

**RECOMMENDED REVISIONS TO
CHAPTERS UWS 17 AND 18, WIS. ADMIN. CODE
SEPTEMBER 2008**

EXECUTIVE SUMMARY

BACKGROUND

The Chapters UWS 17 and 18 Review Committee (Review Committee) was charged with reviewing and making recommendations to update and clarify Chapters UWS 17 and 18 of the Wisconsin Administrative Code in preparation for rulemaking. The last major revision of these chapters occurred in 1996.

Chapter UWS 17, Wis. Admin. Code, “Student Nonacademic Disciplinary Procedures,” is 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.”¹ The chapter describes: (1) the types of student behaviors that constitute nonacademic misconduct; (2) students’ rights to due process and privacy; (3) the disciplinary process; and (4) a range of consequences for nonacademic misconduct.

Chapter UWS 18, Wis. Admin. Code, “Conduct on University Lands,” regulates the behavior of both students and nonstudents, including the public, who use university lands for work, study, or recreation. University lands consist of the real property the UW System Board of Regents owns, leases, or controls. This chapter spans a wide range of conduct, such as motor vehicle operation and parking, ticket scalping, fraud in university accommodations or eating places, and sales of goods and services on campus. Most violations of Chapter UWS 18 are subject to fines of not more than \$500.

REQUESTED ACTION

Approval of Resolution I.1.b., authorizing the Secretary of the Board of Regents and staff to take appropriate steps to initiate, pursuant to ch. 227, Wisconsin Statutes, the administrative rulemaking process leading to promulgation of the attached draft rules amending Chapters UWS 17 and 18, Wisconsin Administrative Code.

DISCUSSION

The Review Committee is comprised of student affairs officials from UW-Milwaukee, UW-Platteville, and UW-Whitewater; a police chief from UW-Madison; two students, from UW-Milwaukee and UW-Whitewater; and staff from the UW System Offices of General Counsel, Academic and Student Services, and Operations Review and Audit. As described below, the Committee adopted core principles, conducted an extensive review process, and prepared recommended revisions to the two chapters.

¹ Section UWS 17.01, Wis. Admin. Code (current).

Core Principles

Certain core principles guided the Review Committee's work. In drafting revisions, the Committee's goal was to advance the mission of the UW System through administrative rules that:

- Promote safety and security;
- Respect the rights and responsibilities of all persons in the university community;
- Provide notice of behavioral expectations;
- Maintain an educational emphasis;
- Describe clear and understandable procedures; and
- Respect the unique characteristics of each campus community and mission.

The Review Committee was sensitive to the need to strike a balance between providing clear guidance to students and staff, many of whom are unfamiliar with the rules, and allowing room for administrators to exercise their sound judgment when addressing real-life situations in their own campus communities.

Review Process

In analyzing the existing rules, the Committee considered the diverse viewpoints and interests of students, staff, and the public through a process designed to incorporate a broad range of views. To gather input from an array of perspectives, committee members:

- Held well-attended public listening sessions in the spring of 2007, at UW-Stevens Point and UW-Milwaukee.
- Developed and publicized a website through which interested persons submitted comments on the existing rules in April and May 2007.
- Publicized the website a second time, inviting and receiving comments on the Committee's draft revisions, in February and March 2008.
- Considered each of the hundreds of suggestions offered by students, university neighbors and other members of the university community, local officials, and members of the public who submitted input during the two comment periods.
- Researched and reviewed the disciplinary code language and best practices of other public universities and model language written by student disciplinary code experts.
- Conducted legal research, reviewed Association for Student Judicial Affairs² materials, and analyzed current literature on student developmental theory and discipline.

²The Association for Student Judicial Affairs is a professional organization for the integration of student development concepts with principles of post-secondary judicial practice. A member of the Review Committee is the immediate past president of the Association.

- Met with additional constituent groups, including student government leaders, chief student affairs officers, and university judicial officers.
- Considered the recommendations of the President's Commission on University Security, as they pertain to Chapters UWS 17 and 18, and reviewed the reports of the Governor's Task Force on Campus Safety, which focused on safety issues at college campuses across Wisconsin.
- Reviewed and built upon the recommendations of two earlier committees, a Chapter UWS 17 *ad hoc* advisory group and a Chapter UWS 18 review committee, consisting of UW student affairs officials, UW police chiefs, and staff from the UW System Offices of General Counsel, Academic and Student Services, and Operations Review and Audit.

Before any revisions may be adopted, they must be submitted for legislative review. The administrative rulemaking process includes a review by the Legislative Council, a public hearing by members of the Board of Regents, final approval by the Board of Regents, and submittal to the Legislature. The target date for implementation of the revised rules is fall 2009.

Chapter UWS 17 Recommendations

The recommended revisions to Chapter UWS 17 seek to clarify various aspects of the university's disciplinary process. The disciplinary process and significant revisions are outlined below.

Disciplinary Process

In general, the nonacademic misconduct disciplinary process involves: (1) a complaint about a student's conduct; (2) a discussion between the investigating officer and student; (3) a decision by the investigating officer about whether to initiate disciplinary procedures against a student for alleged misconduct; (4) an investigation, typically by the Dean of Students' office; (5) a decision to find a student either responsible or not responsible for nonacademic misconduct; and (6) a recommended sanction, if a student is found responsible for nonacademic misconduct. In some instances, the process may also involve a settlement agreement. A range of possible sanctions are detailed within Chapter UWS 17.

In a subset of disciplinary actions, a hearing is either requested by a student or is required. This hearing is conducted by a hearing examiner (a faculty or staff member appointed by the chancellor) or a hearing committee comprised of at least three members of the university community, including student, faculty, and staff members. The hearing examiner or committee determines whether nonacademic misconduct occurred and whether to recommend one or more sanctions.

If it is determined that misconduct did occur, and if a student receives a more serious sanction (enrollment restrictions on a course or program, suspension, or expulsion), the student has the right to appeal the determination to the chancellor. Ultimately, in such an instance, the student may appeal to the Board of Regents. The Board may, at its discretion, review the record in the matter.

