



Student Academic Misconduct Policy & Procedures Table of Contents

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I. Background and Purpose:

Under state law, the Board of Regents of the University of Wisconsin System promulgates rules governing student academic conduct and procedures for the administration of violations. The Board's rules are found in Wisconsin Administrative Code Chapter 14, commonly referred to as "UWS 14". UWS 14 requires each Chancellor to promote academic honesty and integrity and to adopt policies and develop procedures to deal effectively with instances of academic dishonesty. UWS 14.01, UWS 14.18

This document describes UW-Madison's policies and procedures as required by or otherwise authorized under UWS 14. The document supplements UWS 14 and, in combination with UWS 14, describes student academic misconduct policies and procedures at the UW-Madison. For convenience, references to specific sections of UWS 14 appear at the end of statements in these procedures where relevant.

II. Staffing the Academic Misconduct Process:

Student Affairs Officer: The Chancellor has appointed the Dean of Students as the "Student Affairs Officer" responsible for carrying out the student academic misconduct process under UWS 14 and these procedures at UW-Madison.

Day-to-Day Management of Misconduct Processes: The Dean of Students may delegate authority for day-to-day management of student academic misconduct processes at UW-Madison.

Investigating Officers: The Chancellor, through the Dean of Students, has appointed Office of the Dean of Students staff to serve as "Investigating Officers" to carry out certain responsibilities in investigating and making misconduct determinations under UWS 14. Upon the request of the Dean of a School or College, the Chancellor, or his or her designee, may appoint additional Investigating Officers to carry out those responsibilities for academic misconduct in the specific School or College.

Official Address: Correspondence relating to an academic misconduct hearing matter should be addressed as follows:

Academic Misconduct Hearing Panel
c/o Office of the Dean of Students
UW-Madison

75 Bascom Hall, 500 Lincoln Drive
Madison, WI 53706

For further information, the Dean of Students Office can be reached as follows:

Telephone: 608 263-5700

Information on academic misconduct, including this document, can be found at:
<http://www.wisc.edu/students/conduct.htm>

III. Academic Misconduct Hearing Panel, Committee, and Hearing Examiners:

Appointment of Hearing Committee, and Hearing Examiner at UW-Madison: Under these procedures, a matter to be considered in hearing is heard before a hearing committee or hearing examiner. UW-Madison appoints hearing panel and committee members, and a hearing examiner or examiners consistent with the following procedures:

Academic Misconduct Hearing Committee: UWS 14.15 provides in part that "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..."

Academic Misconduct Hearing Panel: The Academic Misconduct Hearing Panel is a pool of fifteen persons trained and able to hear academic misconduct cases. Consistent with these rules, the University Committee shall appoint five faculty members to serve on the Academic Misconduct Hearing Panel; the Academic Staff Executive Committee shall appoint five academic staff members to serve on the Panel; and the Associated Students of Madison shall appoint five student members to the Panel. The hearing committee for a particular case (a sub-set of the panel) is assigned by the Chair of the panel.

Appointments to the panel may be made for any length of time and typically are made for periods of one to four years for faculty, staff and students. Appointments may be made on a staggered basis to allow for a balance of experienced and new members in a given year.

Chair of the Panel: The chancellor appoints the panel's Chair from among the members, from time-to-time as required or desired.

Hearing Committee: The chancellor has delegated authority to the panel's chair to assign a hearing committee from the hearing panel's membership to hear a given matter. Such hearing committees operate with full authority as the "hearing committee" under misconduct rules.

UWS 14 requires that the misconduct hearing committee "...shall consist of at least 3 persons, including a student or students, and the presiding officer. The chancellor delegates the authority to appoint the presiding officer for a specific hearing committee to the Chair of the Hearing Panel. The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice." UWS 14.15(1) No committee may be composed of a majority of student members.

Hearing Examiner: UWS 14.15(2) provides for the chancellor to appoint a hearing examiner or examiners from among the institution's faculty and academic staff. Selections for the chancellor's appointment are made by the Academic Staff Executive committee for academic staff members and by the University Committee of the Faculty Senate for faculty members. Hearing examiners may or may not also be current members of the hearing panel.

