1, 2016. UW-Milwaukee’s Faculty Document No. 2033 was created in 1996 and is the current implementation policy for UWS 17. The 2009 & 2016 changes in UWS 17 included a renumbering and several revisions that make the use of Faculty Document No. 2033 very difficult. Accordingly, this policy thus supersedes Faculty Document No. 2033.

B. Philosophy

At UW-Milwaukee, an emphasis is placed on learning and developmental progress of students, which are integral parts of the educational mission of the University. Increased understanding of self and others has the strongest potential for educational impact. The student discipline process is one of many tools that the University can use to foster the personal development of its students and protect the safety of the University community.

The Student Nonacademic Code of Conduct, hereafter referred to as the Code, is intended to maintain a safe environment for the campus community, one that supports the University’s mission and provides a productive living and learning environment. Alleged violations are adjudicated through the University hearing process with the goal of fostering personal development of students

with an emphasis on ethical decision-making, responsibility, and integrity.

II. Policy

Student nonacademic disciplinary procedures at UW-Milwaukee are based on the premise that the teaching, learning, research and service activities of the university can flourish only in an environment that is safe from violence and free of harassment, fraud, theft, disruption and intimidation (UWS 17.01). The University strives to create a positive, safe, and healthy environment for all of its students. Students are responsible for understanding of University policies and are expected to uphold and abide by the community standards established by the UW-Milwaukee and the UW-System. These expectations begin when a student is first admitted to a UW System school and continue throughout his/her academic career.

A. Wisconsin Administrative Code Chapter UWS 17 (Addendum 1)

UWS 17 defines nonacademic misconduct, provides University procedures for effectively addressing student misconduct and offers educational responses to misconduct.

B. UW-Milwaukee Student Nonacademic Code of Conduct (Addendum 2)

Each institution is authorized to adopt policies consistent with UWS 17. The Student Nonacademic Code of Conduct at UW-Milwaukee was developed to add UWM institutional policies and make the process easier to understand for students. In addition to UWS 17, UWM's Code of Conduct, the Discriminatory Conduct Policy (S-47), the UWM Respectful Campus Standards, the Panther Pledge, the University Housing Resident Handbook, and the Student Organization Discipline Procedures are part of an overall campus approach to student misconduct.

C. UW-Milwaukee Title IX Investigation Process (Addendum 3)

According to federal regulations and recommendations the investigation process for sexual assault, sexual harassment, dating/domestic violence, and stalking cases require an "adequate, reliable, and impartial investigation." Pursuant to UWS 17.03, UW-Milwaukee has adopted the attached procedures for investigations into alleged violations of sexual assault sexual harassment; dating/domestic violence, and stalking consistent with Title IX, the parameters set by the U.S. Department of Education in the "Dear Colleague Letter" of April 2011, and the Federal Violence Against Women Reauthorization Act of 2013.

III. Definitions

Complainant means any individual who is reported to have been subjected to sexual harassment, sexual assault, dating violence, domestic violence, or stalking as defined in UWS 17.09.

Hearing Authorities includes both hearing examiners and hearing committees.

Investigating Officer The Chancellor, through the Dean of Students, has appointed several University staff members to serve as "Investigating Officers" to carry out certain responsibilities in investigating and adjudicating student misconduct as specified by UWS 17.05. These responsibilities include conducting investigations of nonacademic misconduct, issuing findings, and recommending appropriate sanctions.

Nonacademic Misconduct Hearing Committee is group of individuals from the university community trained on the procedures associated with student nonacademic discipline. The Hearing Committee conducts a hearing, determines whether a student is responsible for nonacademic misconduct and imposes any sanctions. At UW-Milwaukee, the committee is comprised of a Hearing Examiner, who shall serve as committee chairperson, and three or more members appointed from the University's Nonacademic Misconduct Panel, at least one of whom is a student. Committee quorum shall be two members, the Hearing Examiner and a student member as specified by UWS 17.02 (2).

Nonacademic Misconduct Hearing Examiners are individuals from the university community trained on the procedures associated with student nonacademic discipline. The Hearing Examiner conducts a hearing, determines whether a student is responsible for nonacademic misconduct, and imposes any sanctions. The Chancellor, through the Dean of Students, appoints several University staff to serve as Hearing Examiners or as Hearing Committee Chairpersons for the nonacademic misconduct process at UWM.

Nonacademic Misconduct Panel is comprised of six (6) representatives selected from each of the following groups through their respective shared governance process: faculty, academic staff, and students. Panel members must complete the Nonacademic Misconduct Hearing Committee training in order to serve on a Nonacademic Misconduct Hearing Committee.

Student Affairs Officer The Chancellor has appointed the Dean of Students as the "Student Affairs Officer" responsible for carrying out the student nonacademic misconduct process under UWS 17 at UW-Milwaukee.

IV. Procedures

Complaints are referred to Dean of Students, or their designee, who shall act as the investigating officer. If a complaint is found to be unsubstantiated, no further action shall be taken. The university may resume action should further relevant information become available to substantiate a previous complaint. If a complaint is determined to be substantiated, the investigating officer shall promptly contact the accused student and review with the student the basis for their belief that the student engaged in nonacademic misconduct and afford the student an opportunity to respond.

If a review of all available information leads the investigating officer to conclude that misconduct occurred, and that one or more disciplinary sanctions are warranted, the investigating officer shall prepare a written report. This report shall be delivered to the Student and the Complainant simultaneously. Within 10 days of the written report, the Student must respond in writing to accept or reject the investigating officer's findings and/or recommended sanction(s) as described in UWS 17.11 (4). If the student fails to respond within the ten days, the investigating officer's findings and sanction(s) shall take effect immediately. A Complainant may appeal the decision that nonacademic misconduct did not occur or that no disciplinary sanction is warranted to the Chief Student Affairs Officer within 14 days of the written report.

If the report recommends suspension or expulsion or the student requests a hearing, it shall be scheduled within 15 days and occur within 45 days. The student shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee. In the absence of any such decision from the student, the choice shall be left to the investigating officer. At least 5 days in advance of the hearing,

the investigating officer will provide the Student and the Complainant access to the full written explanation of the facts supporting the determination of misconduct and a description of all available information which the investigating officer relied upon in making this determination. The Student will be required to provide the hearing examiner or committee at least two days prior to the hearing the names of their advisor or witness(es), if any, who will attend the hearing and any documents they wish to be considered.

The hearing shall be conducted by the hearing authority, and the university's case shall be presented by the investigating officer or designee. If the sanction(s) to be imposed include suspension or expulsion and the alleged misconduct does not involve sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the hearing authority's determination shall be made based upon clear and convincing evidence. In all other cases, including those involving sexual harassment sexual assault, dating violence, domestic violence, or stalking, the hearing authority's determination shall be made based upon a preponderance of the evidence. The hearing authority may impose charges and/or sanctions that differ from the recommendation of the investigating officer if the evidence presented at the hearing warrants it. The hearing authority shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing. These findings shall be delivered to the Student and Complainant simultaneously within 14 days of the hearing.

If the sanction(s) imposed by a hearing authority include suspension or expulsion, a Student and Complainant may in writing and within 14 days of the date of the written decision request that the Chief Student Affairs Officer, as the Chancellor's designee, review that decision, based upon the record. The Chief Student Affairs Officer shall respond to such a request within 30 days as specified in UWS 17.

V. Contact Information

Dean of Students
118 Mellencamp Hall
Voice: 414 229-4632
Facsimile: 414 229-6793
Electronic: dos@uwm.edu

VI. Forms

Individuals who wish to file a complaint regarding student misconduct may use the Incident Report Form located at: www.incident.uwm.edu.