Recommended Revisions

Some recommended revisions to Chapter UWS17 are organizational, and others are substantive. Among the revisions are the following:

- *Updates*: The revisions take into account social changes or changes in the university environment since the rules were last revised. For example, the current Chapter UWS 17 relies on personal delivery or U.S. mail to provide notifications to students. The revisions provide for electronic delivery of notices, because UW institutions increasingly conduct most other business through electronic mail. This is more convenient for students, it expedites the process, and students expect this type of service.
- *Scope*: The revisions make explicit that under Chapter UWS 17 a student may be subject to the university disciplinary process for off-campus misconduct. Disciplinary action in response to off-campus misconduct is covered under the existing Chapter UWS 17; the revisions state this authority explicitly and also add parameters for decision making. A student may be subject to the university disciplinary process for off-campus misconduct only if a two-part test is met:
 - (1) The off-campus conduct must meet the definition of misconduct, as defined by the new s. UWS 17.09, which lists types of conduct subject to the disciplinary process.

AND

- (2) The off-campus conduct must adversely affect a substantial university interest, as described in s. UWS 17.08. In determining whether a substantial university interest has been affected, the investigating officer is to 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.

The recommended language does not require the university to take action in any given situation. The language does, however, provide administrative tools to address egregious or dangerous instances of student misconduct.

As with all allegations of misconduct, a student is afforded the opportunity to request a hearing and dispute any allegation. The student may be able to demonstrate, for example, that the alleged conduct did not occur or that the conduct did not affect a substantial university interest. Appeal rights are also provided, as described on page 3.

Some comments on the draft rules raised concerns that the off-campus misconduct provisions in Chapter UWS 17 would result in “double punishment,” punishment by both the university and local authorities, for the same conduct. While the Review Committee appreciates these concerns, it recognizes that the civil and criminal justice systems operate independently of, and have different goals from, the university. The university has a responsibility to ensure its missions can be performed safely and without disruption, and the university must retain the authority to address conduct which affects the university. Individuals are operating within, and are part of, multiple systems, and may be subject to the rules and expectations of them all.

- *Conduct expectations:* The revised language provides notice to students of the types of nonacademic misconduct subject to disciplinary action in a clearly categorized list, rather than in paragraph style. This makes the chapter easier to read and is consistent with the format at other universities. The types of misconduct on the list are potentially subject to disciplinary action if they occur on campus, and they are potentially subject to disciplinary action if they occur off campus only if the off-campus conduct affects a substantial university interest.
- *Sanctions:* The revisions provide an option for educational and developmentally appropriate sanctions in response to nonacademic misconduct. Examples of educational or service sanctions are community service, an educational course, or an alcohol or other drug abuse assessment. Current literature supports the importance of an educational emphasis in disciplinary actions so that the situation results in real student growth and learning and a reduced chance for the behavior to be repeated.
- *Hearing process:* Some of the recommended revisions to the hearing process entail procedures that are less legalistic and more consistent with an educational, rather than an adversarial, approach to discipline. For example, a student will be permitted to have an advisor attend the hearing with him or her, but the student will be expected to speak for himself or herself. This practice is similar to the practice at other universities, as well as to the practice for student academic misconduct hearings under Chapter UWS 14. Recent work and study in the area of student conduct rules support changes to make hearings more clearly educational in style and format and less like a court proceeding. “The more legalistic our processes, the less developmental and educational they will be,” according to Brett Sokolow, president of the National Center for Higher Education Risk Management.³

Other important clarifications in the hearing process are intended to improve efficiency and effectiveness, while preserving and protecting students’ due process rights. Among the refinements are changes that: (1) expedite the timing and scheduling of disciplinary processes by allowing for electronic communication; (2) provide a student the option to choose between a hearing examiner and hearing committee when the anticipated sanction is enrollment restrictions on a course or program, suspension, or expulsion; and (3) provide a timeframe within which a student may appeal the most serious sanctions to the chancellor or the Board of Regents.

³ Brett A. Sokolow, “Crafting a Code of Conduct for the 21st Century College,” The National Center for Higher Education Risk Management (2004), p. 4.

- Emergency suspension process: Streamlining the emergency suspension process allows for a timely response in removing a student from campus when the safety of an individual student or the campus community may be at stake. The revisions retain the current conditions for deciding whether an emergency suspension is appropriate and preserve a student’s right to a hearing, while also allowing a chancellor to render a decision without undue delay.

The recommended revisions to Chapter UWS 17 are described in detail in Attachment 1.

Chapter UWS 18 Recommendations

Police and security departments at the UW institutions enforce compliance with Chapter UWS 18 through their citation authority. For students, compliance also may be enforced through the disciplinary procedures of Chapter UWS 17, since violations of Chapter UWS 18 are included among the misconduct provisions in Chapter UWS 17.

The proposed revisions to Chapter UWS 18 are intended to ensure UW police officers have the tools they need to preserve the safety and security of the campus community, particularly in light of the recent focus on campus security efforts. Chapter UWS 18, like Chapter UWS 17, does not require university action in a given situation; rather, the provisions of Chapter UWS 18 allow officers to apply their judgment and experience in determining when an individual’s conduct warrants a citation. The Review Committee recommends revisions in the following general areas:

- Organization: Section 18.06, Wis. Admin. Code, within Chapter UWS 18, is a list of more than 50 types of prohibited conduct. The proposed restructuring of s. 18.06 into seven categories makes the chapter more “user friendly” by grouping types of conduct into logical categories.
- Updates: The recommendations provide two primary types of technical updates: (1) some sections in Chapter UWS 18 mirrored other provisions in state law, and the Review Committee identified revisions that reflect changes elsewhere in the statutes or Code, such as an increase in the dollar value of property in Chapter UWS 18’s theft provision; and (2) technological advances, such as newer types of motorized vehicles, keyless entry systems, and theft detection devices have become relevant in recent years, and these are added.
- Evolving types of conduct: University police and security officers have encountered behaviors that are not specifically covered in Chapter UWS 18. Examples are disruptions by unauthorized persons on campus or bicycle stunt riding. The revisions address such behaviors.