IV. Hearings:

After investigation and a finding of misconduct leading to a disciplinary sanction or sanctions, certain misconduct matters are reviewed in hearing by a hearing committee or a hearing examiner. Procedures for the hearing committee and the hearing examiner are as follows:

Right to Hearing: UWS 14 provides students the right to a hearing "... to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both." UWS 14.05(3)

A hearing is available to any student wishing to challenge the finding of misconduct or the discipline imposed. However, procedures leading to the hearing vary depending on the severity of the discipline imposed:

1. Hearing by Student Request If Disciplinary Sanction Imposed At The Discretion Of The Instructor:

If the disciplinary sanction sought against the student is at the discretion of the instructor (that is, UWS 14.04 (1) (a) through (c):), oral reprimand, a written reprimand presented only to the students, an assignment to repeat the work, graded on its own merits, the student must file a request in writing with the UW-Madison Dean of Students for a hearing within 10 calendar days of imposition of the sanction by the instructor. UWS 14.05(3)

2. Hearing by Student Request Following A Report From An Instructor.

If the instructor has been required to prepare a written report because the disciplinary sanction sought involves formal discipline, that is UWS 14.04 (1) (d) through (h): lower or failing grade on the particular assignment or test; a lower grade in the course; a failing grade in the course; removal of the students from a course in progress; a written reprimand for inclusion in the student's disciplinary file; or disciplinary probation, the student must file a written request with the UW-Madison Dean of Students Office within 10 calendar days of personal delivery or mailing of the instructor's written report. UWS 14.06 (3)(c)

3. Automatic Hearing Unless Waived by Student if Suspended/Expelled:

If the disciplinary sanction sought is disciplinary probation, suspension or expulsion UWS 14.04 (1)(i) or (j),

"...the student affairs office shall, upon receipt of the written report under par. (b), proceed under UWS 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." UWS 14.07(5)(c)(2)

A request for a hearing or waiver of a right to hearing is made in writing to:

Dean of Students
75 Bascom Hall, 500 Lincoln Drive
Madison, WI 53706

V. Conducting Hearings:

Procedures for the conduct of hearings are described

by UWS 14.08.

Scheduling the Hearing/Timing of Hearing: The Dean of Students Office has 10 calendar days to schedule a hearing after receiving the investigating officer's report recommending suspension or expulsion [UWS 14.07(5)(c)(2)] or after receiving the student's timely request for a hearing when the sanction is not suspension or expulsion, unless the investigating officer, instructor, student, and members of the hearing committee mutually agree otherwise. UWS 14.08(1)

The Dean of Students Office will work closely with the student, instructor, and committee to see that the hearing can take place as quickly as possible, taking into account the need to coordinate the schedules of all involved parties and the committee members.

Pre-hearing Conferences: The presiding officer/acting presiding officer of a hearing committee or the hearing examiner may request a pre-hearing conference with the parties. The pre-hearing conference is intended to consider "housekeeping" matters such as calendar planning for the hearing, an agreed-upon statement of the relevant issue or issues to be considered, stipulations of fact, if any, document production, witness lists, and the manner, length, and format of submissions or presentations to the committee/examiner.

Student's Choice of Hearing by Committee or Examiner: Whether the hearing is at the student's request or is automatically scheduled, if the proposed sanction is suspension or expulsion, the student has the right to decide if the hearing will be conducted by the hearing committee or by a hearing examiner.

Should the student not inform the Dean of Students of his/her choice for the hearing body within a reasonable time, the Dean of Students Office will make the decision.

Distribution of Investigating Officer's Written Report: "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 a copy of UWS 14 to the student". UWS 14.08(2)

The Hearing Itself: UWS 14.08 describes

requirements for the conduct of hearings. "Committee" means academic misconduct hearing committee or hearing examiner. UWS 14.02(9) Hearings are informal, non-adversarial proceedings for the purpose of ascertaining relevant facts regarding a student's alleged misconduct. The presiding officer of the Hearing Committee or the Hearing Examiner reserves the right to intervene if questioning or testimony becomes unduly repetitious, disrespectful, hostile, or harassing, and has the authority to take appropriate steps to maintain decorum.

