

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

I.1. Education Committee

Thursday, April 9, 2015
9:00-10:30 a.m.
UW-Waukesha
1500 N. University Drive
Commons
Waukesha, Wisconsin

I.1.a. Consent Agenda:

1. Approval of the Minutes of the February 5, 2015 meeting of the Education Committee;
 2. UW-River Falls: Approval of a B.S. in Criminology;
[Resolution I.1.a.(2)]
 3. UW-Stout: Approval of a B.S. in Mechanical Engineering;
[Resolution I.1.a.(3)]
 4. UW-Oshkosh: Approval of a B.A. and a B.S. in Public Relations;
[Resolution I.1.a.(4)]
 5. UW-Extension, UW-Eau Claire, UW-Green Bay, UW-La Crosse, UW-Oshkosh, UW-Stevens Point, and UW-Superior: Approval of an M.S. in Data Science;
[Resolution I.1.a.(5)]
 6. UW-Madison: Approval of the Vilas Request from UW-Madison and UW-Milwaukee; and
[Resolution I.1.a.(6)]
 7. New Appointment to the Oversight and Advisory Committee of the Wisconsin Partnership Program.
[Resolution I.1.a.(7)]
- b. Review of Proposed Administrative Rules Changes:
1. Approval of Revisions to Chapters UWS 4, "Procedures for Dismissal of Faculty," and UWS 7, "Dismissal of Faculty in Special Cases;"
[Resolution I.1.b.(1)]
 2. Approval of Revisions to Chapter UWS 11, "Dismissal of Academic Staff for Cause;" and
[Resolution I.1.b.(2)]
 3. Approval of Revisions to Chapter UWS 17, "Nonacademic Student Misconduct."
[Resolution I.1.b.(3)]

- c. Host Campus Presentation: “UW Colleges, UW-Extension: Education for the Future.”

Greg Lampe, Provost and Vice Chancellor for Academic and Student Affairs,
UW Colleges

Aaron Brower, Provost and Vice Chancellor for Academic Affairs, UW-
Extension

- d. Report of the Senior Vice President:
 - 1. Remedial/Developmental Education Update; and
 - 2. Other.

Program Authorization (Implementation)
B.S. in Criminology
UW-River Falls

EDUCATION COMMITTEE

Resolution I.1.a.(2):

That, upon recommendation of the Chancellor of the University of Wisconsin-River Falls, as well as the President of the University of Wisconsin System, the Chancellor is authorized to implement the Bachelor of Science in Criminology.

**NEW PROGRAM AUTHORIZATION
BACHELOR OF SCIENCE IN CRIMINOLOGY
UNIVERSITY OF WISCONSIN-RIVER FALLS**

BACKGROUND

This proposal is presented in accordance with the procedures outlined in Academic Planning and Program Review (ACIS 1.0, Revised August 2012, available at <http://www.uwsa.edu/acss/planning/>). The new program proposal for a Bachelor of Science (B.S.) in Criminology at the University of Wisconsin-River Falls is presented to the Board of Regents for consideration. The institution has submitted the authorization document and a letter of institutional commitment from the university's Provost.

REQUESTED ACTION

Adoption of Resolution I.1.a.(2), approving the implementation of the Bachelor of Science in Criminology degree program at the University of Wisconsin-River Falls.

DISCUSSION

This proposed UW-River Falls B.S. in Criminology will complement the existing Bachelor of Applied Science with a concentration in law enforcement and the existing minor in criminal justice. The criminology program will emphasize academic and professional preparation to students who wish to understand the complexities of criminal behavior and why people engage in such behavior. The program is intended to prepare student for a range of career options within the criminal justice system.

This 36-credit hour baccalaureate program will also require a minor in another field in support of the major. Upon graduation, students will have an understanding of different forms of criminal activity and the way the justice system responds to crime, as well as the methodological skills necessary to undertake research in the field. Students will also complete the general education and university requirements and meet the 120-credit hour graduation requirement.

RECOMMENDATION

The University of Wisconsin System recommends adoption of Resolution I.1.a.(2), approving the implementation of the B.S. in Criminology at the University of Wisconsin-River Falls.

RELATED REGENT AND UW SYSTEM POLICIES

Regent Policy 4-12: Academic Program Planning, Review, and Approval in the University of Wisconsin System.

Academic Information Series #1 (ACIS 1.0, Revised August 2012): Statement of the UW System Policy on Academic Planning and Program Review.

**REQUEST FOR AUTHORIZATION TO IMPLEMENT A
BACHELOR OF SCIENCE IN CRIMINOLOGY
AT UW-RIVER FALLS
PREPARED BY UW-RIVER FALLS**

ABSTRACT

UW-River Falls proposes to establish a Bachelor of Science (B.S.) in Criminology. This new academic degree program complements the existing Bachelor of Applied Science (B.A.S.), with a concentration in law enforcement that the university has been offering to nontraditional pathway students since 2013 and which offers students in the existing criminal justice program the opportunity to enroll in a major. The home academic department has renamed itself and reprioritized its faculty and curriculum to acknowledge a shift away from sociology and toward criminology. The proposed criminology program will emphasize academic and professional preparation to students who wish to understand the complexities of criminal behavior. It is intended to prepare students for a range of career options within the criminal justice system.

The 36-credit hour Bachelor of Science in Criminology program will expose undergraduate students to a theoretical understanding of crime, as well as to the calculation, interpretation, and analysis of data. In this way, graduates of the program will be better positioned to understand the etiology and consequences of crime and criminal behavior; society's responses to crime; and how the criminal justice system functions, including the way public agencies and private entities attempt to address and prevent criminal behavior and its underlying causes. Every student majoring in criminology will also complete the general education and university requirements and meet the 120-credit hour graduation requirement as specified by policy.

PROGRAM IDENTIFICATION

Institution Name

University of Wisconsin-River Falls

Title of Proposed Program

Criminology

Degree/Major Designations

Bachelor of Science

Mode of Delivery

Single institution; combining face-to-face courses with some hybrid and online course offerings

Projected Enrollment

Table 1: Projected Enrollments by Year Five

Year	Implementation Year	2nd year	3rd year	4th year	5th year
New students admitted	80	50	35	35	40
Continuing students		60	71	77	78
Total enrollment	80	110	106	112	118
Graduating students		15	18	24	24

Table 1 above identifies the projected enrollment patterns for the program and attempts to capture variations in first- to second-year enrollment, first- to third-year enrollment, and graduation rates. The initial projection of demand and relative rapidity of graduating students are related to the presence of an existing criminal justice minor, which has historically been most commonly connected to the sociology and political science majors. Consequently, UW-River Falls expects that a number of students will switch majors or pursue a double-major. Academic advisors have verified that there are well over 100 students with a minor in criminal justice who would need just 12 more credits to complete the major. Additionally, it is anticipated that students with a major in similar or related fields will be interested in switching majors or adding a second major.

Tuition Structure

UW-River Falls has used standard undergraduate tuition pricing and revenue to calculate the tuition structure for the new program. The 2014-15 Wisconsin tuition rate is \$267.75 per credit, and the plateau tuition (for 12-18 credits) is \$3,214.50 per semester.

Minnesota reciprocity tuition is \$283.26 per credit and \$3,399.12 for the plateau (each semester).

Segregated fees for all full-time undergraduate students are \$661.67 per semester for 2014-15. Depending on actual courses taken, particularly among the elective and cognate lists, there may be additional individual course fees.

Department or Functional Equivalent

The proposed program will be managed within the recently renamed Department of Sociology, Criminology, and Anthropology. The department houses the sociology major, the B.A.S./law enforcement concentration, and minors in anthropology, criminal justice, and sociology.

College, School, or Functional Equivalent

The proposed program will be housed within the College of Art and Sciences.

Proposed Date of Implementation

The 2015 Academic Year

INTRODUCTION

Rationale and Relation to Mission

The proposed undergraduate program in criminology is a logical progression in the evolution of the Department of Sociology and the reflection of student interest in criminology and criminal justice. The concept for the major has evolved during faculty conversations regarding the now-approved Bachelor of Applied Science program (with a law enforcement concentration) and other related interdisciplinary programs. These conversations yielded a Notice of Intent and a productive discussion with UW-River Falls' counterparts at UW-Stout and UW-Eau Claire, who were both developing new majors (from existing curricular structures) in the broader context of criminal justice. The program provides a heightened and more appropriate level of credentialing for students who would otherwise pursue a criminal justice minor, and therefore broadens their employment opportunities and strengthens their preparation for professional and graduate school programs.

The program is consonant with UW-River Falls' select mission, which in part states: "The university offers liberal arts programs and degrees to meet regional needs in the arts, humanities, mathematics, natural and physical sciences and social and behavioral sciences. The liberal arts also strengthen and broaden programs in the agricultural sciences, teacher education, and business administration." As part of the University of Wisconsin System's Comprehensive Cluster, UW-River Falls is authorized to "offer a core of liberal studies that supports university degrees in the arts, letters, and sciences, as well as specialized professional/technical degrees at the associate and baccalaureate level." By focusing on professional and intellectual development, the use of data and evidence, and the advancement of critical thinking to address the causes and effects of crime, the program directly supports UW-River Falls' focused mission "to help prepare students to be productive, creative, ethical, engaged citizens and leaders with an informed global perspective."

Given UW-River Falls' curriculum and program rules, the proposed major (totaling 36 credits) will require a minor (typically 22-24 credits). Given the nature of the program and its emphasis on theoretical and methodological approaches to understanding crime, data, and criminal behavior and its consequences, the program will easily and appropriately accommodate minors in geographical information systems, criminal justice, psychology, and sociology (among others).

Need as Suggested by Current Student Demand

Within the northwest region the overall student interest in the study of criminology and for careers in and associated with the criminal justice system remains high. A clear institutional marker for this is the number of students who have opted for the criminal justice minor (a 24-credit program). Enrollment in the minor has remained relatively strong as compared to other minors, and interest in the proposed major is strong among current students, based on inquiries to the department, the Registrar's Office, and the Office of Admissions.

Based on tracked inquiries into the university's Admissions Office, a traditional, on-campus option for criminology appears to appeal to students who are interested in law enforcement or legal careers. The Admissions Office reports receiving nearly 120 undergraduate

student inquiries regarding the proposed criminology major between August 2014 and December 2014.

Table 2: Enrollment in the UW-River Falls Criminal Justice Minor

Enrollment in the UW-River Falls Criminal Justice Minor	
Academic Year	Recorded Minors
2013-14	107
2012-13	117
2011-12	136
2010-11	131
2009-10	125

Similarly, while students continue to declare an interest by pursuing the minor in criminal justice and requesting a major option, the university has continued to expand its articulation agreements with two-year colleges in its region. For example, in addition to two-year programs at Chippewa Valley Technical College and Wisconsin Indianhead Technical College, and a transfer program at UW-Barron County, the university has existing articulation and transfer agreements with the following two-year institutions (all with programs in public safety, law enforcement, and/or criminal justice and located within 30 miles of UW-River Falls): Century College, Inver Hills Community College, and Southeast Technical College. By offering a traditional and transfer-friendly baccalaureate degree, UW-River Falls can attract students who might otherwise pursue the undergraduate degree at Minnesota institutions.

A further indicator of student demand has emerged as UW-River Falls has begun working with regional high schools—i.e., Hudson High School, River Falls High School, and Somerset High School—who seek partnerships on dual enrollment and “college in the schools” programs, and the university is extending its reach by working on similar partnerships with other area high schools (e.g., New Richmond High School, Osceola High School, and Prescott High School).

Need as Suggested by Market Demand

The current faculty within the department housing the proposed major maintain relationships with criminology-related/associated agencies and corporations in the region. These relationships not only inform program development and assessment but are also key to placing interns and to facilitating job fairs and professional opportunities for UW-River Falls’ graduates. Consequently, these partners have been underscoring the need for the major and the opportunities in the region. Immediately surrounding River Falls, are large agencies and bureaus (such as the Wisconsin State Patrol and the Minnesota Bureau of Criminal Apprehension) that are natural draws for UW-River Falls’ criminology graduates. There are also large corporate entities (such as Target Corporation) that have a significant need for professionals with the technical skills to understand criminal behavior and crime and to investigate criminal acts.

Nationally, the U.S. Bureau of Labor Statistics projects a 5% growth in police/detective positions from 2012 to 2022 (<http://www.bls.gov/ooh/protective-service/police-and-detectives.htm>). The Wisconsin Department of Workforce Development, via Worknet.Wisconsin.gov, provides a range of regional, short- and long-term occupational

projections. Worknet.Wisconsin.gov reports a 3.43% job growth for police/sheriff's patrol from 2012 through 2022. Worknet.Wisconsin also shows a 2.83% job growth for criminal investigators/detectives for the 2012-22 time period. The same source has projected 345 job openings per year for police/patrol officers just for St. Croix County for the period 2013-2015 and similar numbers for Pierce County. Regionally, UW-River Falls can be classified as lying within the Minneapolis-Saint Paul metropolitan statistical area, for which the 2010-20 employment projection is for 5.3% growth in employment for public safety-related occupations (with 8,830 projected openings). With a current mean salary of \$22.51/hour, there would appear to be job opportunities with good incomes available for UW-River Falls' graduates.

Moreover, the university can leverage already established relationships with agencies, governments, and private entities related to the presence of a law enforcement program and criminal justice minor. The re-branding of the criminology major could improve the relevance, depth, and attractiveness of the academic program and its graduates to public and private sector employers. UW-River Falls and its criminology graduates might benefit by being located in one of the fastest growing regions of Wisconsin and in a large and expanding metropolitan area.

DESCRIPTION OF PROGRAM

General Structure

The formulation of the criminology major is based on ensuring that students have an understanding of different forms of criminal activity and the way the justice system responds to crime, and the methodological skills necessary to undertake research that can enhance student understanding of criminality.

This rigorous 36-credit hour baccalaureate program of study requires a minor in support of the major. After completing a 3-credit hour general education/supporting course (CRIM 130 Introduction to Crime, Law, & Society), students will take a 6-course (18-credit hour) core curriculum, which includes a capstone course, and 18 credit hours of directed electives selected from the criminal behavior sequence and the crime and justice sequence (students must take a minimum of 6 credits from each sequence; all of the courses have already been added to the curriculum).

Institutional Program Array

There is overlap with the B.A.S./law enforcement program because that program serves an off-campus and nontraditional student population. Curricular and some faculty resources will be shared between the two programs via some common course offerings and student advising. The criminology major strategically connects to existing UW-River Falls minors and reinforces theoretical and methodological understanding of criminal behavior, legal process and public policies, and broader social structures.