The recommended revisions to Chapter UWS 18 are described in detail in Attachments 2 and 3.

CONCLUSION

Revised and updated administrative rules will be easier to use and understand for students, university officials, and the public. The recommended revisions to Chapter UWS 17 focus on: 1) maintaining a safe and secure campus environment; 2) ensuring procedural fairness for students; and 3) addressing student nonacademic misconduct through an educational disciplinary process.

The recommended revisions to Chapter UWS 18 are also based on maintaining a safe and secure campus environment; they provide organizational, technical, and practical improvements.

With the Board's approval, the recommendations will be forwarded to the Wisconsin Legislative Council, as the next step in the rulemaking process. After any necessary revisions, the Board of Regents will hold a public hearing on the draft rules, consider further revisions, and submit the rules to the Legislature for review.

RECOMMENDATION

The University of Wisconsin System recommends approval of Resolution I.1.b., authorizing the Secretary of the Board of Regents and staff to take appropriate steps to initiate, pursuant to ch. 227, Wisconsin Statutes, the administrative rulemaking process leading to promulgation of the attached draft rules amending Chapters UWS 17 and 18, Wisconsin Administrative Code.

RELATED REGENT POLICIES

Bylaws of the Board of Regents of the University of Wisconsin System, Chapter III, Section 7, "Duties of the Committee on Student Discipline and Other Student Appeals."

ATTACHMENT 1

Recommended Revisions of Chapter UWS 17, Wis. Admin. Code

PROPOSED REVISION	EXPLANATION
<p>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, offers educational responses to misconduct, and recognizes students' constitutional and procedural rights.</p>	<p>The revision:</p> <p>1) acknowledges the various missions of the individual UW institutions; 2) avoids geographical limitations, because UW students participating in UW-sponsored study abroad programs are also entitled to safe living and learning environments; 3) recognizes that students may be held accountable for civil and criminal offenses; and 4) removes references to "faculty or staff who violate university standards," because Chapter UWS 17 applies only to students.</p>
<p>17.02 Definitions. In this chapter:</p> <p>17.02(1) "Chief administrative officer" means the chancellor of an institution or dean of a campus or their designees.</p> <p>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."</p> <p>17.02(3) "Days" means calendar days.</p> <p>17.02(4) "Delivered" means any of the following: (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; or (d) sent by electronic means to the student's official University email address.</p> <p>17.02(5) "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.</p> <p>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.</p> <p>17.02(7) "Disciplinary sanction" means any action listed in s. UWS 17.10(1) taken in response to student nonacademic misconduct.</p>	<p>Adds "chief administrative officer" to be consistent with Chapter UWS 18. (This language has been substituted for "chancellor" throughout Chapter UWS 17.)</p> <p>Adds definition of "clear and convincing," which is added to the section on hearing procedures.</p> <p>Adds definition of "delivered" to specify means of communicating to students official actions taken by the administration in connection with this chapter.</p>

PROPOSED REVISION	EXPLANATION
<p>17.02(8) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.</p> <p>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.</p> <p>17.02(10) "Institution" means any university, or an organizational equivalent designated by the board, and the university of Wisconsin colleges.</p> <p>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.</p> <p>17.02(12) "Nonacademic misconduct hearing committee" or "committee" means the committee appointed pursuant to s. UWS 17.06 to conduct hearings under s. UWS 17.12.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Removes definition of "harassment" because it is addressed in new s. UWS 17.09.</p> <p>Clarifies the meaning of "institution" to include UW Colleges and UW-Extension.</p> <p>Adds definition of "preponderance of the evidence," which is added to the section on hearing procedures.</p> <p>Removes definition of "stalking" because stalking is addressed in the new s. UWS 17.09.</p> <p>Adds consistency by referring to time periods throughout the chapter in terms of years rather than months.</p> <p>Adds definition of University lands as it is defined in Chapter UWS 18.</p>
<p>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.</p>	<p>Relocates and renumbers existing s. UWS 17.16.</p>
<p>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.</p>	<p>Relocates and renumbers existing s. UWS 17.15. Clarifies language.</p>
<p>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</p>	<p>Relocates and renumbers existing s. UWS 17.13.</p>

PROPOSED REVISION	EXPLANATION
<p>have responsibility for investigating student nonacademic misconduct and initiating procedures for nonacademic misconduct under s. UWS 17.11.</p>	
<p>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.</p> <p>17.06(2) A hearing examiner shall be selected by the chief administrative officer from the faculty and staff of the institution.</p>	<p>Relocates and renumbers existing s. UWS 17.14. Separates into two sections the appointment processes for a hearing examiner and a hearing committee.</p>
<p>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.</p> <p>17.07(2) A student nonacademic misconduct hearing committee shall consist of at least three persons, including a 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.</p>	<p>Relocates and renumbers existing s. UWS 17.14. Separates into two sections the appointment processes for a hearing examiner and a hearing committee.</p>
<p>17.08 Nonacademic misconduct occurring on or outside of university lands. 17.08(1) MISCONDUCT ON UNIVERSITY LANDS. With the exception of the conduct described in 17.08(2), the provisions contained in this chapter shall apply to the student conduct described in s. 17.09 that occurs on university lands or at university-sponsored events.</p> <p>17.08(2) MISCONDUCT OUTSIDE OF UNIVERSITY LANDS. The provisions contained in this chapter may apply to the student conduct described in s. 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:</p> <p>(a) The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.</p> <p>(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.</p> <p>(c) The conduct demonstrates a pattern of behavior that seriously impairs the university's ability to fulfill its teaching, research, or public service missions.</p>	<p>Adds language to make explicit the university's jurisdictional authority under Chapter UWS 17. Imposes the limitation that Chapter UWS 17 may apply to off-campus misconduct only if the conduct affects a substantial university interest.</p>
<p>17.09 Conduct subject to disciplinary action. The university may discipline a student in nonacademic matters for engaging in, attempting to engage in, or assisting others to engage in the following:</p> <p>17.09(1) DANGEROUS CONDUCT. Conduct that endangers or threatens</p>	<p>Reorganizes and clarifies the description of conduct subject to disciplinary action to identify the kinds of behaviors of concern to the</p>