Closed Hearing: Meetings of the committee and hearings are subject to the provisions of the Federal Educational Rights and Privacy Act of 1974 (FERPA). FERPA requires that the University not release any student record information without the written authorization from the student or students involved. Therefore, hearings to receive evidence or hear argument shall be closed to the public.

When a hearing is in closed session, only those with current, official purpose in the proceeding may be present. This includes the parties, their official representative, the hearing examiner/hearing committee members, and authorized staff, if required, e.g., to operate recording equipment. Witnesses who are not parties to the matter are to be present only when testifying at the hearing.

Quorum: "The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice." UWS 14.15(1)

Recusal: A hearing committee member or hearing examiner may recuse her/himself from participation in a hearing if she/he has reason to believe that doing so is in the best interest of any party to the matter. For example, a committee member or examiner may wish to recuse her/himself because of prior personal involvement in the case or because she or he has a relationship with a party to the case that may interfere with her or his ability to remain impartial and fulfill the responsibilities of a hearing officer. Should a hearing examiner or committee member recuse herself/himself from hearing the matter, a new hearing examiner or committee member will be appointed.

Legal Representation: The hearing committee may be advised by legal counsel assigned from UW-

Madison Administrative Legal Services or from another office as is required.

Witnesses, Evidence, Representation: 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.” UWS 14.08 (3)(a)

Rules of Evidence, Value of Evidence: “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.” UWS 14.08(3)(b)

Instructor or Witness Unavailable to Appear: If a person with direct evidence of the offense is not available to appear at the hearing, he or she may request to provide written materials or be available by telephone. If a person with direct evidence of the offense chooses not to appear or cannot be located, the hearing shall proceed and the examiner or committee shall base the decision on the witnesses and materials presented. The weight or credibility of materials presented in the absence of live testimony may be a factor considered by the committee.

Failure of a Student to Appear: If a student cannot attend the hearing in person, he or she may request to provide written materials or be available by telephone. If a student fails to appear without providing such notice, the hearing shall proceed and the hearing examiner or committee will base its decision upon the record provided by the parties.

Recording Hearing: “The 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.” UWS 14.08(3)(c)

Written Findings and Decision: “The committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.” UWS 14.08(3)(d)

Burden of Proof: “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.” UWS 14.08(3)(e)

Range of Options in Imposing Discipline: “The committee may impose a disciplinary sanction that differs from the recommendations of the instructor or investigating officer.” UWS 14.08(3)(f)

Presentation of Case by UW/Representation of UW in Hearing: “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.” UWS 14.08(3)(g)

Decision, Delivery of, and Finality of: “The decision of the hearing committee shall be served upon the student either by personal delivery or by first class United States mail to his or her current address as maintained by the institution. The decision shall become final within 10 calendar days of personal delivery or mailing, unless an appeal is taken under UWS 14.09.” UWS 14.08(3)(h)

Note that deliberations constitute a part of/extension of the hearing. From time-to-time, the committee/examiner may call for a recess in the matter.

The Decision: In a matter before a hearing committee, the committee’s findings and the imposition of discipline, if any, are made on the basis of a vote. Any finding or disciplinary sanction will be based on the vote of a simple majority of members of the hearing committee who participated in the matter. In the event of a tie vote, the finding of the hearing committee shall be in favor of the student.

Settlement Not Prohibited: Neither UWS 14 nor these procedures preclude a student from agreeing that academic misconduct occurred and to the imposition of a sanction, or to other terms and conditions, after proper notice has been given. “Required written reports, however may not be waived.” UWS 14.11 Any such agreement shall be reduced to writing which, when signed by the student, shall conclude the case.

Final Decision/Appeals:

1. Discipline imposed by Hearing Committee/Examiner that does not include suspension or expulsion: The hearing committee's or examiner's decision is final upon its issuance, except as noted below under Board of Regents Appeal.