Table 2: Other Programs in the University of Wisconsin System

Institution	Degree	Major/Concentration
UW-Stout	B.S.	Criminal Justice and Rehabilitation
UW-Eau Claire	B.A./B.S.	Criminal Justice
UW-Oshkosh	B.A./B.S.	Criminal Justice

UW-Superior	B.A./B.S.	Legal Studies/Criminal Justice
UW-Milwaukee	B.S.	Criminal Justice
UW-Milwaukee	B.S.	Police Studies
UW-Parkside	B.A.	Criminal Justice
UW-Whitewater	B.A./B.S.	Criminology
UW-Platteville	B.A./B.S.	Criminal Justice

The academic origin of the criminology program proposed by UW-River Falls—as compared to similar programs at UW-Eau Claire and UW-Stout—points to the places of divergence among academic majors associated with the criminal justice system. For example, UW-Eau Claire’s program has evolved out of the political science department and prepares students for careers and engagement with the criminal justice system. UW-Stout’s program originates from its rehabilitation major and engages students in the study of criminal behaviors. The breadth of criminal justice encourages each institution to find a niche (e.g., law enforcement, public policy, corrections, rehabilitation) within the broader frame.

Collaborative Nature of the Program

There are currently plans to develop specific program articulations and 2 + 2 curricular pathways with two-year colleges. In addition, the program will pursue agreements with graduate programs and law schools for accelerated access to student placements in such programs (3 + 2 and 3 + 3) that exist in the region (UW-River Falls is near four law schools) or that could be developed as UW-Eau Claire, UW-River Falls, and UW-Stout look for ways to partner on graduate and professional programs.

Diversity

The Sociology, Criminology, and Anthropology department already attracts and retains a diverse student population, and its faculty are deeply embedded in the university’s efforts to be more inclusive. From a curricular perspective, the proposed criminology program requires consideration of how crime is related to broader discussions of economic disparities, race, and gender through its core courses. Within the directed electives are courses such as CRIM 321 Race and Crime and CRIM 351 Women, Crime, and Justice that foreground some important polarities of difference.

There is a clear and marked history of this program and its faculty to be directly connected to student recruitment, bridge programs, and retention efforts that target the university’s multicultural and economically disadvantaged student populations. Faculty members have worked with admissions and student support personnel to facilitate the recruitment of students of color through early outreach, summer bridge programs, and targeted early warning efforts for the retention of students of color over the past five years.

Student Learning Outcomes

The program already articulates a clear range of learning goals and outcomes associated with the existing minor. To develop and extend these, a natural outgrowth of moving from a minor to a major, the program proposes that students (in addition to the university’s general education Liberal Education and America’s Promise (LEAP) goals) will:

- appreciate the complexities of criminal behavior.
- develop an understanding of individual motivation toward criminal behavior.
- develop an understanding of underlying theories of crime and criminality.
- develop the skills to calculate, interpret, and analyze data related to crime.
- understand the criminal justice system and the function of various agencies.
- develop ethical and moral reasoning to assess and evaluate actions of individuals, agencies and institutions, and the implications of policies.

Program Objective

Graduates of the B.S. in Criminology will be able to apply for public and private sector jobs within the public safety range of occupations. A subset of these students may already be employed, and the degree will enable them to advance in their careers through the attainment of a baccalaureate degree. A secondary outcome will be to prepare students to pursue graduate education in criminology or criminal justice, or to pursue a legal career through law school.

Assessment of Objectives

This program will use the existing general assessment practices that include course-embedded evaluations, subject exams, writing samples, and capstone evaluation. All students pursuing an internship are also evaluated by on- and off-campus evaluators/supervisors. Like all UW-River Falls majors, the criminology program must submit a list of specific learning outcomes and assessment metrics to the university assessment committee. Faculty peers and administrators will use a standardized rubric to review the program's learning outcomes, measures, and assessment plan. The assessment plan is updated annually and forms part of the periodic academic program review.

Program Curriculum

There is a 36-credit minimum, including one 3-credit supporting/general education course and 18 credits of required courses.

Required Courses:

General Education/Supporting Course

CRIM 130	Introduction to Crime, Law, and Society	3 credits
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Required Courses

SOCI 200	Sociological Inquiry	3 credits
CRIM 201	Theories of Crime	3 credits
CRIM 210	Criminal Behavior	3 credits
SOCI 250	Statistics	3 credits
SOCI 300	Research Methods	3 credits
SOCI 480	Senior Seminar	3 credits

Directed Electives (18 credits); at least 6 credits from each category

Criminal Behavior Courses:

SOCI 218	Delinquent Behavior	3 credits
CRIM 311	Juvenile Crime and Justice	3 credits
CRIM 312	Gangs and Gang Behavior	3 credits

CRIM 313	White Collar Crime	3 credits
CRIM 321	Race and Crime	3 credits
CRIM 389	Special Topics in Crime and Justice	3 credits
CRIM 490	Readings in Criminology	1-2 credits
CRIM 499	Independent Study in Criminology	1-2 credits

Crime and Justice Courses:

CRIM 241	Victimology	3 credits
CRIM 341	Restorative Justice	3 credits
CRIM 351	Women, Crime, and Justice	3 credits
POLS 359	Criminal Justice Politics and Policy	3 credits
CRIM 379	Internship in Crime and Justice	6-12 credits
CRIM 399	Law Enforcement Certification	6-12 credits
CRIM 441	Trends and Issues in Incarceration	3 credits
CRIM 442	Alternatives to Incarceration	3 credits

Students must maintain a minimum of a 2.00 G.P.A. to remain eligible for the program.

Projected Time to Degree

The projected time to degree for full-time students is four years, and courses will be offered regularly and in sequences that will enable students to complete all major, minor, general education, and university requirements within 120 credit hours or four years.

Program Review Process

The program will be reviewed every six years and annual performance data, including enrollment, revenue, and costs, will be uploaded into the university's program prioritization process and system. Like all UW System-approved programs, the criminology major will be evaluated and reviewed at five years and then placed on the university's regular academic program review council and program prioritization cycles.

Institutional Review

The new courses needed for the program, as well as the entire program proposal, have been reviewed by the home department, the relevant college's curriculum committee, the college's dean, the university's Undergraduate Curriculum committee, the Academic Programs and Planning committee, and the Faculty Senate. The initial program proposal, which included the new curriculum, was reviewed by the provost prior to sending it to the university governance committees. The provost, in turn, consulted with faculty peers at Arizona State University, Sam Houston State University, and the University of Missouri-St. Louis. Once approved by the Board of Regents, the program's assessment plan will be filed and reviewed by the university's Assessment committee.

Accreditation

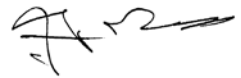
There is no disciplinary accreditation.

University of Wisconsin System
Cost and Revenue Projections For Newly Proposed Program: B.S. in Criminology at UW-River Falls

	Items	Projections				
		20 15	20 16	2017	20 18	2019
		Year 1	Year 2	Year 3	Year 4	Year 5
I	Enrollment (New Student) Headcount	80	50	35	35	40
	Enrollment (Continuing Student) Headcount	0	60	71	77	78
	Enrollment (New Student) FTE	72	45	32	32	36
	Enrollment (Continuing Student) FTE	0	54	64	70	70
II	Total New Credit Hours (# new sections x credits per section)	12	18	18	21	21
	Existing Credit Hours	36	36	36	36	36
III	FTE of New Faculty/Instructional Staff	0	0	0	0.5	0
	FTE of Current Fac/IAS	2	2	2	2	2.5
	FTE of New Admin Staff	0	0	0	0	0
	FTE Current Admin Staff	0.5	0.5	0.5	0.5	0.5
IV	New Revenues					
	From Tuition (new credit hours x FTE)	\$231,336	\$318,087	\$308,448	\$327,726	\$340,578
	From Fees					
	Program Revenue - Grants					
	Program Revenue - Other		\$0	\$0	\$0	\$0
	Reallocation					
	Total New Revenue	\$231,336	\$318,087	\$308,448	\$327,726	\$340,578
V	New Expenses					
	Salaries plus Fringes					
	Faculty/Instructional Staff	\$159,600	\$159,600	\$159,600	\$142,500	\$142,500
	Other Staff	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000
	Other Expenses					
	Facilities	\$0	\$0	\$0	\$0	\$0
	Equipment	\$0	\$0	\$0	\$0	\$0
	Other:	\$3,000	\$3,000	\$3,000	\$3,250	\$3,400
	Total Expenses	\$180,600	\$180,600	\$180,600	\$163,750	\$163,900
VI	Net Revenue	\$50,736	\$137,487	\$127,848	\$163,976	\$176,678
Narrative: Explanation of the Numbers and Other Ongoing Commitments that will Benefit the Proposed Program						
Calculation on student headcount and FTE based on 90% full time.						
Program represents 12 credits growth over minor (36 credits versus 24)						
Faculty salaries projected at \$57,000/per person/per annum or appropriate fraction thereof.						
Tuition is current Wisconsin undergraduate tuition.						

- a* - Number of students enrolled
b - To be based on 12 credits at the undergraduate level and 7 credits at the graduate level
c - Number of faculty/instructional staff providing significant teaching and advising for the program
d - Number of other staff providing significant services for the program

Signature by the Provost
15-Dec-14





February 15, 2015

Ray Cross, Ph.D., President
University of Wisconsin System
1720 Van Hise Hall
1220 Linden Ave
Madison, WI 53706-1559

Dear President Cross,

I am submitting this letter and associated materials for review, consideration, and approval by UW System Administration and the University of Wisconsin Board of Regents. The faculty and staff in the Department of Sociology, Anthropology, and Criminal Justice and in the provost's office have prepared the materials submitted. The materials are the product of more than two years of planning, consultation, and course development.

The university feels confident that moving from a minor to a major in criminology is the right thing to do for our students. The program will better prepare them for the range of careers associated with the criminal justice system and its various facets, as well as provide a deeper and more focused intellectual preparation. As the documents attest, the development of the curriculum took time, and we consulted with faculty at other universities and collaborated with our colleagues at UW-Stout and UW-Eau Claire to ensure that each of us could move into the broad area of criminal justice from our unique vantage points (sociology for River Falls, rehabilitation for Stout, and political science for Eau Claire) and still provide options and comparative advantages to draw students to our region and to our respective programs.

Personally, having served at three previous institutions where undergraduate and graduate programs associated with criminal justice, corrections, and law enforcement were part of the program array, I feel confident that this is a sound academic program and judicious use of our resources. It is simply the right thing to do.

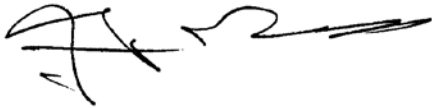
The department (which shares faculty, staff, and curricular resources among its majors and minors) is well positioned to move forward to offer, and even confer, the degree to already matriculated and future students. As the proposal notes, there is considerable pent up demand among our minors and students who have declared other majors to switch majors (as tracked by student inquiry at the registrar's office and the associate dean of the program's home college). The program is also of interest to prospective undergraduates, and we have all been heartened by the interest indicated by parents and students when we talk of this potential new major during campus visit days.

As the provost, I see the development of the program, shift in department name, and the focus of recent hires as indications that the department and the college are intentionally deemphasizing certain aspects (anthropology minor, options in sociology major, other interdisciplinary commitments) by making the move to support the Bachelor of Applied Science-Law Enforcement program and the proposed Bachelor of Science-Criminology program. The department has

prioritized recent hires and redistributed curriculum and teaching loads to better support and sustain these new options for traditional and non-traditional undergraduates. After reviewing the program proposal, I am confident that the program is sustainable with current resources and, as both programs grow, academic affairs is committed to reallocation of faculty resources via our program prioritization and budget prioritization processes.

As I noted above, I have a long and positive history with degrees in the broad areas of criminal justice and criminology. Over the past two decades, such programs have increasingly interested undergraduates, and this particular program is strong, well defined, and provides clear but flexible career options to our students. I enthusiastically support the program and urge you to consider the program proposal and grant UW-River Falls the authority to offer the program at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fernando Delgado', with a stylized, flowing script.

Fernando Delgado
Provost and Vice Chancellor for Academic Affairs

Program Authorization (Implementation)
B.S. in Mechanical Engineering
UW-Stout

EDUCATION COMMITTEE

Resolution I.1.a.(3)

That, upon the recommendation of the Chancellor of the University of Wisconsin-Stout, as well as the President of the University of Wisconsin System, the Chancellor is authorized to implement the Bachelor of Science in Mechanical Engineering.

**NEW PROGRAM AUTHORIZATION
BACHELOR OF SCIENCE IN MECHANICAL ENGINEERING
UNIVERSITY OF WISCONSIN-STOUT**

BACKGROUND

This proposal is presented in accordance with the procedures outlined in Academic Planning and Program Review (ACIS 1.0, Revised August 2012, available at <http://www.uwsa.edu/acss/planning/>). The new program proposal for a Bachelor of Science (B.S.) in Mechanical Engineering at the University of Wisconsin-Stout is presented to the Board of Regents for consideration. The institution has submitted the authorization document and a letter of institutional commitment from the university's Provost.

REQUESTED ACTION

Adoption of Resolution I.1.a.(3), approving the implementation of the Bachelor of Science in Mechanical Engineering degree program at the University of Wisconsin-Stout.

DISCUSSION

Mechanical Engineering is a diverse discipline that involves the design and manufacture of nearly everything from micro-scale objects to machine tools and airplanes. Wisconsin's broad base of manufacturing requires many mechanical engineers to design new machines or research the latest technologies.

Because of UW-Stout's hands-on learning reputation, polytechnic designation, and already-established array of Accreditation Board for Engineering and Technology (ABET, Inc.)-accredited engineering programs, student application data and direct questions to admissions personnel from prospective students has indicated a strong interest in mechanical engineering. The proposed Bachelor of Science (B.S.) in Mechanical Engineering will be offered by the Department of Engineering and Technology, within the College of Science, Technology, Engineering, and Mathematics at the University of Wisconsin-Stout (UW-Stout), to be implemented fall 2015.

In Year 5 after implementation, the program will enroll approximately 200 students. UW-Stout coursework will prepare graduates to work for a broad range of employers yet maintain a primary focus on the needs of Wisconsin manufacturers. The program will have a strong emphasis on application of theory to practice and experimentation and will require a cooperative work experience with an approved employer. Graduates will also have excellent opportunities for advanced degree work.

Primarily delivered face-to-face, the B.S. in Mechanical Engineering program at UW-Stout will prepare graduates for successful careers in mechanical engineering-related professions and other career paths. The program will also prepare students to sit for the Fundamentals of Engineering (FE) exam, administered by the National Council of Examiners for Engineering and Surveying (NCEES).