PROPOSED REVISION	EXPLANATION
<p>the health or safety of oneself or another person.</p> <p>17.09(2) SEXUAL ASSAULT. Conduct defined in s. 940.225, Wis. Stats.</p> <p>17.09(3) STALKING. Conduct defined in s. 940.32, Wis. Stats.</p> <p>17.09(4) HARASSMENT. Conduct defined in s. 947.013, Wis. Stats.</p> <p>17.09(5) HAZING. Conduct defined in s. 948.51, Wis. Stats.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>17.09(10) MISUSE OF COMPUTING RESOURCES. Conduct that involves: (a) failure to comply with laws, license agreements, and contracts governing computer network, software, and hardware use; (b) use of computing resources for unauthorized commercial purposes or personal gain; (c) failure to protect a personal password or university-authorized account; or (d) breach of computer security, invasion of privacy, or unauthorized access to computing resources.</p> <p>17.09(11) FALSE STATEMENT OR REFUSAL TO COMPLY REGARDING A UNIVERSITY MATTER. A knowingly false 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.</p> <p>17.09(12) VIOLATION OF CRIMINAL LAW. Conduct that constitutes a criminal offense as defined by state or federal law.</p> <p>17.09(13) SERIOUS OR REPEATED VIOLATIONS OF MUNICIPAL LAW. Serious or repeated off-campus violations of municipal law.</p> <p>17.09(14) VIOLATION OF CHAPTER UWS 18. Conduct that violates Chapter UWS 18 of the Wisconsin Administrative Code, "Conduct on University Lands," including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.</p>	<p>University. Adopts an easy-to-read-list format, similar to those in other universities' codes of conduct.</p> <p>Adds an explicit reference to prohibitions against illegal use of alcohol and controlled substances and to several other prohibitions.</p> <p>Adds reference to municipal law, with the limitations of "serious" or "repeated."</p>

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<p>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.</p> <p>17.09(16) NONCOMPLIANCE WITH DISCIPLINARY SANCTIONS. Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.</p>	
<p>17.10 Disciplinary sanctions.</p> <p>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:</p> <ul style="list-style-type: none"> (a) A written reprimand; (b) Denial of specified university privileges; (c) Restitution; (d) Educational or service sanctions; (e) Disciplinary probation; (f) Imposition of reasonable terms and conditions on continued student status; (g) Removal from a course(s) in progress; (h) Enrollment restrictions on a course(s) or program(s); (i) Suspension; or (j) Expulsion. <p>17.10(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of nonacademic misconduct.</p> <p>17.10(3) Disciplinary sanctions shall not include the cut-off 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.</p>	<p>Adds sanctions to provide additional options for appropriate educational responses to misconduct.</p> <p>Organizes disciplinary sanctions according to the severity of the sanctions, with paragraphs (a) through (g) and paragraphs (h) through (j) associated with differing rights and responsibilities (see new ss. UWS 17.11 and 17.12).</p>
<p>17.11 Disciplinary procedure. 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).</p> <p>17.11(1) CONFERENCE WITH STUDENT. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer 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 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.</p> <p>17.11(2) DETERMINATION BY THE INVESTIGATING OFFICER THAT NO DISCIPLINARY SANCTION IS WARRANTED. If, as a result of a discussion under sub. (1), 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.</p>	

PROPOSED REVISION	EXPLANATION
<p>17.11(3) PROCESS FOLLOWING DETERMINATION BY THE INVESTIGATING OFFICER THAT NONACADEMIC MISCONDUCT OCCURRED.</p> <p>17.11(3)(a) If, as a result of a discussion or review of available information under sub. (1), 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:</p> <ol style="list-style-type: none"> 1. A description of the misconduct; 2. Specification of the sanction(s) sought; 3. Notice of the student's right to a hearing; and 4. A copy of this chapter and of the institutional procedures adopted to implement this section, as described in s. 17.03. <p>17.11(3)(b) The written report shall be delivered to the student.</p> <p>17.11(3)(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(s), or both.</p> <ol style="list-style-type: none"> 1. Where the disciplinary sanction sought is one of those listed in s. UWS 17.10(1)(a) through (g), and if the student desires a hearing, the student must 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) through (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 will be conducted unless the student waives, in writing, the right to such a hearing. 	<p>“Delivered” is now defined in s. 17.02(4).</p> <p>Adds sanctions to those warranting an automatic hearing, unless the student waives his or her right to that hearing. Retains a student’s right to a hearing for less serious sanctions, upon the student’s request.</p>
<p>17.12 Hearing.</p> <p>17.12(1) Where the disciplinary sanction sought is one of those listed in s. UWS 17.10(1)(a) through (g), and the student has requested a hearing under s. 17.11(3)(c)1., a hearing will be scheduled before a nonacademic misconduct hearing examiner. Where the disciplinary sanction sought is listed in s. UWS 17.10(1)(h) through (j), the student has the right to decide whether the matter will be heard by the hearing examiner or nonacademic misconduct hearing committee.</p> <p>17.12(2) If a student requests a hearing under s. UWS 17.11(3)(c)1., or a hearing is required to be scheduled under s. UWS 17.11(3)(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.</p>	<p>Specifies that a student has a choice of a hearing committee or hearing examiner when the proposed sanction is enrollment restrictions on a course(s) or program(s), suspension, or expulsion.</p>