2. Discipline imposed by Hearing Committee/Examiner includes suspension or expulsion: In matters "where the sanction prescribed by the hearing committee is suspension or expulsion, the student may appeal to the chancellor to review the decision of the hearing committee on the record. In such a case, the chancellor shall sustain the decision of the academic misconduct hearing committee unless the chancellor finds (a) The evidence of record does not support the findings or 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." UWS 14.09(1)

The committee's/examiner's decision is final in cases where the chancellor sustains the original decision under these rules. If, under a UWS 14.09 appeal, the chancellor does not sustain the committee's/examiner's decision, "...the 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." UWS 14.09(2)

3. Board of Regents Appeal: In all cases, "Institutional decisions ... shall be final, except that the board of regents may, at its discretion, grant a review upon the record." UWS 14.10

*Adopted by the Chancellor September 1, 1998.
Revised and reviewed October 1, 2002.*

VI. Chapter UWS 14:

UWS 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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.02 Definitions.

In this chapter:

- (1) "Academic misconduct" means an act described in s. UWS 14.03.
- (2) "Academic misconduct hearing committee" means the committee or hearing examiner appointed pursuant to s. UWS 14.15 to conduct hearings under s. UWS 14.08.
- (3) "Chancellor" means the chancellor or designee.
- (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. UWS 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. UWS 14.15 for the purpose of conducting a hearing under s. UWS 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.
- (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.
- (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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.03 Academic misconduct subject to disciplinary action.

(1) Academic misconduct is an act in which a student:

- (a) Seeks to claim credit for the work or efforts of another without authorization or citation;
- (b) Uses unauthorized materials or fabricated data in any academic exercise;
- (c) Forges or falsifies academic documents or records;
- (d) Intentionally impedes or damages the academic work of others;
- (e) Engages in conduct aimed at making false representation of a student's academic performance; or
- (f) Assists other students in any of these acts.

(2) Examples of academic misconduct include, but are not limited to: cheating on an examination; collaborating with others in work to be presented, contrary to the stated rules of the course; submitting a paper or assignment as one's own work when a part or all of the paper or assignment is the work of another; submitting a paper or assignment that contains ideas or research of others without appropriately identifying the sources of those ideas; stealing examinations or course materials; submitting, if contrary to the rules of a course, work previously presented in another course; tampering with the laboratory experiment or computer program of another student; knowingly and intentionally assisting another student in any of the above, including assistance in an arrangement whereby any work, classroom performance, examination or other activity is submitted or performed by a person other than the student under whose name the work is submitted or performed.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 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. UWS 14.05, 14.06 or 14.07:

- (a) An oral reprimand;
- (b) A written reprimand presented only to the student;
- (c) An assignment to repeat the work, to be graded on its merits;
- (d) A lower or failing grade on the particular assignment or test;
- (e) A lower grade in the course;
- (f) A failing grade in the course;
- (g) Removal of the student from the course in progress;

(h) A written reprimand to be included in the student's disciplinary file;

- (i) Disciplinary probation; or
 - (j) Suspension or expulsion from the university.
- (2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of academic misconduct.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 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. UWS 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. 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.

(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. UWS 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 student affairs officer within 10 days of imposition of the disciplinary sanction by the instructor.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 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. UWS 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. UWS 14.08, one or more of the disciplinary sanctions listed under s. UWS 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.

(2) Determination by the instructor that no academic misconduct occurred. If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

(3) Process following determination by the instructor that academic misconduct occurred.

(a) If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 14.04 (1) (d) through (h) should be recommended, the instructor shall prepare a written report so informing the student, which shall contain the following:

1. A description of the misconduct;
2. Specification of the sanction recommended;
3. Notice of the student's right to request a hearing before the academic misconduct hearing committee; and
4. A copy of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or be 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 institution's student affairs officer 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 under s. UWS 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 student affairs officer 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. UWS 14.04(1) (i) or (j) should be recommended, the instructor shall provide a written report to the investigating officer, 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. UWS 14.07, to impose a disciplinary sanction.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.07 Disciplinary sanction imposed following a report of academic misconduct by the investigating officer.