The program will have 129 credits, of which 40 are in General Education and 89 credits are in the engineering core and courses in the major. UW-Stout is currently home to three ABET-Engineering Accreditation Commission (ABET-EAC) accredited programs (Computer Engineering, Manufacturing Engineering, and Plastics Engineering). The nature of the existing programs, along with existing faculty at UW-Stout (the majority of faculty in Manufacturing Engineering and Plastics Engineering have at least one degree in Mechanical Engineering, with several Ph.D. Mechanical Engineers), will allow the proposed Mechanical Engineering program to rely on existing areas of expertise within the College. Eighty-two percent of the engineering curriculum that students need for graduation is already in place through shared courses. The proposed Mechanical Engineering degree will complement the existing Computer Engineering, Manufacturing Engineering, and Plastics Engineering programs, and courses from each will be taught across engineering specializations.

Funding

The delivery of the courses is funded from the general purpose revenue (GPR) budget. The resident undergraduate UW-Stout tuition rate is currently at \$301 per credit and includes the five-percent rate of the resident and non-resident undergraduate Access to Learning (ATL) differential. During the semesters students are enrolled in support courses and non-engineering prerequisite courses, they will pay the resident undergraduate tuition and fees to the institution. For the current academic year at UW-Stout, the residential tuition, segregated fees, textbook and laptop lease fee totaled \$4,512 per semester, based on a 15-credit semester.

Estimated program costs and revenue are projected based on the engineering special program fees applying to credits taken in the junior and senior year. The additional per semester revenues generated through the engineering special program fees will be leveraged to provide experiential learning activities and secure state-of-the-art laboratory and scientific equipment. At the time students are pursuing courses in the major studies category (upon achieving junior- and senior- level status), a full-time student will pay an average of \$700 per semester in engineering special program fees, in addition to standard UW-Stout tuition and fees. Part-time students will pay fewer engineering special program fees per semester. A full-time student should be able to complete the required prerequisite, non-engineering courses in four semesters.

Consortial Arrangements

The chancellors from UW-Stout, UW-River Falls and UW-Eau Claire have notified UWS President Ray Cross of their commitment to work collaboratively to offer a common core of engineering courses across the institutions. Students will begin their degree at any partnering institution without loss of credits to the point at which they choose which degree or major or institution to attend. The chancellors have proposed a *Northwest Wisconsin Engineering Consortium* (NWECE) that would maximize the impact and minimize the duplication and costs of engineering programs in northwest Wisconsin. The NWECE will enhance student degree and mobility options and ensure credit transfer. A common curriculum is being planned for the freshman year. Transfer students from the UW Colleges pre-engineering programs will be able to take advantage of articulation agreements that will ease transfer into UW-Stout baccalaureate engineering programs.

Three UW System institutions (UW-Madison, UW-Milwaukee, and UW-Platteville) and two private institutions (Marquette University and the Milwaukee School of Engineering) currently offer Mechanical Engineering baccalaureate degrees in Wisconsin. All five of these institutions are within 60 miles of the Illinois border, and UW-Madison, the closest institution to UW-Stout, is 200 miles away. Regional employers have stated that it is difficult to recruit and retain mechanical engineers from southern Wisconsin to work in west-central and northwest Wisconsin. Recent American College Testing (ACT®) research shows that 2013 U.S. graduates who took the ACT® college readiness assessment attended college a median distance of 51 miles from their home.

Additional new students will likely be from those Wisconsin students currently choosing to attend the Minnesota, Michigan and North Dakota institutions of University of Minnesota-Twin Cities, University of Minnesota-Duluth, St. Cloud State University, Minnesota State University-Mankato, North Dakota State University, and Michigan Technological University. UW-Stout does not anticipate significant impacts to enrollment of the three existing UW-Stout engineering programs nor does the university see significant impact on other Wisconsin engineering campuses in the southern region of the state.

According to the U.S. Bureau of Labor Statistics, “Employment of mechanical engineers is expected to grow 9 percent from 2010 to 2020.” In Wisconsin (according to the *Be Bold 2: Growing Wisconsin’s Talent Pool* report), demand for mechanical engineers is projected to rise by 43% over the next decade. At the same time rising demand is expected, the core of engineers already in the profession is aging and possibly nearing retirement age. According to research conducted by UW-Stout, it is possible that Wisconsin will potentially have fewer than half of the mechanical engineers it needs. This same report also identifies engineering as number two on Manpower Group’s “2012 Top 10 Jobs USA Employers Having Difficulty Filling” list. In addition to these reports, local and regional employers have indicated the need for more engineering graduates, including mechanical engineers, to help their companies grow.

The B.S. in Mechanical Engineering will meet requirements for accreditation by the Engineering Accreditation Commission (EAC) of the American Board of Engineering and Technology (ABET, Inc.).

RECOMMENDATION

The University of Wisconsin System recommends adoption of Resolution I.1.a.(3), approving the implementation of the B.S. in Mechanical Engineering at the University of Wisconsin-Stout.

RELATED REGENT AND UW SYSTEM POLICIES

Regent Policy 4-12: Academic Program Planning, Review, and Approval in the University of Wisconsin System.

Academic Information Series #1 (ACIS-1.0; revised August 2012): Statement of the UW System Policy on Academic Planning and Program Review.

**REQUEST FOR AUTHORIZATION TO IMPLEMENT
A BACHELOR OF SCIENCE IN
MECHANICAL ENGINEERING
AT UW-STOUT
PREPARED BY UW-STOUT**

ABSTRACT

Mechanical engineering is a diverse discipline that is involved with the design and manufacture of nearly everything from micro-scale objects to machine tools and airplanes. Wisconsin's broad base of manufacturing requires many mechanical engineers to design new machines or research the latest technologies. The proposed Bachelor of Science (B.S.) in Mechanical Engineering degree will be offered by the Department of Engineering and Technology, within the College of Science, Technology, Engineering and Mathematics at the University of Wisconsin-Stout (UW-Stout). The program will have 129 credits, of which 40 credits are in General Education and 89 credits are in the major studies areas, including 9 credits in engineering core courses.

PROGRAM IDENTIFICATION:

Institution Name

University of Wisconsin–Stout

Title of Proposed Program

Mechanical Engineering

Degree/Program Designation

Bachelor of Science

Mode of Delivery

Primarily face-to-face (distance education delivery will be under 50 percent of the curriculum).

Single Institution or Collaboration

The program will be operated by UW-Stout (single institution), with a first-year common core across the proposed *Northwest Wisconsin Engineering Consortium*, which includes the University of Wisconsin-Eau Claire, the University of Wisconsin-River Falls and the University of Wisconsin-Stout.

Projected Enrollment by Year Five

Table 1 below identifies the projected enrollment patterns for the proposed program and attempts to capture variations in first- to second-year enrollments, second- to third-year enrollments, third- to fourth-year enrollments, and fourth- to fifth-year enrollments. Yearly attrition rates in other UW-Stout engineering programs were used to estimate enrollments in Year 2 to Year 5. UW-Stout expects that through collaborations and articulation agreements with other colleges, the number of transfer students will be higher in later years, and some students will switch majors or pursue a double major.

Table 1: Projected Enrollments by Year Five (FTE)

Year	Implementation Year	2nd year	3rd year	4th year	5th year
New students admitted incl. transfer students	26	51	77	102	128
Continuing students	0	20	41	61	82
Total enrollment	26	71	118	163	210
Graduating students	0	0	0	10	20

Tuition Structure

The B.S. in Mechanical Engineering program is comprised of 129 credits that are separated into two categories: general education and major studies. General education at UW-Stout consists of 40 credits and is the foundation of the Bachelor of Science degree requirements. Included within the major studies is a set of mathematics or laboratory science courses that are prerequisites to the foundational and advanced engineering courses, and these are usually completed in the freshman and sophomore years.

The delivery of these courses is funded from the general purpose revenue (GPR) budget. The resident undergraduate UW-Stout tuition rate is currently at \$301 per credit and includes the five percent rate of the resident and non-resident undergraduate Access to Learning (ATL) differential. During the semesters in which students are enrolled in non-engineering prerequisite courses, they will pay the resident undergraduate tuition and fees to the institution. For the current academic year at UW-Stout, the residential tuition, segregated fees, textbook and laptop lease fee totaled \$4,512 per semester, based on a 15-credit semester.

In 2014-15, resident undergraduate students paid ATL fees in the amount of \$14,33 per credit. The ATL differential funds active learning and provides expanded access to campus laboratories including the Child and Family Study Center, Writing Center, and the Math Teaching and Learning Center, cooperative education programs and other types of experiential learning; field trips; and materials for classroom, laboratory, and student projects. Unfortunately, this fee no longer fully supports all costs incurred through these experiences due to the significant growth in experiential learning activities at UW-Stout. As such, an additional program fee will be used to support laboratory costs and experiential learning activities within the major.

The additional per semester revenues generated through the engineering special program fees will be leveraged to provide experiential learning activities and secure state-of-the-art laboratory and scientific equipment. Estimated program costs and revenue are projected based on the engineering special program fees applied to credits taken in the junior and senior year.

At the time students are pursuing courses in the major studies category (upon achieving junior- and senior- level status), a full-time student will pay an average of \$700 per semester in engineering special program fees in addition to the tuition and fees listed above. Part-time students will pay fewer engineering special program fees per semester. A fulltime student should be able to complete the required prerequisite, non-engineering courses, in four semesters.

The engineering special program fee is modeled after, and is consistent with, a similar special program fee approved by UW System for use by UW-Green Bay and UW-Oshkosh to support their joint engineering technology program.

Department or Functional Equivalent

Department of Engineering and Technology

College, School or Functional Equivalent

College of Science, Technology, Engineering and Mathematics

Proposed Date of Implementation

Fall 2015

INTRODUCTION

Rationale and Relation to Mission

The proposed B.S. in Mechanical Engineering will offer Wisconsin residents a degree highly sought by both students and employers in the region (as outlined below in the Market Demand section). As Wisconsin's Polytechnic University, UW-Stout has been filling a distinct need for hands-on engineers, especially in the manufacturing sector. This proposed program is in alignment with UW-Stout's approved mission statement which reads:

The University offers undergraduate and graduate programs leading to professional careers in industry, commerce, education and human services through the study of applied mathematics and science, art and design, business and management, social and behavioral sciences, education, family and consumer sciences, select engineering programs, applied technologies, select health studies, and technical communication.

UW-Stout's strategic plan includes several Enduring Goals and Focus 2015 Goals that will be directly supported by the proposed B.S. in Mechanical Engineering program. The program will enhance the following underlined areas of emphasis:

- Enduring Goal 1: Offering high quality, challenging programs that influence and respond to society.
- Enduring Goal 2: Preserving and enhancing our educational processes through the application of active learning principles.
- Enduring Goal 3: Promoting excellence in teaching, research, scholarship and service.
- Focus 2015 Goal 2: Expanding early and ongoing experiential learning opportunities including undergraduate applied research and entrepreneurship by requiring progressive applied experiences and a capstone experience.

The proposed B.S. in Mechanical Engineering will complement UW-Stout's existing program array due to its focus on developing students for careers and the applied nature of the curriculum. UW-Stout is currently home to three ABET-Engineering Accreditation Commission (ABET-EAC) accredited programs (Computer Engineering, Manufacturing Engineering, and Plastics Engineering). The nature of the existing programs, along with existing faculty at UW-Stout (the majority of faculty in Manufacturing Engineering and Plastics Engineering have at least one degree in Mechanical Engineering, with several Ph.D. Mechanical Engineers), will allow the proposed Mechanical Engineering program to rely on existing areas of expertise within the College of Science, Technology, Engineering, and Mathematics.

Need as Suggested by Current Student Demand

Because of UW-Stout's hands-on learning reputation, polytechnic designation, and already-established array of Accreditation Board for Engineering and Technology (ABET, Inc.)-accredited engineering programs, student application data and direct questions to admissions personnel from prospective students indicates a strong interest in mechanical engineering.

Eighty-two percent of the necessary engineering curriculum needed to implement the proposed program together with the consortial partners is already in place, and adding the Mechanical Engineering degree will complement the existing Computer Engineering, Manufacturing Engineering, and Plastics Engineering programs. According to American College Testing (ACT®), students who select a planned major in the area of engineering are most likely to indicate availability of a college major as the most important factor in choosing a college. As a fourth engineering offering is made available to UW-Stout prospective students, UW-Stout anticipates a healthy and controlled growth of the major.

Regional Demand

Recent ACT® research shows that 2012 U.S. graduates who took the ACT® college readiness assessment attended college a median distance of 51 miles from their home. Given UW-Stout's well-established regional STEM pipeline recruitment activities, the university anticipates that enrollments will come from within a 100-mile radius to Menomonie, Wisconsin. UW-Stout data from 2009-2014, reflects the following percentages of engineering students from regions 1-4 (i.e., Eau Claire, Northern Wisconsin, Wausau and La Crosse as designated within the NCHEMS report): Engineering Technology (65.6%), Plastics Engineering (68.2%), Manufacturing Engineering (62.5%), and Computer Engineering (56.3%).

Steady Growth of Current Engineering Programs

From 2010 to 2014, the three current engineering programs at UW-Stout have grown 42% from 343 to 488 on campus students. During this same time period, enrollments of the UW-Stout B.S. in Computer Engineering grew 94% from 78 to 152 students.

Enrollments in Computer Engineering at UW-Madison and UW-Milwaukee during the same time also increased, and all three programs have maintained healthy enrollment numbers over time. The overall increase in enrollment has not negatively impacted any engineering campus or graduate placement rates at any campus. The addition of the B.S. in Computer Engineering at UW-Stout has shown benefits to the students, businesses, and the State of Wisconsin.

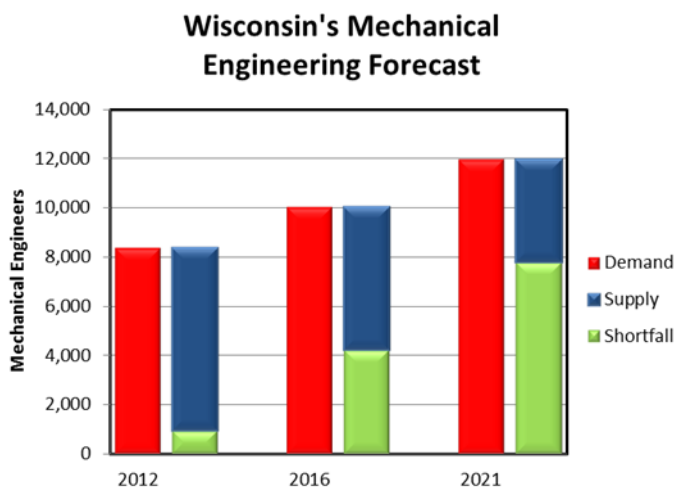
Additional new students will likely come from those Wisconsin students currently choosing to attend the Minnesota, Michigan and North Dakota institutions of the University of Minnesota-Twin Cities, University of Minnesota-Duluth, St. Cloud State University, Minnesota State University-Mankato, North Dakota State University, and Michigan Technological University. Based on its own assessment of past trends, UW-Stout does not anticipate significant impacts to enrollments in the three current engineering programs, nor does the university foresee significant impact on other Wisconsin engineering campuses in the southern region of the state.