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<p>17.12(3) Reasonably 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.</p> <p>17.12(4) The hearing shall be conducted in accordance with the following requirements:</p> <p>17.12(4)(a) 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. This advisor may only counsel the student and may not speak on the student's behalf, except at the discretion of the hearing examiner or committee.</p> <p>17.12(4)(b) The hearing examiner or committee will admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony. The hearing examiner or committee may observe recognized legal privileges.</p> <p>17.12(4)(c) The hearing examiner or 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. The student charged with misconduct may request access to the record.</p> <p>17.12(4)(d) 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.</p> <p>17.12(4)(e) A hearing examiner's or committee's finding of nonacademic misconduct must be based on the university's presentation of:</p> <ol style="list-style-type: none"> 1. clear and convincing evidence, when the sanction to be imposed is one of those listed in s. UWS 17.10(1)(h) through (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) through (g); and 3. a preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment and sexual assault. <p>17.12(4)(f) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in s. UWS 17.10(1)(a) through (g) that differs from the recommendation of the investigating officer. Sanctions under s. UWS 17.10(1)(h) through (j) may not be imposed unless previously recommended by the investigating officer.</p> <p>17.12(4)(g) The hearing will 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.</p> <p>17.12(4)(h) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered to the student. The</p>	<p>Makes the proceeding less adversarial and more consistent with the educational nature of the process. Explains roles and responsibilities at hearing in common vernacular.</p> <p>Clarifies the standard of proof when various allegations are at issue. The U.S. Department of Education has held that in cases of sexual harassment and sexual assault, the disciplinary standard of proof must be a preponderance of evidence.</p>

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<p>decision shall become final within 14 days of the date of the written decision, unless an appeal is taken under s. UWS 17.13.</p> <p>17.12(4)(i) 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.</p> <p>17.12(4)(j) 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.</p>	<p>States that Wisconsin open meetings law applies to the hearing and that a hearing may be closed in accordance with the law.</p>
<p>17.13 Appeal to the chief administrative officer.</p> <p>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:</p> <p>(a) The information on the record does not support the findings or recommendations of the hearing examiner or committee;</p> <p>(b) Established procedures were not followed by the nonacademic misconduct hearing examiner or committee and material prejudice to the student resulted; or</p> <p>(c) The decision was based on factors proscribed by state or federal law regarding equal educational opportunities.</p> <p>17.13(2) If the chief administrative officer makes a finding under sub. (1), he or she may remand the matter for consideration by a different hearing examiner or committee, or may invoke an appropriate remedy of his or her own.</p>	<p>Sets a time limit for a student's appeal of a sanction of enrollment restrictions on a course(s) or program(s), suspension, or expulsion and for a chancellor's response to the appeal.</p>
<p>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 where the resulting sanction imposed is one of those listed in s. UWS 17.10(1)(i) or (j) and a student's appeal to the chief administrative officer under s. UWS 17.13 has been unsuccessful. A student for whom an imposed sanction is one of those listed in s. UWS 17.10(1)(i) or (j) has 30 days after notice of the sanction to request board of regents review. The sanction shall be implemented by the student and institution pending the board's consideration and final decision on the matter.</p> <p>NOTE: On 10/03/08, the Board of Regents amended the highlighted text to the language shown above.</p>	<p>Clarifies that the sanctions subject to discretionary review by the Board of Regents are enrollment restrictions on a course(s) or program(s), suspension, or expulsion; establishes a time period for requesting review by the Board of Regents; and clarifies that the sanction is in place pending the Board's review and decision.</p>

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<p>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. 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.</p>	<p>Provides for a student to enter into a settlement without having to first admit that he or she engaged in the misconduct.</p>
<p>17.16 Effect of discipline within the institution. A student who, at the time of commencement, is subject to a disciplinary sanction under s. UWS 17.10(1) or is under charges as a result of a report under s. UWS 17.11, shall not be awarded a degree during the pendency of the sanction(s) or disciplinary proceeding.</p>	<p>Clarifies that the section applies to all recommended 17.10(1) sanctions.</p>
<p>17.17 Effect of suspension or expulsion within the university system. 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.</p> <p>17.17(1) 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. 17.18.</p> <p>17.17(2) 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.</p> <p>17.17(3) 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.</p> <p>17.17(4) 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.</p>	<p>Standardizes the notification process within the UW System; clarifies that a student who has been suspended may not enroll in a UW institution until the suspension has expired; and clarifies that a student who has been expelled may not apply to re-enroll in a UW institution without the permission of the chancellor.</p>
<p>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. A student who has been expelled may petition for the right to apply for readmission. The petition must 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, after consultation with elected representatives of the faculty, academic staff, and students, develop criteria for the consideration of these petitions. The chief administrative officer shall make the readmission decision.</p>	<p>Allows students to petition the chancellor to have either a suspension or expulsion terminated.</p>
<p>17.19 Emergency Suspension. 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</p>	<p>Makes consistent use of the phrase "emergency suspension"; clarifies the</p>

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<p>section.</p> <p>17.19(1) The chief administrative officer of each institution is authorized to impose an emergency suspension on a student when all of the following conditions are met:</p> <p>(a) The investigating officer has made a reasonable attempt to offer the student the opportunity for discussion, either in person or by telephone;</p> <p>(b) The investigating officer recommends a sanction of suspension or expulsion; and</p> <p>(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:</p> <ol style="list-style-type: none"> 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. <p>17.19(2) If the chief administrative officer determines that an emergency suspension is warranted under sub. (1), 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.</p> <p>17.19(3) 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.</p> <p>17.19(4) 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.</p> <p>17.19(5) If the chief administrative officer determines that none of the conditions specified in sub. (1)(c) are present, but that misconduct may have occurred, the case shall proceed in accordance with s. UWS 17.12.</p>	<p>process and makes it more nimble to respond to an emergency situation.</p>

ATTACHMENT 2

Proposed Reorganization of Section UWS 18.06, Wis. Admin. Code*

18.06 PROTECTION OF RESOURCES

- 18.06(1) Prohibited Acts [Land] [18.06(2)]
- 18.06(2) Prohibited Acts [Wildlife] [18.06(3)]
- 18.06(3) Prohibited Dumping; Prohibited Discharges to Storm Water [18.06(1)]