The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed in s. UWS 14.04 (1) (g) through (j).

(1) Authority of investigating officer. The investigating officer may proceed in accordance with this section when he or she receives information that a student at the institution has engaged in alleged academic misconduct and:

(a) Some or all of the alleged academic misconduct occurred outside the scope of any course for which the involved student is currently registered;

(b) The involved student has previously engaged in academic misconduct subject to the disciplinary sanctions listed in s. UWS 14.04 (1) (d) through (j);

(c) The alleged misconduct would, if proved to have occurred, warrant a sanction of disciplinary probation, suspension or expulsion; or

(d) The instructor in the course is unable to proceed.

(2) Conference with student. When the investigating officer concludes that proceedings under this section are warranted, he or she shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the investigating officer to review with the student the bases for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond.

(3) Conference with instructor. An investigating officer proceeding under this section shall discuss the matter with an involved instructor. This discussion may occur either before or after the conference with the student. It may include consultation with the instructor on the facts underlying the alleged academic misconduct and on the propriety of the recommended sanction.

(4) Determination by the investigating officer that no academic misconduct occurred. If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered

resolved without the necessity for further action or a written report.

(5) Process following determination by the investigating officer that academic misconduct occurred.

(a) If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 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 the institutional procedures adopted to implement this section.

(b) The written report shall be delivered personally to the student or mailed to the student by regular first class United States mail at his or her current address, as maintained at the institution. In addition, a copy of the report shall be provided to the instructor and to the institution's student affairs officer.

(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. UWS 14.08 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 student affairs officer within 10 days of personal delivery or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

2. In cases where the disciplinary sanction recommended is disciplinary probation, suspension or expulsion, the student affairs officer shall, upon receipt of the written report under par. (b), proceed under s. UWS 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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.08 Hearing.

(1) If a student requests a hearing, or a hearing is required to be scheduled under s. UWS 14.07 (5) (c) 2, the student affairs officer shall take the necessary steps to convene the academic misconduct hearing committee and shall schedule the hearing within 10 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the student, instructor or investigating officer, and the members of the hearing committee.

(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 a copy of ch. UWS 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.

(b) The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.

(c) The hearing committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. Any party to the hearing may obtain copies of the record at his or her own expense. Upon a showing of indigency and legal need, a party may be provided a copy of the verbatim record of the testimony without charge.

(d) The hearing committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.

(e) The hearing committee may find academic misconduct and impose a sanction of suspension or expulsion only if the proof of such misconduct is clear and convincing. In other cases, a finding of misconduct must be based on a preponderance of the credible evidence.

(f) The committee may impose a disciplinary sanction that differs from the recommendation of the instructor or investigating officer.

(g) The instructor or the investigating officer or both may be witnesses at the hearing conducted by the committee, but do not have responsibility for conducting the hearing.

(h) The decision of the hearing committee shall be served upon the student either by personal delivery or by first class United States mail and shall become final within 10 days of service, unless an appeal is taken under s. UWS 14.09.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.09 Appeal to the chancellor.

(1) Where the sanction prescribed by the hearing committee is suspension or expulsion, the student may appeal to the chancellor to review the decision of the hearing committee on the record. In such a case, the chancellor shall sustain the decision of the academic misconduct hearing committee unless the chancellor 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 chancellor makes a finding under sub. (1), the 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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.10 Discretionary appeal to the board of regents.

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

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 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. Required written reports, however, may not be waived.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.12 Effect of discipline within the university system.

Suspension or expulsion shall be systemwide 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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 14.13 Right to petition for readmission.

A student who has been expelled may petition for readmission, and a student who has been suspended may petition for readmission prior to the expiration of the suspension period. 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 chancellor 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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 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 shall have responsibility for investigating student academic misconduct and initiating procedures for academic misconduct under s. UWS 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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 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.

(2) A hearing examiner shall be selected by the chancellor from the faculty and staff of the institution.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

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

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

UWS 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.

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.