Demand for Graduates in Engineering

Demand for UW-Stout's existing engineering graduates is as follows: For 2013-14, 100 percent of UW-Stout's manufacturing engineering graduates (44 of 47 responding) were employed (one in a field not related to their major) or continuing their education (1), with an average starting salary of \$55,000. For computer engineering, 100 percent of the graduates (11 of 11 responding) were employed with 100 percent in their major field, with an average starting salary of \$63,000. For plastics engineering, 100 percent of the graduates (11 of 11 responding) were employed in their field of study, with an average starting salary of \$56,000. UW-Stout is confident that the same will hold for Mechanical Engineering graduates, especially since the demand is well documented by the 2014 National Center for Higher Education Management Systems (NCHEMS) report.

Need as Suggested by Market Demand

According to the U.S. Bureau of Labor Statistics, "Employment of mechanical engineers is expected to grow 9 percent from 2010 to 2020." In Wisconsin (according to the *Be Bold 2: Growing Wisconsin's Talent Pool* report), demand for mechanical engineers is projected to rise by 43% over the next decade, while the core of engineers already in the profession is aging and expected to decline 44% over the same timeframe. With these projections, Wisconsin will potentially have fewer than half of the mechanical engineers it needs, and the state is not currently graduating enough engineers to fill the gap.



This same report also identifies engineering as number two on Manpower Group's 2012 "Top 10 Jobs USA Employers Having Difficulty Filling" list. In addition to these reports, local and regional employers have indicated the need for more engineering graduates, including mechanical engineers, to help their companies grow. Further, Dennis K. Winters, Chief, Office of Economic Advisors from the Wisconsin Department of Workforce Development, gave a presentation on November 12, 2013, titled "Will Our Future Workforce Be Adequate & Capable," in which mechanical engineering was listed as one of the 10 most difficult to hire. Mechanical engineering was also the only occupation listed in the top ten which required a bachelor's degree rather than an associate degree-level qualification for entry-level jobs.

Emerging Knowledge or New Directions in Profession

According to the American Society of Mechanical Engineers' (ASME) The State of Mechanical Engineering report, three of the top emerging fields for mechanical engineers over the next two decades will be in alternative energy sources, nanotechnology, and biotechnology. All three fields are well represented within the existing expertise of UW-Stout's faculty in the form of research efforts, curriculum content, and industry collaborations. Further, ASME's report identifies that mechanical engineers of the future will need to be business-savvy with exceptional skills in cost management and commercial awareness. The proposed Mechanical Engineering program will address these needs through its focus on manufacturing competitiveness and close ties with regional manufacturing industry.

DESCRIPTION OF PROGRAM:

General Structure

Mechanical engineering is a diverse discipline that is involved with the design and manufacture of nearly everything from micro-scale objects to machine tools and airplanes. Wisconsin's broad base of manufacturing requires many mechanical engineers to design new machines or research the latest technologies.

The B.S. in Mechanical Engineering will meet requirements for accreditation by the Engineering Accreditation Commission (EAC) of ABET, Inc. UW-Stout coursework will prepare graduates to work for a broad range of employers yet maintain a primary focus on the needs of Wisconsin manufacturers. The program will have a strong emphasis on the application of theory to practice and experimentation, and will require a cooperative work experience with an approved employer. Graduates will also have the same opportunities for advanced degree work pursued by many past UW-Stout engineering graduates.

Institutional Program Array

UW-Stout currently offers three ABET-EAC-accredited engineering degrees in Manufacturing Engineering, Computer Engineering, and Plastics Engineering.

Other Programs in the University of Wisconsin System

Three UW System institutions (UW-Madison, UW-Milwaukee, and UW-Platteville) and two private institutions (Marquette University and the Milwaukee School of Engineering) currently offer Mechanical Engineering baccalaureate degrees in Wisconsin. All five of these institutions are within 60 miles of the Illinois border. UW-Madison, the closest UW System institution to UW-Stout, is 200 miles away. Regional employers have stated it is difficult to recruit and retain mechanical engineers from the southern reaches of Wisconsin to work in rural west-central and northwest Wisconsin. Recent American College Testing (ACT®) research shows that 2013 U.S. graduates who took the ACT® college readiness assessment attended college a median distance of 51 miles from their home. UW-Stout is proposing to offer a B.S. in Mechanical Engineering program that will better enable residents of western and northern Wisconsin to earn a Bachelor's of Science in Mechanical Engineering.

History has shown that the addition of engineering degrees at UW-Stout has not caused a decline in the number of students pursuing engineering degrees at any of the other UW campuses. Instead, the net number of engineering graduates in the state has increased.

The proposed program at UW-Stout will serve employers who seek an application-oriented program with an ability to closely collaborate with small- to medium-sized businesses as demonstrated by the many successes of UW-Stout's Discovery Center. As Wisconsin businesses embrace new technologies and diversify into new market spaces, mechanical engineers are in continuous need to meet business opportunities and challenges in manufacturing, pharmaceuticals, healthcare, construction, pulp and paper, food processing, microelectronics, electronic and advanced materials, polymers, business services, law and environmental health and safety.

The *BeBold 2* report indicates that manufacturing is one industry sector that is expected to see particularly high employment demand in Wisconsin in the coming years, and mechanical engineers are a critical component of these job markets. In alignment with the *BeBold 2* report, an interview with a regional metal fabricating company revealed that the thriving company employs several mechanical engineers, but they are from Germany and on work visas since the company could not hire locally. The proposed B.S. in Mechanical Engineering would be developed to leverage the current intensive laboratory focus of UW-Stout's programs to best meet the application needs of regional employers.

Collaborative Nature of the Program

The chancellors from UW-Stout, UW-River Falls and UW-Eau Claire have notified UWS President Ray Cross of their commitment to work collaboratively to offer a common core of engineering courses across the institutions. Students will begin their degree at any partnering institution without loss of credits at the point at which they choose which degree or major or institution to attend. The chancellors have proposed a *Northwest Wisconsin Engineering Consortium* (NWECE) that would maximize the impact and minimize the duplication and costs of engineering programs in northwest Wisconsin. The NWECE will enhance student degree and mobility options and ensure credit transfer. A common curriculum is being planned for the freshman year and possibly beyond. UW-Stout will encourage transfer students from the UW Colleges pre-engineering programs with articulation agreements that ensure transferability.

There have already been considerable discussions between institutional groups to define a common core and how to share courses across each campus to enhance student options for specialized coursework. For example, the UW-Stout's physics department chair has had four meetings since October 24, 2014, with UW-River Falls and UW-Eau Claire to discuss course alignments and to establish a 3+2 arrangement (an accelerated degree program in which students enroll for three years in a baccalaureate program and transition early into a 2-year master's program) for dual degrees in Physics and Mechanical Engineering. Four discussions have occurred since February 3, 2015, between the math departments at the three institutions. Engineering faculty at UW-Stout have also had multiple meetings this spring with faculty from UW-Eau Claire to discuss program alignment. All discussions have been positive and fruitful. Faculty at each campus are excited about being able to provide students a broader and richer experience than any one campus could provide.

Diversity

UW-Stout is committed to Inclusive Excellence as a process to cultivate an environment that fosters and promotes diversity, equity, inclusion, and accountability at every level of university life. The faculty, staff and students at UW-Stout are engaged in a concerted effort to be inclusive of individuals from diverse populations and work in partnership with student service programs such as Disability Services, Aspire, and Multicultural Student Services to provide outreach and support as needed.

Consistent with UW-Stout's strategic planning process for meeting diversity and inclusivity goals, this program will strive to achieve inclusive excellence by enrolling, retaining, and graduating sufficient numbers of students from underrepresented populations; engaging faculty from underrepresented populations; and implementing strategies to promote and support integration efforts. This degree will also attract nontraditional student populations. Online delivery of some courses will also provide opportunities to those students who are time and place bound. In addition, recruitment and marketing efforts for this degree will include a focus on underrepresented populations.

While the proposed degree does not project a significant need for new faculty and staff, UW-Stout continues to be committed to recruiting a culturally diverse campus community. UW-Stout has several initiatives currently underway to attract more women to engineering programs. UW-Stout also hosts an annual series of summer STEPS programs for 6th and 7th grade girls. The STEPS program is designed to build self-confidence and encourage females to pursue STEM-related majors and professions, including engineering. UW-Stout will work with employers to encourage and support the education of their employees, focusing also on underrepresented minorities. In addition, the Program Advisory Board will provide support in this area by helping the program extend its reach to diverse prospective students and communities.

Engineering student advisers will work closely with all students to identify barriers to their success in engineering courses either to help them overcome those barriers directly or to point them to campus and other resources that will be of assistance to them. To ensure that this goal is met, one of the areas of assessment focuses on diversity.

On the curricular side, faculty will incorporate topics and discussions related to diversity and inclusivity into course content such as dealing with communication in diverse workplaces and awareness of cultural differences in engineering practice and research environments.

Student Learning Outcomes

The B.S. in Mechanical Engineering program at UW-Stout will prepare graduates for successful careers in mechanical engineering-related professions and other career paths. The program will prepare students to sit for the Fundamentals of Engineering (FE) exam, administered by the National Council of Examiners for Engineering and Surveying (NCEES). Upon completing the degree program at UW-Stout, students will have attained the following outcomes as defined by the ABET-EAC accreditation requirements:

- (a) An ability to apply knowledge of mathematics, science, and engineering;
- (b) An ability to design and conduct experiments, as well as to analyze and interpret data;

- (c) An ability to design a system, component, or process to meet desired needs within realistic constraints, such as economic, environmental, social, political, ethical, health and safety, manufacturability, and sustainability;
- (d) An ability to function on multidisciplinary teams;
- (e) An ability to identify, formulate, and solve engineering problems;
- (f) An understanding of professional and ethical responsibility;
- (g) An ability to communicate effectively;
- (h) The broad education necessary to understand the impact of engineering solutions in a global, economic, environmental, and societal context;
- (i) A recognition of the need for, and an ability to engage in life-long learning;
- (j) A knowledge of contemporary issues; and
- (k) An ability to use the techniques, skills, and modern engineering tools necessary for engineering practice.

Assessment of Learning Outcomes and Objectives

The assessment of the student learning objectives will be coordinated by the program director in collaboration with the faculty and the Program Advisory Board. Representatives of the Program Advisory Board will meet each term and include professionals, alumni, and stakeholders who are invested in the success of the program. Program faculty will set educational objectives and devise the educational strategies with performance indicators that will be used to demonstrate attainment of the learning outcomes. An analysis and evaluation of the data will be conducted by faculty and appropriate university committees, including the Program Advisory Board.

Program Curriculum

The program will be comprised of 129 credits because of ABET accreditation requirements. Forty credits are dedicated to general education. Eighty-nine credits are dedicated to the major studies requirements, including the engineering core. Eighty-two percent of the overall courses are already offered within UW-Stout's existing array of ABET-accredited engineering programs and can be shared with the consortial partners. New courses to be developed encompass 23 of the total 129 credits and are noted with an asterisk (*) below. Students may transfer appropriate coursework completed at partner institutions and other accredited institutions.

The program will incorporate a common first year of curriculum among the existing UW-Stout engineering programs as well as with the proposed engineering programs at UW-Eau Claire and UW-River Falls. Courses in this common curriculum will include: Impacts of Engineering, College Chemistry I, Calculus I, Composition I, Composition II, Speech, Calculus II, and a first semester physics course.

B.S. IN MECHANICAL ENGINEERING (129 CREDITS) PROGRAM REQUIREMENTS

GENERAL EDUCATION (40 credits) [†]

- A. **Communication Skills** (9 credits)
 ENGL-101 Composition 1, P: Placement Test Required
 OR ENGL-111 Freshman English Honors I (3 cr.)
 ENGL-102 Composition 2, P: ENGL-101 or ENGL-111
 OR ENGL-112 Freshman English Honors II (3 cr.)
 SPCOM-100 Fundamentals of Speech (3 cr.)
- B. **Analytical Reasoning and Natural Sciences** (13 credits)
 MATH-153 Calculus I, P: Placement Test or MATH-121 (4 cr.)
 OR MATH-151 Calculus with Precalculus B, P: MATH-150 (5 cr.)
 MATH-154 Calculus II, P: MATH-153 or MATH-151 (4 cr.)
 CHEM-135 College Chemistry I, P: MATH-120 (5 cr.)
- C. **Arts and Humanities** (6 credits)
 Courses must be from two or more areas including art history, creative arts, foreign language and culture, history, literature, music appreciation, performing arts, and philosophy.
- D. **Social and Behavioral Sciences** (6 credits)
 Courses must be from two or more areas including anthropology, economics, geography, political science, psychology, and sociology.
- E. **Contemporary Issues** (3 credits)
 *ENGR-1XX Impacts of Engineering, P: MATH-120 (3 cr.)
- F. **Social Responsibility and Ethical Reasoning** (3 credits)
 Courses must be selected from the list of approved social responsibility and ethical reasoning courses, which includes health, health education, and athletics.

[†] The Racial and Ethnic Studies (RES) 6-credit requirement and Global Perspective (GLP) 6-credit requirement can be met through course selection within the 40-credit General Education requirements.

MAJOR STUDIES (89 credits)

- A. **Mathematics and Basic Sciences** (21 credits)
 MATH-158 Calculus III, P: MATH-154 or MATH-157 (3 cr.)
 MATH-250 Differential Equations with Linear Algebra, P: MATH-154 or MATH-157 (3 cr.)
 STAT-330 Probability and Statistics for Engineering and the Sciences, P: MATH-154 or MATH-157 (3 cr.)
 PHYS-282 University Physics II, P: PHYS-281 or MECH-292 (5 cr.)
 CHEM-341 Chemistry of Materials, P: CHEM-135 (4 cr.)
 *ENGR-3XX Computational Methods for Engineers, P: MATH-250 and STAT-330 (3 cr.)