18.07 USE OF CAMPUS FACILITIES

- 18.07(1) Access to Roofs, Service Tunnels, and Maintenance Facilities Prohibited Climbing, Walking on Roof [18.06(9)]
- 18.07(2) Closing Hours [18.06(7)]
- 18.07(3) Limited Entrance [18.06(6)]
- 18.07(4) Picnicking and Camping [18.06(14)]
- 18.07(5) Prohibitions on Blocking Entrances [18.06(24)]
- 18.07(6) Restricted Use of Student Centers or Unions [18.06(20)]
- 18.07(7) Structures [18.06(15)]

18.08 PERSONAL CONDUCT PROHIBITIONS

- 18.08(1) Animals [18.06(5)]
- 18.08(2) Athletic Events [18.06(49)]
- 18.08(3) Bicycles [18.06(8)]
- 18.08(4) Deposit of Human Waste Products [18.06(47)]
- 18.08(5) Improper Use of University Identification Cards [18.06(32)]
- 18.08(6) Physical Security Compliance Keys [18.06(12)]
- 18.08(7) Loitering [18.06(48)]
- 18.08(8) Misuse of Parking Services [18.06(44)]
- 18.08(9) Postings and Signage ~~Signs~~ [18.06(17)]
- 18.08(10) Recreational Activities [18.06(19)]
- 18.08(11) Smoking [18.06(18)]
- 18.08(12) Ticket Scalping [18.06(28)]

18.09 ALCOHOL AND DRUG PROHIBITIONS

- 18.09(1) Alcohol Beverages [18.06(13)]
- 18.09(2) Possession of Drug Paraphernalia [18.06(35)]
- 18.09(3) Possession of Marijuana [18.06(36)]

18.10 OFFENSES AGAINST PUBLIC SAFETY

- 18.10(1) Assaultive Behavior [18.06(42)]
- 18.10(2) Containers in Spectator Facilities [18.06(26)]
- 18.10(3) Dangerous Weapons [18.06(10)]
- 18.10(4) Fire Safety [18.06(11)]
- 18.10(5) Operation of a Motor Vehicle Off Roadways [18.06(43)]
- 18.10(6) Possession of Fireworks [18.06(40)]
- 18.10(7) Resisting or Obstructing ~~Peace~~ Police Officers [18.06(34)]
- 18.10(8) Play Vehicles Skateboards, Roller Skates and Roller Blades [18.06(29)]
- 18.10(9) Throwing Hard Objects [18.06(27)]

18.11 OFFENSES AGAINST PUBLIC PEACE AND ORDER

- 18.11(1) Computer Use [18.06(46)]
- 18.11(2) Disorderly Conduct [18.06(30)]
- 18.11(3) Improper Use of Telephones [18.06(33)]
- 18.11(4) Picketing, Rallies, Parades, Demonstrations and Other Assemblies [18.06(23)]
- 18.11(5) Sound-Amplifying Equipment [18.06(25)]
- 18.11(6) Persons Prohibited from Entering University Buildings Unauthorized Presence [18.06(21)]
- 18.11(7) Persons Prohibited from Entering ~~Campus~~ University Lands [18.06(22)]
- 18.11(8) Selling, Peddling and Soliciting [18.06(16)]
- 18.11(9) Campaigning in State-owned Residence Halls [18.06(16m)]

18.12 PROPERTY OFFENSES

- 18.12(1) Computer Data, Programs, Equipment or Supplies [18.06(45)]
- 18.12(2) Fraud in University Accommodations or Eating Places [18.06(38)]
- 18.12(3) Issue of Worthless Check [18.06(37)]
- 18.12(4) Library Materials [18.06(50)]
- 18.12(5) Retail Theft [18.06(31)]
- 18.12(6) Theft [18.06(41)]
- 18.12(7) Use of Cheating Tokens [18.06(39)]
- 18.12(8) Vandalism [18.06(4)]

* Numbers preceding the subsection titles represent the proposed new order; numbers following the titles are the current numbers for the subsections.

ATTACHMENT 3

Recommended Revisions of Chapter UWS 18, Wis. Admin. Code

PROPOSED FINAL VERSION	EXPLANATION
<p>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.</p>	No change recommended.
<p>18.02 Definitions For purposes of this chapter:</p> <p>18.02(1) “Board of regents” or “board” means the board of regents of the university of Wisconsin system.</p> <p>18.02(2) “Building” means any structure, including stadia, on university lands.</p> <p>18.02(3) The “chief administrative officer” means the chancellor of an institution or dean of a campus or their designees.</p> <p>18.02(4) “Discharge pollutants into storm sewers” means placing pollutants or water containing pollutants into any storm sewer on or serving university lands.</p> <p>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.</p> <p>18.02(6) “Pollutants” has the meaning described in s. 283.01(13), Stats.</p> <p>18.02(7) “University lands” means all real property owned by, leased by, or otherwise subject to the control of the board of regents.</p>	Alphabetical order.
<p>18.03 Law enforcement.</p> <p>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.</p> <p>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.</p> <p>18.03(3) Parking attendants are authorized to enforce the parking regulations in s. UWS 18.05.</p>	No change recommended.
<p>18.04 Traffic rules.</p> <p>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.</p>	Added “university” to lands in s. 18.04(5).

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<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>18.05 Parking rules.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>18.05(3)(b) The chief administrative officer may establish visitor parking lots and set appropriate fees for parking in those lots.</p>	No change recommended.

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<p>18.05(3)(c) Unrestricted and unassigned parking areas for students, faculty, staff and visitors may be established by the chief administrative officer.</p> <p>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.”</p> <p>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.</p> <p>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.</p> <p>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.</p>	
18.06 PROTECTION OF RESOURCES	
<p>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.</p>	Title distinguishes s. 18.06(1) from s. 18.06(2); both have the same name in existing rules.
<p>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.</p>	Title distinguishes s. 18.06(1) from s. 18.06(2); both have the same name in existing rules.
<p>18.06(3) Prohibited Dumping; Prohibited Discharges to Storm Water.</p> <p>18.06(3)(a) No person may dump or deposit any garbage, waste, hazardous material, rubbish, brush, earth or other debris and/or fill into any university dumpster or garbage receptacle or on any university lands unless authorized by the chief administrative officer.</p> <p>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.</p>	Addresses an increase in non-university-affiliated individuals engaging in the illegal dumping of waste into university receptacles and in secluded university natural areas as recycling and garbage collection requirements become more restrictive in towns and cities across the state.
18.07 USE OF CAMPUS FACILITIES	
<p>18.07(1) Access to Roofs, Service Tunnels, and Maintenance Facilities Prohibited. No person may climb into, out of, or onto any university building, service tunnel or maintenance facility or walk or climb on 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</p>	Service tunnels are added because they are increasingly seen as a way to gain access into secured facilities or as escape

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officer.	routes from crime scenes. Title more accurately reflects the behavior that is prohibited.
<p>18.07(2) Closing Hours.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	No change recommended; renumbering only.
<p>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.</p>	No change recommended; renumbering only.
<p>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.</p>	No change recommended; renumbering only.
<p>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.</p>	No change recommended; renumbering only.
<p>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.</p>	Updates previous reference to "unions."
<p>18.07(7) Structures. No person may place or erect any facility or structure upon university lands unless authorized by the chief administrative officer.</p>	No change recommended; renumbering only

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<p>18.08 PERSONAL CONDUCT PROHIBITIONS</p> <p>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.</p> <p>18.08(1)(b) The presence of dogs, cats and other pets is prohibited on all other university lands 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.</p> <p>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.</p> <p>18.08(1)(d) Any pet waste deposited on university lands must be removed and properly disposed of by the individual responsible for the animal.</p> <p>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.</p> <p>18.08(1)(f) Police and service animals, when working, shall be exempt from these provisions.</p>	<p>Addresses problems with animals on a leash but running free, whose owners say they have voice control over them, as well as problems with animals being brought into permanent and temporary outdoor food service areas in violation of state health codes.</p> <p>Clarifies exceptions. The change to “service animals” is an update to reflect current usage.</p>
<p>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.</p> <p>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.</p>	<p>No change recommended; renumbering only.</p>
<p>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 and/or stunts and those tricks or stunts may result in injury to any person or cause damage to property.</p>	<p>Addresses trick/stunt riding, in which riders use small bicycles to perform stunts much as skateboarders do, on paved areas with railings, embankments, curbs, and steps. This behavior causes noise, disruption, and property damage.</p>
<p>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.</p>	<p>No change recommended; renumbering only.</p>

PROPOSED FINAL VERSION	EXPLANATION
<p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p>	<p>Adds “university agents, or state or local officials.”</p>
<p>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.</p> <p>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.</p> <p>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 can any unauthorized person be in possession of a university key or access control device.</p> <p>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.</p>	<p>Addresses security measures beyond locks and keys. Reflects changes in technology, as well as the need for additional security.</p>
<p>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.</p> <p>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.</p>	<p>Updates reference to “public or parochial school or church.”</p>

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<p>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.</p> <p>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.</p> <p>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.</p>	<p>No change recommended; renumbering only.</p>
<p>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.</p> <p>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.).</p>	<p>Adds language to allow campuses to respond promptly to complaints and to hold violators accountable for intentionally ignoring or refusing to obey non-traffic signs related to a variety of inappropriate behaviors.</p>
<p>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.</p> <p>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.</p>	<p>No change recommended; renumbering only.</p>
<p>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.</p> <p>18.08(11)(b) No person may smoke in any nonresidential university building except in those areas designated for that purpose.</p>	<p>Makes the rule consistent with recent statutory changes.</p>
<p>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.</p>	<p>Clarifies the reference to “terms and conditions.”</p>

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<p>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.</p>	
<p>18.09 ALCOHOL AND DRUG PROHIBITIONS</p>	
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Renumbering; citation change.</p>
<p>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.</p> <p>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.</p> <p>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.</p>	<p>No change recommended; renumbering only.</p>
<p>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.</p> <p>18.09(3)(b) In this subsection, the term "marijuana" has the meaning specified in s. 961.01(14), Stats.</p>	<p>No change recommended; renumbering only.</p>
<p>18.10 OFFENSES AGAINST PUBLIC SAFETY</p>	
<p>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</p>	<p>No change recommended; renumbering only.</p>

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<p>without the consent of the person.</p> <p>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.</p>	
<p>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.</p>	No change recommended.
<p>18.10(3) Dangerous Weapons.</p> <p>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.</p> <p>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.</p> <p>18.10(3)(c) Dangerous weapons in violation of this subsection may be confiscated and removed from university lands by police.</p> <p>18.10(3)(d) In this subsection, the term "dangerous weapon" has the meaning specified in s. 939.22(10), Stats.</p>	No change recommended; renumbering only.
<p>18.10(4) Fire Safety.</p> <p>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.</p> <p>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.</p> <p>18.10(4)(c) No person may throw away any cigarette, cigar, pipe ash or other burning material without first extinguishing it.</p> <p>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.</p> <p>18.10(4)(e) No person may intentionally give a false fire alarm, whether by</p>	Deletes reference to risk to "another's" property. Adding "fire hydrant" and "fire sprinkler" makes the subsection more comprehensive.

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<p>means of a fire alarm system or otherwise.</p> <p>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.</p> <p>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.</p>	
<p>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. Exceptions are motorized wheelchairs or other mobility devices which have the primary design function of assisting the physically challenged.</p>	Prohibits mopeds and any other motorized devices from being used on the many service roads and pedestrian paths on campuses.
<p>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.</p> <p>18.10(6)(b) In this subsection, the term "fireworks" has the meaning specified in s. 167.10(1), Stats.</p>	No change recommended; renumbering only.
<p>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.</p> <p>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.</p>	Changes "peace officer" to "police officer" for consistency with statutes.
<p>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.</p>	Name change more accurately reflects the wheeled devices described in the paragraph. Adding items clarifies that other devices are prohibited.
<p>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.</p>	No change recommended; renumbering only.
18.11 OFFENSES AGAINST PUBLIC PEACE AND ORDER	
<p>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,</p>	No change recommended; renumbering only.