- B. Engineering Core Courses** (9 credits)
ELEC-290 Circuits and Devices, P: MATH-154 and PHYS-282 (4 cr.)
MFGE-363 Controls and Instrumentation, P: ELEC-290 and MATH-250 (4 cr.)
 *ME-349 Cooperative Education Experience
OR *ME-449 Cooperative Education Experience (1 cr.)
- C. Engineering Graphics** (6 credits)
ENGGR-112 Engineering Graphics Fundamentals (3 cr.)
ENGGR-210 Engineering Graphics Using Solid Modeling, P: ENGGR-112 (3 cr.)
- D. Engineering Mechanics** (13 credits)
PHYS-291 Statics, P: concurrent with MATH-154 (3 cr.)
MECH-292 Dynamics, P: PHYS-291 (3 cr.)
MECH-294 Mechanics of Materials, P: MECH-292 (3 cr.)
 *ME-4XX System Dynamics, P: MECH-292 and ENGR-3XX (Computational Methods for Engineers) (4 cr.)
- E. Thermal and Fluid Sciences** (9 credits)
 *ENGR-3XX Thermodynamics, P: concurrent with MATH-250 (3 cr.)
MFGE-391 Fluid Mechanics, P: ENGR-3XX (Thermodynamics) (3 cr.)
 *ENGR-3XX Heat Transfer, P: MFGE-391 (3 cr.)
- F. Materials and Manufacturing Processes** (12 credits)
MFGT-251 Fundamentals of Plastics Materials and Processing, P: ENGR-1XX (Impacts of Engineering) (3 cr.)
MFGT-252 Material Removal and Forming Processes, P: ENGR-1XX (Impacts of Engineering) (3 cr.)
MFGT-253 Joining and Casting Processes, P: ENGR-1XX (Impacts of Engineering) (3 cr.)
MFGT-315 Metallurgy, (3 cr.)
- G. Competitive Manufacturing** (2 credits)
INMGT-300 Engineering Economy (2 cr.)
- H. Design** (10 credits)
MECH-332 Mechanical Design, P: MECH-294 (4 cr.)
 *ME-405 Capstone I: Concurrent Design, P: MECH-332 and concurrent with ENGR-3XX (Heat Transfer) (3 cr.)
 *ME-410 Capstone II: System Design, P: ME-405 (3 cr.)
- I. Technical Electives** (7 credits), *Credit count for prerequisites for technical elective courses may not be included in total program credit count.*
 *ME-4XX Advanced Thermal Systems, P: ENGR-3XX Heat Transfer (3 cr.)
ELEC-310 Biomedical Instrumentation, P: ELEC-204 (3 cr.)
BIO-362 Advanced Physiology, P: BIO-234 (3 cr.)
PHYS-327 Solid State Physics, P: PHYS-282 or PHYS-242, and take MATH-157 or MATH-154 (3 cr.)

PHYS-329 Atomic and Nuclear Physics, P: PHYS-282 or PHYS-242, and take MATH-157 or MATH-154 (3 cr.)

Any 400/500-level course with the following prefixes: MFGE, MFGT, PLE, CEE, CS, BIO, CHEM.

Time to Degree

Full-time students averaging 16 credits per semester will be able to complete the degree in an eight-semester sequence. Students will be provided a program plan modeling an eight-semester sequence. Transfer students will work closely with their faculty advisors to bring them in alignment with the course sequence to minimize time to degree completion. Articulation agreements will be pursued with the UW Colleges and appropriate two-year institutions.

Program Review Process

The program director of the proposed B.S. in Mechanical Engineering program will generate a yearly “Assessment in the Major” (AIM) report in which indirect and direct assessments of student learning objectives and outcomes will be reviewed to assess program quality. As students begin to graduate, the program director will analyze the survey results of data from alumni and employers surveys conducted in conjunction with UW-Stout’s Planning, Assessment, Research and Quality (PARQ) Office, for the purpose of continuous improvement. Additionally, the program director and key faculty will monitor retention, time-to-graduation, graduation rates, and placement rates to further assess the overall effectiveness of the program.

The proposed B.S. in Mechanical Engineering program is designed to meet the accreditation requirements of ABET, Inc. The program will engage in the normal accreditation process for university engineering programs.

UW-Stout’s Planning and Review Committee (PRC) also conducts formal reviews of degree programs in accordance with UW System and UW-Stout required cycles. As part of this review, present and past students, faculty, and program advisory board members are surveyed. The program director will develop a self-study report that is reviewed in a formal hearing conducted by the PRC, with final results presented to the Faculty Senate and the Provost.

Program Quality

The ABET accreditation process is based on the format of continuous improvement. The program will be designed with ABET-EAC standards and will seek accreditation as soon as possible. UW-Stout currently has three fully accredited ABET-EAC programs, one program accredited by the ABET-Computer Accreditation Commission (CAC), and another by the ABET-Engineering Technology Accreditation Commission (ETAC).

Equity and Inclusive Excellence

In both the general education and required program courses, students are exposed to learning that prepares them to work with persons from different races, ethnicities, genders, socioeconomic statuses, and with individuals with disabilities. As part of the general education requirements, students take courses in Social and Behavioral Sciences, Contemporary Issues, and Social Responsibility and Ethical Reasoning. A majority of the courses offered in these categories cover topics related to diversity and multiculturalism. Additionally, students must

also satisfy six credits in both the Racial and Ethnic Studies (RES) and Global Perspectives (GLP) categories.

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BUDGET NARRATIVE UW-STOUT B.S. IN MECHANICAL ENGINEERING

This narrative accompanies the *Cost & Revenue Projections for Newly Proposed Program Budget Spreadsheet*.

Enrollment

The *Enrollment (New Student) Headcount* and *Enrollment (New Student) FTE* will be managed by carefully monitoring enrollments to align with available resources (facilities, staffing, etc.). Mechanical Engineering is projected to start in 2015 with an estimated 30 students initially with a target of 200 students in five years. This projection is based on multiple factors, including the need for these degrees regionally (2014, NCHEMS report), the size and growth patterns of UW-Stout's current engineering programs, and the size of other programs in the region. Only first-year students will be admitted to the program in Years 1 and 2 of the program; transfer students will be allowed in Year 3 (note elevated New Student headcount in Year 3 and beyond). Retention calculations are based on 80% for new students and 85% from continuing students.

Credit Hours

Thirty-two credits of instruction will be offered each year leading to all 129 credits of curriculum required for completion of the degree by Year 4.

FTE

As students are steadily added to the major, there will be a need for additional instructional support. Currently, 10 engineering faculty support our Manufacturing Engineering, Plastics Engineering, and Engineering Technology programs (nearly 800 students combined). Utilization of common core courses between these programs will allow for the addition of 2.75 FTE faculty to support Mechanical Engineering, hiring one per year in each of the first three years. Additionally, the proposed program will also require a 0.25 FTE faculty program director and 0.5 LTE office support staff position.

New Revenues

Tuition revenue is calculated as new credit hours multiplied by the total student FTE per year. It is \$301 per undergraduate (in-state) student credit hour, including the ATL differential (5% tuition). UW-Stout estimates that 95% of the student population will qualify for in-state rate (MN and WI residents). Additionally, similar to other campuses such as UW-Oshkosh and UW-Green Bay, UW-Stout proposes to charge junior- and senior-level students a program fee of approximately \$700 a semester to support program-specific costs.

New Expenses

For New Expenses related to *Faculty/Instructional Staff*, the average salary of the present starting salaries for other Ph.D.- level engineering faculty were multiplied by 1.4 (this includes the 40% fringe rate), and also multiplied by new FTE required for each year, to arrive at an estimate of salary costs. For New Expenses related to *Other Staff*, the \$1,500 program director stipend was multiplied by 1.4 (potential fringe assessment) and the pay for a 0.50 (Limited Term Equivalent) LTE position was multiplied by 1.245 for LTE fringes. In both cases, for Years 2 to

5, that amount was multiplied by 1.05 to assume a potential 5% raise or salary increase. This program will also need a half-time technician (\$50,000 x 0.5 FTE) x 40% fringe) to support and maintain the equipment associated with the program.

In addition to the *Salaries* connected to the positions in Section III, the program will have an assortment of other expenses due to the technical requirements of the medium in which it works.

For *Facilities*, UW-Stout does not anticipate any new capital investments in the immediate future.

The *Equipment* expense has a projected yearly cost of \$150,000 for each of the first three years and \$100,000 each year after. Given the “*hands-on*” mission of the University, it is critical to create laboratory intensive experiences. Besides laboratory equipment, replacement of computer labs (approximately \$60,000-80,000 every third year) and dedicated and specialized labs are essential for the success of these programs. It is a requirement by *Accreditation Board for Engineering and Technology (ABET)* to have an equipment (computer) replacement plan.

The *Other* category includes an assortment of miscellaneous costs, such as the annual fees related to an extensive list of industry-standard software (e.g., SolidWorks) for the lab, professional development for faculty, support for business related travel, accreditation costs, and funds for the creation of marketing and promotional materials of a new major.

University of Wisconsin-Stout
Cost and Revenue Projections For Newly Proposed Mechanical Engineering Program

	Items	Projections				
		2015	2016	2017	2018	2019
		Year 1	Year 2	Year 3	Year 4	Year 5
I	Enrollment (New Student) Headcount	30	60	90	120	150
	Enrollment (Continuing Student) Headcount	0	24	48	72	96
	Enrollment (New Student) FTE	26	51	77	102	128
	Enrollment (Continuing Student) FTE	0	20	41	61	82
		26	71	117	163	209
II	Total New Credit Hours (# new sections x credits per section)	31	31	31	31	0
	Existing Credit Hours	0	31	62	93	124
		32	64	96	129	129
III	FTE of New Faculty/Instructional Staff	1.00	1.00	1.00	0	0
	FTE of Current Fac/IAS	4.00	5.00	6.00	7.00	7.00
	FTE of New Admin Staff	0.25	0	0	0	0
	FTE Current Admin Staff	0	0.25	0.25	0.25	0.25
		5.25	6.25	7.25	7.25	7.25
IV	New Revenues					
	From Tuition (new credit hours x FTE, includes 5% ATL differential)	\$245,616	\$1,375,450	\$3,389,501	\$6,336,893	\$8,119,144
	Program Fee (\$700/semester program fee for 3rd-4th year students)	\$0	\$0	\$33,600	\$67,200	\$100,800
	Total New Revenue	\$245,616	\$1,375,450	\$3,423,101	\$6,404,093	\$8,219,944
V	New Expenses					
	Salaries plus Fringes					
	Faculty/Instructional Staff	\$105,000	\$220,500	\$330,750	\$347,288	\$364,652
	Other Staff	\$55,775	\$58,564	\$61,492	\$64,567	\$67,795
		\$160,775	\$279,064	\$392,242	\$411,854	\$432,447
	Other Expenses					
	Equipment	\$150,000	\$150,000	\$150,000	\$100,000	\$100,000
	Other: Travel/professional development/marketing/accreditation fees	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
	Total Expenses	\$360,775	\$479,064	\$592,242	\$561,854	\$582,447
VI	Net Revenue	-\$115,159	\$896,386	\$2,830,859	\$5,842,239	\$7,637,497

Narrative: Explanation of the Numbers and Other Ongoing Commitments that will Benefit the Proposed Program

Basic assumptions: Program starts in 2015 grows to 200 students in 5 years
Current MFGE/PLE support Stradins (.25), Springer (1.0), Fly(1.0), Kramschuster (.25), Zheng (.25), Berg (.25), Burman (1.0), (3 searches in place)
Does not account for MSCS

a - Number of students enrolled

b - To be based on 12 credits at the undergraduate level and 7 credits at the graduate level

c - Number of faculty/instructional staff providing significant teaching and advising for the program

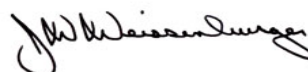
d - Number of other staff providing significant services for the program

38 credits filled with new offering

38/18=2.1 FTE

1 FTE need to manage extra sessions of other courses

Signature by the Provost: _____



3/20/2015



Office of the Provost & Vice
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715-232-2421
e-mail: provost@uwstout.edu

February 18, 2015

Ray Cross, President, University of Wisconsin System Administration
1720 Van Hise Hall, 1220 Linden Drive
Madison, WI 53706

Dear President Cross:

I am writing to provide you with this Letter of Commitment in support of the University of Wisconsin-Stout's proposed B.S. degree in Mechanical Engineering.

The proposed program aligns with UW-Stout's designation as Wisconsin's Polytechnic University and complements Stout's program array due to its focus on developing students for careers through applied curriculum. UW-Stout is currently home to three ABET-EAC (Engineering Accreditation Commission) accredited engineering programs. The nature of the current engineering programs and faculty will allow the proposed B.S. in Mechanical Engineering to rely on existing areas of expertise within the College of Science, Technology, Engineering, and Mathematics.

UW-Stout will support the degree long-term and work to sustain it with financial resources within the university. Initially, internal reallocation and managed enrollments will align with available resources to support the program. In addition, a generous donation will augment all of our engineering programs. A shared, common core of classes will allow for efficient use of faculty and laboratories. UW-Stout's engineering programs' active industry advisory boards, required internships, and applied student research and design activities in partnership with companies all contribute to Stout's excellent relationship with businesses/industries. The request is a natural progression in efforts to provide northwest Wisconsin with the trained engineers needed to expand operations and grow Wisconsin's economy.

As Wisconsin's Polytechnic University, UW-Stout hosts a number of events to pique the interest of PK-12 students in engineering and build a regional pipeline for future engineers. Area high schools and technical colleges indicate a strong interest in a regional mechanical engineering degree program. According to an American Society of Mechanical Engineers' "The State of Mechanical Engineering" report, three of the top emerging fields for mechanical engineers over the next two decades will be in alternative energy sources, nanotechnology, and biotechnology. All three fields are well represented within the existing expertise of UW-Stout's faculty in the form of research efforts, curriculum content, and industry collaborations.



B.S. in Mechanical Engineering Letter of Commitment

February 18, 2015

Page 2

Further, the report indicates that mechanical engineers of the future will need business savvy with exceptional skills in cost management and commercial awareness. The proposed mechanical engineering program addresses these needs through its focus on manufacturing competitiveness and close ties with regional manufacturing industries.

The proposed degree has been approved through the on-campus curriculum approval process. UW-Stout, UW-River Falls, UW-Eau Claire have formed the Northwest Wisconsin Engineering Consortium, a historic collaborative approach in supporting engineering programs during this time of diminishing resources. As Wisconsin's Polytechnic University, UW-Stout is committed to filling the distinct need for hands-on engineers, highly sought by Wisconsin employers, and to the success of the B.S. in Mechanical Engineering.

All programs at UW-Stout participate in the annual Assessment in the Major. UW-Stout's assessment mechanisms will be brought to bear on the program and its outcomes. Retention will be monitored, including time-to-graduation, graduation rates, and placement rates, to build a robust picture of the program and its effectiveness. These results, in turn, are used in planning and curricular adjustments as needed. Additional assessment instruments are noted in the proposal itself.

Thank you for consideration of this new program.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jackie Weissenburger", is written over a light blue rectangular background.

Jackie Weissenburger, Ph.D.