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<p>lewd or profane language or suggest any lewd or lascivious act.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>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.</p>	<p>No change recommended; renumbering only.</p>
<p>18.11(3) Improper Use of Telephones.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>No change recommended; renumbering only.</p>

PROPOSED FINAL VERSION	EXPLANATION
<p>or lascivious act.</p> <p>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.</p> <p>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.</p>	
<p>18.11(4) Picketing, Rallies, Parades, Demonstrations and Other Assemblies.</p> <p>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:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 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. <p>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</p>	<p>Renumbering; citation change.</p>

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<p>conduct by itself or in conjunction with the conduct of others would have the prohibited effect.</p> <p>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.</p> <p>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.</p>	
<p>18.11(5) Sound-Amplifying Equipment</p> <p>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:</p> <p>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).</p> <p>2. In granting or denying permission, the following principles shall govern:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p>	<p>Corrects paragraph (a)1; paragraph (c) defines sound-amplifying equipment, while paragraph (b) describes exceptions to the requirement that the chief administrative officer issue permits.</p>

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<p>a. The proposed hours, date and location where the equipment is to be used.</p> <p>b. The size of the anticipated audience and the reasons why the equipment is needed.</p> <p>c. A description of the proposed equipment which includes the manufacturer, model number, and wattage.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>18.11(6) Persons Prohibited from Entering University Buildings.</p> <p>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.</p> <p>18.11(6)(b) Persons present in any class, lecture, laboratory, orientation, examination, or other instructional session must be enrolled and in good standing and/or must have the consent of an authorized university official or faculty member to be considered legally present.</p>	<p>Current rules do not include a trespassing violation. The revision clarifies that behavior that is not in compliance with the university's mission may be unacceptable and that an individual's presence could be a violation if there is no mission nexus or legitimate business reason attached to his or her presence.</p>
<p>18.11(7) Persons Prohibited from Entering University Lands.</p> <p>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.</p> <p>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.</p> <p>18.11(7)(c) No person who has been determined to have committed serious or repeated violations of ss. UWS 18.06 through 18.12 and to whom the chief</p>	<p>Describes behavior that may prompt an order to prohibit a non-student from entering campus.</p>

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<p>administrative officer has issued a written order prohibiting entry on university lands may enter the university lands of that institution.</p> <p>18.11(7)(d) 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.</p> <p>18.11(7)(e) 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.</p>	
<p>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:</p> <p>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.</p> <p>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.</p> <p>18.11(8)(c) Sales of newspapers and similar printed matter outside university buildings.</p> <p>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.</p> <p>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.</p>	<p>Clarifies language so that each item in the numbered list of six items can be read as a complete sentence in combination with the introductory phrase. Changes “dormitory” to “residence hall” and “hawking” to “sales” to update language and reflect current usage.</p>

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<p>18.11(8)(f) Solicitation of political contributions under ch. 11, Stats., and institutional regulations governing time, place and manner.</p>	
<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>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.</p>	<p>Renumbering; citation change.</p>
<p>18.12 PROPERTY OFFENSES</p>	
<p>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:</p> <p>18.12(1)(a) Modify, destroy, access, take possession of or copy data, computer programs or supporting documentation;</p> <p>18.12(1)(b) Disclose restricted access codes or other restricted access information to a person not authorized to possess such codes or information;</p> <p>18.12(1)(c) Modify, destroy, use, take or damage a computer, computer system or computer network;</p> <p>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.</p> <p>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,</p>	<p>Updates this subsection and makes it more consistent with s. 943.70(2)(am), Wis. Stats., which addresses computer service interruptions.</p>

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computer program, computer system, or computer network.	
<p>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.</p> <p>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.</p> <p>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.</p>	<p>Makes the language in this subsection more consistent with similar “evidence” language in new s. 18.12(3).</p>
<p>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.</p> <p>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.</p> <p>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.</p>	<p>The dollar increase is consistent with s. 943.24, Wis. Stats., in which issuance of a worthless check of not more than \$2,500 is a Class A misdemeanor; the statutory amount has increased over time.</p>
<p>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.</p> <p>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.</p>	<p>No change recommended; renumbering only.</p>
<p>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.</p>	<p>Adds references to “theft detection devices” to update this subsection.</p>

PROPOSED FINAL VERSION	EXPLANATION
<p>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.</p> <p>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.</p> <p>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.</p>	
<p>18.12(6) Theft.</p> <p>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.</p> <p>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.</p>	<p>Increasing the dollar amount updates this subsection, as the values in the penalty provisions for theft in s. 943.20(3), Wis. Stats., have also increased over time.</p>
<p>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.</p>	<p>No change recommended; renumbering only.</p>
<p>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.</p>	<p>No change recommended; renumbering only.</p>
<p>18.13 Penalties. Unless otherwise specified, the penalty for violating any of the rules in ss. UWS 18.06 through 18.12 shall be a forfeiture of not more than \$500, as provided in s. 36.11(1)(c), Stats.</p>	<p>Renumbering; citation change.</p>
<p>18.14 Institutional regulations. Institutional regulations promulgated under ss. UWS 18.04 through 18.12 shall take effect when filed with the secretary of the board.</p>	<p>Renumbering; citation change.</p>
<p>18.15 Additional Statutory Penalty Provisions Regulating Conduct on University Lands.</p> <p>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</p>	<p>Adds "penalty" to the title to better reflect the content of the section. Similarly, the title of paragraph (2) is changed from "Persons Prohibited from Entering</p>

PROPOSED FINAL VERSION	EXPLANATION
<p>chs. UWS 17 and 18 may apply to violations occurring on university lands.</p> <p>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.”</p>	<p>Campuses.”</p>