Interim Provost and Vice Chancellor for Academic and Student Affairs

Program Authorization (Implementation)
B.S. and B.A. in Public Relations
UW-Oshkosh

EDUCATION COMMITTEE

Resolution I.1.a.(4):

That, upon recommendation of the Chancellor of the University of Wisconsin-Oshkosh, as well as the President of the University of Wisconsin System, the Chancellor is authorized to implement the Bachelor of Science and the Bachelor of Arts in Public Relations.

**NEW PROGRAM AUTHORIZATION
BACHELOR OF SCIENCE AND THE BACHELOR OF ARTS IN PUBLIC RELATIONS
UNIVERSITY OF WISCONSIN-OSHKOSH**

BACKGROUND

This proposal is presented in accordance with the procedures outlined in Academic Planning and Program Review (ACIS 1.0, Revised August 2012, available at <http://www.uwsa.edu/acss/planning/>). The new program proposal for a Bachelor of Science (B.S.) and the Bachelor of Arts (B.A.) in Public Relations at the University of Wisconsin-Oshkosh is presented to the Board of Regents for consideration. The institution has submitted the authorization document and a letter of institutional commitment from the university's Provost.

REQUESTED ACTION

Adoption of Resolution I.1.a.(4), approving the implementation of the Bachelor of Science and the Bachelor of Arts in Public Relations degree program at the University of Wisconsin-Oshkosh.

DISCUSSION

The proposed Bachelor of Science and Bachelor of Arts (B.S./B.A.) in Public Relations is built upon a successful curriculum emphasis in the Journalism degree program in the UW-Oshkosh Department of Journalism. The proposed program will prepare student to join a growing workforce that serves a broad range of businesses and organizations, such as corporations, nonprofit organizations, global corporations and franchises, and professional societies.

Graduates will be able to effectively apply communication and persuasion concepts and strategies, use research and forecasting, adhere to ethical standards in the practice of public relations, and interpret social and organizational contexts. Further, graduates will be prepared to do strategic public relations planning, engage in crisis planning, and construct appropriate communications based on awareness of cultural and international issues in organizations.

Market research in public relations overwhelmingly indicates a growth in employment both at the national and state levels. Public Relations is a rapidly growing field, with continued growth expected through at least 2020, according to the U.S. Bureau of Labor Statistics (<http://www.bls.gov/ooh/management/public-relations-managers-and-specialistst>). Employment of public relations managers and specialists is expected to grow by 21% from 2010 to 2020, faster than the average for all occupations. The trends affecting public relations specialist and manager occupations show the growing need for companies and organizations to plan and develop public relations departments.

Local and state employment in this field is also expected to grow in all areas of the state. Projections provided by Wisconsin's Workforce and Labor Market Information System website,

Worknet.Wisconsin.gov, show steady growth for public relations specialists and managers over the next decade. The above-cited data are available at:

<http://worknet.wisconsin.gov/worknet/datablelist.aspx?menuselection=da>. The Fox Valley region alone is expected to add 77 of these positions; the total statewide projections indicate an additional 1484 jobs by 2020, representing a growth rate of 20%.

By Year 5 of its implementation, it is expected that 70 new students will have enrolled in the program. Standard tuition and fee rates will apply to this proposed program. For the current academic year, the residential tuition and segregated fees totaled \$3,678.58 per semester for full-time students enrolled in 12-18 credits per term. Of this amount, \$467.50 is attributable to segregated fees, and \$3,211.08 is attributable to course tuition.

The major will consist of 120 credits that include 41 University Studies Program (General Education) credits, 39 core major requirements, and 40 additional major degree requirements that include electives. The proficiency-oriented B.S./B.A. in Public Relations will be accredited by the Accrediting Council in Education for Journalism and Mass Communication (ACEJMC) and will prepare students for the national certification exam.

RECOMMENDATION

The University of Wisconsin System recommends adoption of Resolution I.1.a.(4), approving the implementation of the B.S. and the B.A. in Public Relations at the University of Wisconsin-Oshkosh.

RELATED REGENT AND UW SYSTEM POLICIES

Regent Policy 4-12: Academic Program Planning, Review, and Approval in the University of Wisconsin System.

Academic Information Series #1 (ACIS 1.0, Revised August 2012): Statement of the UW System Policy on Academic Planning and Program Review.

**REQUEST FOR AUTHORIZATION TO IMPLEMENT A
BACHELOR OF SCIENCE AND BACHELOR OF ARTS IN PUBLIC RELATIONS
AT UW-OSHKOSH
PREPARED BY UW-OSHKOSH**

ABSTRACT

The proposed Bachelor of Science and Bachelor of Arts (B.S./B.A.) in Public Relations is built upon a successful curriculum emphasis in the UW-Oshkosh Department of Journalism. The proposed program will prepare students to join a growing workforce that serves a broad range of businesses and organizations, such as corporations, nonprofit organizations, global corporations and franchises, and professional societies. Graduates will be able to effectively apply communication and persuasion concepts and strategies, use research and forecasting, adhere to ethical standards in the practice of public relations, and interpret social and organizational contexts. Further, graduates will be prepared to do strategic public relations planning, engage in crisis planning, and construct appropriate communications based on awareness of cultural and international issues in organizations.

The major will consist of 120 credits that include 41 University Studies Program (General Education) credits, 39 core major requirements, and 40 additional major degree requirements that include electives. The proficiency-oriented B.S./B.A. in Public Relations will be accredited by the Accrediting Council in Education for Journalism and Mass Communication (ACEJMC) and will prepare students for the national certification exam.

PROGRAM IDENTIFICATION

Institution Name

University of Wisconsin-Oshkosh

Title of Proposed Program

Bachelor of Science or Bachelor of Arts in Public Relations

Mode of Delivery

Face-to-face

Single Institution or Collaboration

Single institution

Projected Enrollments by Year Five

Table 1 below represents enrollment and graduation projections for students entering the program over the next five years. It is expected that a proportion of new students will enter the program having completed significant coursework to fulfill the University Studies Program, and B.S. or B.A. degree requirements. Therefore, the institution expects to graduate students beginning in Year 2 of implementation. By Year 5, it is expected that 70 new students will have enrolled in the program.

Table 1: Projected Enrollment for the B.S. and B.A. in Public Relations

Enrollment Categories		Projections				
Public Relations Major - UW-Oshkosh		2015-16	2016-17	2017-18	2018-19	2019-20
		Year 1	Year 2	Year 3	Year 4	Year 5
	Enrollment (New Student) Headcount	5	6	11	13	15
	Enrollment (Continuing Student) Headcount	33	40	50	55	55
	Enrollment (New Student) F.T.E.	3.125	3.74	6.86	8.1	9.36
	Enrollment (Continuing Student) F.T.E.	20.6	34.32	33	33.7	34.32

Tuition Structure

Standard tuition and fee rates will apply to this proposed program. For the current academic year, the residential tuition and segregated fees totaled \$3,678.58 per semester for full-time students enrolled in 12-18 credits per term. Of this amount, \$467.50 is attributable to segregated fees, and \$3,211.08 is attributable to course tuition.

Department or Functional Equivalent

Department of Journalism

College, School, or Functional Equivalent

College of Letters and Science

Proposed Date of Implementation

September 2015

INTRODUCTION

Rationale and Relation to Mission

The current program in public relations at UW-Oshkosh exists as an emphasis within the Journalism major. Elevating the emphasis to a full major will allow the University to meet the high demand for graduates found in the field of public relations as a separate profession from journalism. Already a nationally recognized program as an emphasis, the Public Relations Student Society of America has ranked the UW-Oshkosh student chapter as one of the most outstanding student chapters nationwide.

The B.S. and B.A. in Public Relations program will consist of courses and learning experiences that focus on specialized skills and proficiencies that are distinct from the Journalism program. The field of public relations has expanded greatly to respond to trends in the public and private sectors, including strategic planning, crisis management, globalization and developments in technology and media, to name a few. This proposal was also created in response to a report submitted to UW-Oshkosh by the Certification in Education for Public Relations evaluation team. Their recommendations called for more visibility for the public relations program within the Department of Journalism.

The proposed major in Public Relations will provide the University with opportunities to fulfill its mission by preparing students for a professional career and by challenging students to

acquire knowledge and skills to produce innovative solutions to real-work problems, to engage in high impact practices, to participate in community engagement, and to experience global and diverse contexts. In addition, students will engage in quality educational opportunities working closely with businesses, non-profits, professional societies, and clients through many of the ongoing partnerships established between the University and the community. In this regard, the program supports two of the strategic initiatives promoted by the College of Letters and Science, i.e., engaged learning and community engagement. Both of these concepts are present in the proposed program through numerous hands-on assignments, team projects, and service to local campus and community non-profit organizations.

Need as Suggested by Current Student Demand

Departmental faculty members solicited current student input regarding the transition of the public relations emphasis to a major using surveys, focus groups, and invited commentary. Student input regarding the need to expand the current public relations emphasis to a major were consistent and positive. Of students surveyed, 72% supported the creation of the new major. Focus group findings indicated that students currently enrolled in the emphasis would likely transition to the full major if the program were approved. Lastly, students perceived that earning a degree in the specific major field would make them more employable because they would possess the knowledge, skills, and experiences that employers value in public relations that go beyond the scope of the journalism major.

Need as Suggested by Market Demand

Market research in public relations overwhelmingly indicates a growth in employment both at the national and state levels. Public Relations is a rapidly growing field, with continued growth expected through at least 2020, according to the U.S. Bureau of Labor Statistics (<http://www.bls.gov/ooh/management/public-relations-managers-and-specialists>).

Employment of public relations managers and specialists is expected to grow by 21% from 2010 to 2020 (see Table 2 below), faster than the average for all occupations. The trends affecting public relations specialist and manager occupations show the growing need for companies and organizations to plan and develop public relations departments. Organizations are increasingly emphasizing community outreach and customer relations as a way to enhance their reputation and visibility, especially through increasing technology and media. Widespread use of social media also is expected to increase employment growth for public relations specialists as new media outlets and increased numbers and kinds of communication between organizations and the public are recognized. Consequently, public relations specialists are needed to respond to these new activities and developments. Employment in public relations firms is likely to grow as organizations contract out public relations services as this trend continues.

Table 2: Public Relations Managers and Specialists Projected Employment Change 2010-2020
By Number and Percentage

Public Relations	Employment 2010	Projected Employment 2020	Change 2010-2020 Percent	Change 2010-2020 Number
Managers and Specialists	320,000	388,300	21	68,300
Fundraising Managers	61,900	72,100	16	10,200
Specialists	258,100	316,200	23	58,200

Local and state employment in this field is also expected to grow in all areas of the state. Projections provided by Wisconsin's Workforce and Labor Market Information System website, Worknet.Wisconsin.gov, show steady growth for public relations specialists and managers over the next decade. The above-cited data are available at:

<http://worknet.wisconsin.gov/worknet/datablelist.aspx?menuselection=da>.

The Fox Valley region alone is expected to add 77 of these positions; the total statewide projections indicate an additional 1484 jobs by 2020, representing a growth rate of 20%.

Table 3: Comparison of 2010 Annual and 2020 Projected Employment Public Relations Managers and Public Relations Specialists By Wisconsin Regions

Region	2010 Annual Employment: Manager	2020 Projected Employment: Manager	2010 Annual Employment: Specialist	2020 Projected Employment: Specialist	2010 Combined Annual Employment	2020 Combined Projected Employment
Bay Area	178	202	710	869	888	1071
Fox Valley	58	65	306	376	364	441
Milwaukee	512	579	2252	2733	2764	3312
North Central	50	57	428	520	478	577
Northwest	17	19	193	232	210	251
South Central	350	398	1685	2012	2035	2410
Southeast	40	46	205	249	245	295
Southwest	38	42	122	145	160	187
West Central	59	68	250	302	309	370
Western	n/a	n/a	143	166	143	166
Totals	1302	1476	6294	7604	7596	9080

Emerging Knowledge

The area of public relations continues to be a growing field, and is expected to continue to grow through the next decade. The B.S./B.A. in Public Relations in this proposal reflects the evolution of the field in both coursework and out-of-classroom learning experiences. The

profession is moving beyond the media relations role to a more proactive role influenced by its function in strategic planning, crisis management, globalization, varying communication formats, and writing skills. Numerous learning outcomes are directly tied to these emerging trends and will be evident in course syllabi and assessments.

DESCRIPTION OF PROGRAM

General Structure

Students who graduate with a B.S./B.A. in Public Relations will complete the following coursework:

- A total of 120 credits
- 41 credits of the University Studies Program (general education)
- 39 credits in the major (15 required journalism courses, 9 required public relations courses, 9 elective credits in public relations and 6 elective credits in journalism)
- The remaining credits will be completed in the areas for the degree requirements of the B.S. or B.A. degree and electives.
- The program faculty strongly recommend that students complete an internship.

A description of the current public relations emphasis can be found at:
<http://www.uwosh.edu/journalism/major/public-relations>

A description of the required courses is found at:
<http://www.uwosh.edu/registrar/undergradbulletins/2013-2015/departments-and-majors/journalism-studies>

Institutional Program Array

The major in public relations aligns with the academic priorities that guide program development across the University as cited in the University's Academic Plan. The attributes of engaged learning, globalization and diversity, community engagement and high impact practices are evident in the proposed program's content and learning experiences. The proposed major in Public Relations will complement UW-Oshkosh's existing program array due to its focus on developing graduates for careers and the applied nature of the curriculum consisting of high-impact practices such as student internships and project-based learning in professional settings.

Other Programs in the University of Wisconsin System

At this time, no other University of Wisconsin institution offers a major in public relations. Table 4 below summarizes existing offerings that are either sub-majors or minors in public relations.

Table 4: Public Relations Related Undergraduate Programs within the UW System

Name of Institution	Major	Sub-major/minor	Specialization
University of Wisconsin-Eau Claire		X	
University of Wisconsin-Green Bay		X	
University of Wisconsin-La Crosse			

	Strategic Communications Only		
University of Wisconsin-Madison			
University of Wisconsin-Milwaukee		X	
University of Wisconsin-Parkside		X	
University of Wisconsin-Platteville		X	
University of Wisconsin-River Falls			
University of Wisconsin-Stevens Point		X	X
University of Wisconsin-Stout			
University of Wisconsin-Superior			
University of Wisconsin-Whitewater		X	

Collaborative Nature of the Program

The B.S./B.A. in Public Relations will not require inter-institutional collaboration. In the future, faculty within the College will look for opportunities to develop articulations with other campuses in the System. A key component of the program's recruitment and marketing plan will be building upon relationships with UW Colleges.

Diversity

The program will be housed in the Department of Journalism. The department is committed to diversity and inclusivity in its student population, faculty, curriculum, student employment, and learning environment. The recruitment of students, faculty and staff, as well as the creation of the curriculum, is guided by the Department of Diversity and Inclusivity policy. Additionally, as an accredited department by ACEJMC, the department emphasizes the importance and understanding of diversity, inclusiveness, and globalization. The proposed public relations program integrates diversity and inclusivity into the curriculum in specific courses emphasizing such topics as ethics and the diverse work environment. Extracurricular experiences have consistently included diverse speakers and topics that are global in nature. The program has instituted a Multicultural Media Award that encourages students to complete projects that show the importance of diversity in the classroom, the workplace and society in general. This program enhances recruitment efforts by offering a scholarship to attract minority students to the program. The department participates in university-wide recruitment efforts to reach out to diverse candidates.

Program Objectives and Student Learning Outcomes and Objectives

The program learning outcomes adopted for the proposed program are based upon several sources including the *Professional Bond*, a report written by the Commission on Public Relations Education, a topical list from the Certificate in Principles of Public Relations examination, accreditation standards, and requirements from the Public Relations Student Society of America. Upon completion of the program, students will be able to:

1. Write correctly and clearly in all appropriate forms and styles.
2. Understand and adhere to professional ethical principles.
3. Think critically.
4. Critically evaluate their own work and that of others for accuracy and fairness, clarity, appropriate style and grammatical correctness.

5. Apply current tools and technologies appropriate for the profession in which they work.
6. Conduct research and evaluate information.
7. Understand concepts and apply theories in the use and presentation in shaping communications.
8. Understand and apply First Amendment rights and responsibilities.
9. Understand the digital world.

Assessment of Objectives

Assessment of student learning occurs throughout the student experience at UW-Oshkosh. During the first two years of study, the institution will collect student assessment data through the assessments administered as part of the University Studies Program. These assessments are embedded in coursework for the general education courses.

All programs at UW-Oshkosh are required to develop and implement program-level assessment plans. The Faculty Senate Assessment Committee approves academic program assessment plans. Each year, departmental faculty and staff implement the assessment plan and analyze assessment data. Academic departments, on a cyclical basis, report assessment findings to the Assessment Committee. The Program Assessment Plan for Journalism provides processes to collect, analyze, and report on student learning data as part of the overall Journalism Program Assessment Plan. The B.S./B.A. in Public Relations Program Assessment Plan is aligned with institutional program outcomes and the Accrediting Council in Education for Journalism and Mass Communication assessment expectations and processes.

Direct assessments include evaluations by clients of public relations techniques, competition judges' comments, and embedded assessments in required courses. Indirect assessments consist of mock interviews, focus groups, exit interviews, and surveys. Students will complete additional embedded assessments as outlined in the department assessment plan where each course is aligned to learning outcomes and competencies. Additionally, students are assessed in an internship experience and through an examination of senior students guided by the Certificate in Principles of Public Relations examination. The full assessment plan and policies are available upon request.

Program Curriculum

The proposed program will consist of 120 credits. Students will be expected to fulfill the following credit requirements:

- University Studies Program (41 credits) – Coursework within this area fulfills the general education requirements for the major;
 - Public Relations Major (39 credits) – Coursework within this area includes introductory coursework in journalism, public relations, electives in both areas;
 - Degree Requirements and general journalism electives or minor (40 credits)
- **Required Journalism Classes:**
- 141 – Introduction to Journalism and Mass Communication
 - 221 – Writing for the Media
 - 324 – Editing (Prerequisite: J221)
 - 412 – Law of Mass Communication (Prerequisite: J141, 221, 324 and 85 credits)

239 – Photograph I or 251 Foundations of Multimedia Production

- **Required Public Relations Courses:**

211 – Principles of Public Relations (Prerequisite: 45 credits)

315 – Public Relations Techniques (Prerequisite: J141, 211, 221, 324 and 60 credits)

319 – Case Studies in Public Relations (Prerequisite: J211 and 60 credits)

- **Public Relations Electives:**

A student must choose three of the following:

250 – Principles of Advertising (Prerequisite: 45 credits)

239 – Media Photography (Prerequisite: 239 – 30 credits) or

331 – Visual Media Design (Prerequisite: 331 – J141, 221, 324 and 60 credits)

340 – New and Emerging Media (Prerequisite: 60 credits)

440 – Applications of New and Emerging Media (Prerequisite: 440 – J340 or consent
or 457 – Media Organization and Management (Prerequisite: 457 – J141, 221,
324 and 60 credits)

455 – Public Relations Campaigns (Prerequisite: J141, 211, 221, 315, 324 or consent)

472 – Research in Strategic Communication (Prerequisite: J141, 221, 324 or consent)

- **General Journalism Electives:**

A student must choose two classes from all the journalism classes offered.

A syllabus for each journalism course can be accessed at:

<http://www.uwosh.edu/journalism/about-us/courses/syllabuses>

Projected Time to Degree

Full-time students may complete the program coursework, including internships and global opportunities within four years. Part-time students may take up to six years to complete the program.

Program Review Process

Each program is required to conduct a self-study as part of a program review, according to established policy in the *Faculty and Academic Staff Handbook*. The review includes curriculum, assessment, resources, enrollment, and other measures of capacity and productivity. UW-Oshkosh Administration members also review the program for adherence with University policy and standards. In addition, an external consultant will review the program and will make recommendations to the program. External accreditation reports are also taken into consideration during the campus review.

Institutional Review

Each academic program is reviewed through faculty governance processes on a cyclical basis. The program will conduct a self-study that is submitted to the respective College Program Review Committee. Topics for the self-study include scheduling, enrollment, relationship to college mission, faculty credentials and staff, resources, and support services. The Academic Policies Committee, the Faculty Senate, and the Office of the Provost will conduct the university-wide review process.

Accreditation

The ACEJMC accredits journalism programs and as such the B.S./B.A. in Public Relations major will also follow the requirements to maintain the accreditation. The program will be reviewed by the Certification for Education in Public Relations (CEPR) process. At this time, the emphasis in public relations within the Department of Journalism at UW-Oshkosh is the only program in Wisconsin to have been awarded the Certification for Education in Public Relations (CEPR). This national accreditation program provides a review process that verifies the quality of undergraduate and graduate programs in public relations in universities around the globe.

University of Wisconsin-Oshkosh
Cost and Revenue Projections For the B.A./B.S. in Public Relations

	Items <i>Public Relations Major - UW Oshkosh</i>	Projections				
		2015-16	2016-17	2017-18	2018-19	2019-20
		Year 1	Year 2	Year 3	Year 4	Year 5
I	Enrollment (New Student) Headcount	5	6	11	13	15
	Enrollment (Continuing Student) Headcount	33	55	53	54	55
	Enrollment (New Student) FTE	3.125	3.74	6.86	8.1	9.36
	Enrollment (Continuing Student) FTE	20.6	34.32	33	33.7	34.32
II	Total New Credit Hours (# new sections x credits per section)					
	Existing Credit Hours					
III	FTE of New Faculty/Instructional Staff					
	FTE of Current Fac/IAS	0	0	0	0.625	0.625
	FTE of New Admin Staff					
	FTE Current Admin Staff					
V	New Revenues					
	From Tuition (new credit hours x FTE)	\$23,131	\$27,683	\$50,778	\$59,956	\$69,283
	From Fees					
	Program Revenue - Grants					
	Program Revenue - Other					
	Reallocation					
	Total New Revenue	\$23,131	\$27,683	\$50,778	\$59,956	\$69,283
VI	New Expenses					
	Salaries plus Fringes					
	Faculty/Instructional Staff	\$0	\$0	\$0	\$56,875	\$56,875
	Other Staff					
	Other Expenses					
	Facilities	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
	Equipment	\$0	\$0	\$10,000	\$0	\$10,000
	Other:					\$1
	Total Expenses	\$2,000	\$2,000	\$12,000	\$58,875	\$68,876
VII	Net Revenue	\$21,131	\$25,683	\$38,778	\$1,081	\$407
Narrative: Explanation of the Numbers and Other Ongoing Commitments that will Benefit the Proposed Program Equipment costs are for computers and technology upgrades. In 2007, the Department of Journalism changed to five emphases: writing/editing, public relations, advertising, media studies, and visual journalism. Since that time, the public relations emphasis has consistently shown high enrollment and high graduation rates. The profession of public relations also is on a steady growth track through 2020 according to the U.S. Bureau of Labor Statistics. In addition, the public relations program at Oshkosh is the only one in the state to be nationally certified through the Certification in Education for Public Relations program (CEPR).						

a - Number of students enrolled

b - To be based on 12 credits at the undergraduate level and 7 credits at the graduate level

c - Number of faculty/instructional staff providing significant teaching and advising for the program

d - Number of other staff providing significant services for the program

Signature by the Provost:

Date:

See PDF Submitted

2/23/2015



February 10, 2015
Dr. Ray Cross, President
University of Wisconsin System Administration
1720 Van Hise Hall
1220 Linden Drive
Madison, WI 53706

Dear President Cross,

UW Oshkosh proposes a new Bachelor of Science or Bachelor of Arts degree in Public Relations in the College of Letters and Science. I am writing to confirm the full commitment of the College of Letters and Science and the Office of the Provost for this new program. This program will be move from an emphasis to a full major in the Department of Journalism. It was created in response to significant interest on the part of current students. Additionally, the program will fill a growing demand in the market for public relations managers and specialists according to the Bureau of Labor Statistics and projections from the Wisconsin Worknet. The program is intended for those who want a public relations career that serves a broad range of businesses and organizations, such as corporations, nonprofit organizations, global corporations and franchises, and professional societies. Graduates will be able to effectively apply communication and persuasion concepts and strategies, use research and forecasting, adhere to ethical standards in the practice of public relations, and interpret social and organizational contexts.

The College of Letters and Science, the Academic Policies Committee and the Faculty Senate all approved the new program. The College currently has the resources, faculty and courses in place to teach in this program, including faculty with specialized expertise in the areas of public relations, journalism, and media. This program will be integrated into the College assessment and accreditation processes and program review procedures.

Lastly, the new program supports the Academic Plan and the Strategic Plan of the University. The public relations program provides students with opportunities to participate in engaged learning and develop knowledge and skills related to intercultural competencies and global knowledge. Graduates will be prepared to do strategic public relations planning, engage in crisis planning, and construct appropriate communications based on awareness of cultural and international issues in organizations. The major supports engaged learning and high impact practices such as internships and global learning, which are all elements of the Academic Plan. If you have additional questions, I would be happy to discuss them with you.

Sincerely,

Lane R. Earnings
Provost and Vice Chancellor

LRE/lhl

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Program Authorization (Implementation)
Collaborative Online M.S. in Data Science

EDUCATION COMMITTEE

Resolution I.1.a.(5):

That, upon recommendation of the Chancellors of the University of Wisconsin-Eau Claire, the University of Wisconsin-Green Bay, the University of Wisconsin-La Crosse, the University of Wisconsin-Oshkosh, the University of Wisconsin-Stevens Point, the University of Wisconsin-Superior, and the University of Wisconsin-Extension, as well as the President of the University of Wisconsin System, the above-named Chancellors are authorized to implement the collaborative online Master of Science in Data Science.

**NEW PROGRAM AUTHORIZATION
COLLABORATIVE ONLINE MASTER OF SCIENCE DEGREE IN DATA SCIENCE
AT UNIVERSITY OF WISCONSIN-EAU CLAIRE
UNIVERSITY OF WISCONSIN-GREEN BAY
UNIVERSITY OF WISCONSIN-LA CROSSE
UNIVERSITY OF WISCONSIN-OSHKOSH
UNIVERSITY OF WISCONSIN-STEVENSON POINT
UNIVERSITY OF WISCONSIN-SUPERIOR
WITH SUPPORT FROM THE UNIVERSITY OF WISCONSIN-EXTENSION**

BACKGROUND

This proposal is presented in accordance with the procedures outlined in Academic Planning and Program Review (ACIS 1.0, Revised August 2012, available at <http://www.uwsa.edu/acss/planning/>). The new program proposal for a collaborative online Master of Science (M.S.) in Data Science at the University of Wisconsin-Eau Claire, the University of Wisconsin-Green Bay, the University of Wisconsin-La Crosse, the University of Wisconsin-Oshkosh, the University of Wisconsin-Stevens Point, and the University of Wisconsin-Superior, with administrative and financial support from the University of Wisconsin-Extension, is presented to the Board of Regents for consideration. The institutions have submitted the authorization document and a letter of institutional commitment from the universities' Provosts.

REQUESTED ACTION

Adoption of Resolution I.1.a.(5), approving the implementation of the collaborative online Master of Science in Data Science degree program at the University of Wisconsin-Eau Claire, the University of Wisconsin-Green Bay, the University of Wisconsin-La Crosse, the University of Wisconsin-Oshkosh, the University of Wisconsin-Stevens Point, and the University of Wisconsin Superior as well as administrative and financial support from the University of Wisconsin-Extension.

DISCUSSION

The University of Wisconsin-Eau Claire, the University of Wisconsin-Green Bay, the University of Wisconsin-La Crosse, the University of Wisconsin-Oshkosh, the University of Wisconsin-Stevens Point, and the University of Wisconsin-Superior propose to establish a collaborative and online M.S. in Data Science, with administrative and financial support from the University of Wisconsin-Extension. The program follows a home-campus model. Students will apply to one of the six partner institutions. Upon a student's admittance, that institution will become the student's administrative home for the degree through graduation. The UW-Extension Division of Continuing Education, Outreach and E-Learning will provide administrative and financial support for the program. UW-Stevens Point will serve as the lead institution to coordinate the consortial agreement application process to seek approval through the Higher Learning Commission (HLC). In addition, the program will continue to engage external input and advice through a program Advisory Board consisting of 12 to 15 representatives from industry who will also serve as ambassadors and referral agents to the program.

The online M.S. in Data Science provides a graduate-level degree in a recognized high-need area as supported by research that included extensive input from employers throughout the state, and develops competencies that will enable graduates to contribute immediately to serve this important function and role within the Wisconsin workforce. It is a degree targeted at adult and nontraditional students possessing a bachelor's degree, and thus broadens access to the university environment for alumni and others.

The online M.S. in Data Science also supports the institutional missions of the six partner campuses by contributing to the core of liberal education by developing communication, critical thinking, problem solving, analytical skills, leadership, teamwork, and collaboration skills. Furthermore, this multidisciplinary degree will help build bridges between disciplines and develops students' abilities to think in terms of systems and interrelationships, and within complex organizations.

This proposed program responds to the emergence of data science as one of the fastest growing professions and academic disciplines in the 21st century. Research suggests that the demand for graduate school-trained data scientists exceeds the current supply of trained professionals in this area, primarily because the discipline is so new. The goal of this professional graduate degree program, as designed, is to educate data science leaders. The program will prepare students to derive insights from real-world datasets, using the latest tools and analytical methods, and to interpret and communicate their findings effectively. The program features a multidisciplinary curriculum that draws primarily from the interdisciplinary fields of computer science, math and statistics, management, and communication. The program represents a fixed curriculum comprising fully online 36 credits (12 three-credit courses) to include a required capstone course, which represents the culminating experience for students.

Because of the ongoing explosion of "big" data, companies have more information available than ever before but lack the people with the training necessary to translate it in ways that better inform business decisions. A recent Education Advisory Board (EAB) Custom Research Brief (November 2012) identified significant market demand for data science/analytics professionals, including business analysts, data analysts, database administrators, software engineers, programmers, and project managers. According to a recent market analysis report by McKinsey Company (McKinsey Global Institute, 2014), the United States alone faces a shortage of 140,000 to 190,000 people with analytical expertise and 1.5 million managers and analysts with the skills to understand and make decisions based on the analysis of big data. The above sources identify the most prominent employers of data scientists to include technology firms, consulting firms, government contractors, advertising, financial services, healthcare, retail, ecommerce, and social media.

The program will have an academic director at each institution, and each campus will host two courses in the curriculum. Students will receive academic advising regarding admission and graduation requirements, and financial aid through their home institution. Faculty and academic advisers at each institution will offer virtual office hours and online chat capabilities, as well as access by telephone and email. Students will have online library access through their home institution. The universities involved in the program are anticipating strong enrollments,

with 208 new students enrolling in the program and 36 students having graduated from the program by the end of Year 5.

Consistent with current local efforts at all of the partner campuses, this proposed program will strive to achieve inclusive excellence by enrolling, retaining, and graduating sufficient numbers of students from underrepresented populations; engaging faculty from underrepresented populations; implementing strategies to promote and support integration efforts; implementing multidimensional approaches to teaching and learning; and leveraging resources so that the program is able to respond to students' evolving and growing needs.

Based on experience with similar collaborative offerings within the UW System and the typical adult student profile, it is assumed that most students will enroll part-time and take an average of three to four courses per year. At this rate, the majority of students would complete the program within 3 to 4 years. Students may enter the program for the spring, summer, or fall semester. Students will be encouraged to take courses in sequence and as influenced by internal course prerequisites. The capstone, which represents the culminating experience for students, must be taken in the final semester of study.

Tuition for the M.S. in Data Science program will be set at \$825/credit for 2015–2016 and will be identical at all six partner institutions. This fixed tuition rate is based on market demand estimates as well as comparisons with other online programs in the UW System and nationally, and will be charged outside the credit plateau for graduate programs. This amount represents an all-inclusive fixed tuition, and students will not be charged any additional fees (such as segregated fees) as part of the program, except for the costs of their books. There is no tuition differential for out-of-state students. If students live near their home campus and wish to pay segregated fees for the use of recreational and other facilities, they may do so. However, they will not be required to pay these fees if they do not take advantage of associated resources.

RECOMMENDATION

The University of Wisconsin System recommends adoption of Resolution I.1.a.(5), approving the implementation of the collaborative and online M.S. in Data Science at the University of Wisconsin-Eau Claire, the University of Wisconsin-Green Bay, the University of Wisconsin-La Crosse, the University of Wisconsin-Oshkosh, the University of Wisconsin-Stevens Point, and the University of Wisconsin-Superior. UW System further recommends the approval of the administrative and financial support to be provided by the University of Wisconsin-Extension.

RELATED REGENT AND UW SYSTEM POLICIES

Regent Policy 4-12: Academic Program Planning, Review, and Approval in the University of Wisconsin System.

Academic Information Series #1 (ACIS 1.0, revised August 2012): Statement of the UW System Policy on Academic Planning and Program Review.

**REQUEST FOR AUTHORIZATION TO IMPLEMENT A
COLLABORATIVE ONLINE MASTER OF SCIENCE DEGREE IN DATA SCIENCE
AT UNIVERSITY OF WISCONSIN-EAU CLAIRE
UNIVERSITY OF WISCONSIN-GREEN BAY
UNIVERSITY OF WISCONSIN-LA CROSSE
UNIVERSITY OF WISCONSIN-OSHKOSH
UNIVERSITY OF WISCONSIN-STEVENSON POINT
UNIVERSITY OF WISCONSIN-SUPERIOR**

**PREPARED BY AND WITH ADMINISTRATIVE AND FINANCIAL SUPPORT FROM
THE UNIVERSITY OF WISCONSIN-EXTENSION**

ABSTRACT

The University of Wisconsin-Extension, on behalf of the above-listed academic partners, proposes to establish an online Master of Science degree in Data Science (M.S. in Data Science). This program responds to the emergence of data science as one of the fastest growing professions and academic disciplines in the 21st century. Research suggests that the demand for data scientists exceeds the current supply of trained professionals in this area, primarily because the discipline is so new. The goal of this professional graduate degree program, as designed, is to educate data science leaders. The program will prepare students to derive insights from real-world datasets by using state-of-the-art tools and analytical methods. The program features a multidisciplinary curriculum that draws primarily from the interdisciplinary fields of computer science, math and statistics, management, and communication. The program represents a fixed curriculum comprising 36 credits (12 three-credit courses) to include a required capstone course, which represents the culminating experience for students.

PROGRAM IDENTIFICATION

Institution Names

University of Wisconsin-Eau Claire
University of Wisconsin-Green Bay
University of Wisconsin-La Crosse
University of Wisconsin-Oshkosh
University of Wisconsin-Stevens Point
University of Wisconsin-Superior

Title of Proposed Program

Data Science

Degree/Major Designations

Master of Science/Data Science

Mode of Delivery

Collaborative online degree program

Projected Enrollments by Year Five

Table 1 below represents enrollment and graduation projections for students entering the program over the next five years and is based, in part, on experience with similar University of Wisconsin System (UW System) online programs. As shown, the universities involved in the program are anticipating strong enrollments, with 208 new students enrolling in the program and 36 students having graduated from the program by the end of Year five. For the purpose of this projection model, it is anticipated that the annual attrition will be low. As well, given this is an emerging field and the interdisciplinary nature of the program, it is anticipated that a number of students currently enrolled in other degree programs at the partnering institutions may transfer to this degree program during the first years after the implementation of the program.

Table 1: Five-Year Projected Student Enrollments

Students/Year	Year 1	Year 2	Year 3	Year 4	Year 5
New Students	63	44	35	33	33
Continuing Students ¹	0	54	91	121	149
Total Headcount	63	98	126	154	182
Graduating Students	0	0	9	12	15
¹ Continuing Students are defined as students who entered into the program as new students, or those who were previously enrolled at the partner institution and transferred into this degree program from another degree program.					

Tuition Structure

Program tuition for the M.S. in Data Science program will be set at \$825/credit for 2015–2016 and will be identical at all six partner institutions. This fixed tuition rate is based on market demand estimates as well as comparisons with other online programs in the UW System and nationally, and will be charged outside the credit plateau for graduate programs, as allowed by UW System policy for this type of graduate program. This amount represents an all-inclusive fixed tuition, and students will not be charged any additional fees (such as segregated fees) as part of the program, except for the costs of their books. There is no tuition differential for out-of-state students. If students live near their home campus and wish to pay segregated fees for the use of recreational and other facilities, they may do so. However, they will not be required to pay these fees if they do not take advantage of associated resources. This tuition-pricing approach and structure follows the current UW System pricing guidelines for distance education programs (ACIS 5.4 Revised: Programming for the Non-Traditional Market in the University of Wisconsin System).

Department, College, School, or Functional Equivalent

This is a highly collaborative, interdisciplinary program that follows a home campus model (i.e., students identify/select a home campus to receive academic supports and from which the degree is conferred). The departments and schools/colleges that will offer courses for this program at each institution are as follows:

- At the University of Wisconsin-Eau Claire, the M.S. in Data Science degree will be housed in the Department of Mathematics within the College of Arts and Sciences.

- At the University of Wisconsin-Green Bay, the M.S. in Data Science degree will be housed in the Department of Information and Computing Science and also in the Department of Natural & Applied Sciences, both within the College of Liberal Arts & Sciences.
- At the University of Wisconsin-La Crosse, the M.S. in Data Science degree will be housed in the Department of Mathematics in the College of Science and Health.
- At the University of Wisconsin-Oshkosh, the M.S. in Data Science degree will be housed in the Department of Computer Science in the College of Letters and Science.
- At the University of Wisconsin-Stevens Point, the M.S. in Data Science degree will be housed in the Department of Computing and New Media Technology within the College of Letters and Science.
- At the University of Wisconsin-Superior, the M.S. in Data Science degree will be housed in the Department of Business and Economics.

The UW-Extension Division of Continuing Education, Outreach and E-Learning provides administrative and financial support for the program. UW-Stevens Point will serve as the lead institution to coordinate the consortial agreement application process to seek approval through the Higher Learning Commission (HLC).

Proposed Date of Implementation

September 2015, pending approval by UW System and the Board of Regents and subsequent approval by the HLC.

INTRODUCTION

Rationale and Relation to Mission

The online M.S. in Data Science degree program will contribute directly to the institutional mission of the University of Wisconsin System which clearly defines a commitment to “discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses.” The online M.S. in Data Science provides a degree in a recognized high-need area as supported by research that included extensive input from employers throughout the state, and develops competencies that will enable graduates to contribute immediately to serve this important function and role within the Wisconsin workforce. It is a degree targeted at adult and nontraditional students possessing a bachelor’s degree, and thus broadens access to the university environment for alumni and others.

The online M.S. in Data Science also supports the institutional missions of the six partner campuses by contributing to the core of liberal education by developing communication, critical thinking, problem solving, analytical skills, leadership, teamwork, and collaboration skills. Furthermore, this multidisciplinary degree will help build bridges between disciplines, and develops students’ abilities to think in terms of systems and interrelationships, and within complex organizations.

Need as Suggested by Current Student Demand

One of the many recognized and significant benefits of the collaborative program model is the extended reach or scope of contacts provided through the involvement of multiple academic partners located within unique markets throughout the state. The academic partners have established significant relationships, reputation, and strength-of-brand within their individual regions, which has proven valuable in identifying regional interest in the program and will help raise awareness of this opportunity throughout the state and expand program reach. This will ultimately result in greater success in reaching and serving students, supporting student and regional business needs and interests, and promoting program growth and positioning it for sustainability.

It is anticipated that prospective students will present with diverse backgrounds and experiences. Based on input received from industry focus group participants (several of whom self-identified as prospective students in the M.S. in Data Science program), the majority of their recent job applicants held completed undergraduate degrees in the areas of computer science, math/statistics, business, and engineering. Industry contacts also shared that, because of a lack of formal academic programs and training in the data science area, the majority of their employee training is occurring in-house (what they referred to as home-grown talent). They also identified limited internal resources to provide ongoing and comprehensive training. All of the industry contacts shared that they would refer employees, as appropriate, to the program, and most identified having some level of tuition reimbursement support available through their organization.

Need as Suggested by Current Market Demand

Because of the ongoing explosion of “big” data, companies have more information available than ever before but lack the people with the training necessary to translate it in ways that better inform business decisions. A recent Education Advisory Board (EAB) Custom Research Brief (November 2012) identified significant market demand for data science/analytics professionals, including business analysts, data analysts, database administrators, software engineers, programmers, and project managers. This research was informed by the research firms’ internal and online research libraries, data from other higher education institutions, current national job postings, and other industry sources. According to a recent market analysis report by McKinsey Company (McKinsey Global Institute, 2014), the United States alone faces a shortage of 140,000 to 190,000 people with analytical expertise and 1.5 million managers and analysts with the skills to understand and make decisions based on the analysis of big data. The above sources identify the most prominent employers of data scientists to include technology firms, consulting firms, government contractors, advertising, financial services, healthcare, retail, ecommerce, and social media.

In October 2013, UW-Extension facilitated an industry focus group representing ten professionals from diverse industry sectors within Wisconsin to solicit and secure their input on current industry needs and existing workforce competency gaps. In addition, six individual focused interviews were conducted with state and national professionals from within the field to include those representing prominent professional associations such as the Data Management Association International, the Wisconsin Data Management Association, and the Association for

Digital Analytics. In these discussions, several common themes arose that provided justification for degree development and informed curriculum planning:

- There is a significant shortfall in the local and regional labor market of individuals with data science skills. The demand is overwhelming while the current talent pool is very small;
- Companies have a difficult time finding data scientists with relevant skills;
- There are recognized gaps in existing academic programs;
- There is significant need for and interest in an advanced degree in the field;
- Current employees in this field have degrees from multiple and diverse disciplines and receive significant on-the-job training;
- There is a need for an advanced, high-profile, specialized degree (but not necessarily a traditional MBA);
- Degree needs to include experiential learning opportunities such as practicum, capstone experience, or internships; and
- The degree will need to provide students with a cross-disciplinary technical and scientific background that emphasizes mathematics (including applied and advanced statistics), computer science, communication (personal and technical), and business.

Because it is a new and emerging field and occupation, the U.S. Department of Labor Bureau of Labor Statistics (BLS) has not yet identified the job title *data scientist* as a specific occupation and, as a result, job-specific detail is not available related to compensation, employment outlook, or other established employment categories. A review of the current BLS database of occupations and related descriptions suggests a close association between a data scientist and an operations research analyst. The site identifies 2012 median pay for the operations research analyst at \$72,100 per year, entry-level education as a bachelor's degree, and a 2012-2022 job outlook as 27 percent greater than average.

A national Data Scientist Study conducted by EMC², an international consulting firm, concludes that despite the growing opportunity, demand for data scientists is outpacing the supply of talent and will do so for the next five years. The study also identified that 64 percent of companies responding identified a lack of training and resources as the biggest obstacle to data science adoption within their organizations. This translates to increasing frustration as organizations struggle to deal with and make sense of an exponentially growing volume of data. It is clear, data scientists - those with the technical abilities and analytical skills required to derive meaning from all the information - are in high demand.

DESCRIPTION OF PROGRAM

General Structure

The online M.S. in Data Science degree program will focus primarily on adult and nontraditional students who hold an undergraduate degree and have the desire to continue their education toward a graduate degree, primarily to expand knowledge and specialized skills in this area and for career advancement. The multidisciplinary curriculum has been designed to prepare data science professionals to solve real-world problems as part of an interdisciplinary team using

structured and unstructured data. A listing of program competencies and outcomes will be provided later in this document.

The M.S. in Data Science is a fully online 36-credit (12 three-credit courses to include a capstone course) graduate program offered jointly by UW-Eau Claire, UW-Green Bay, UW-La Crosse, UW-Oshkosh, UW-Stevens Point, and UW-Superior. The program follows a home-campus model. Students will apply to one of the six partner institutions. Upon a student's admittance, that institution will become the student's administrative home for the degree through graduation.

The program will have an academic director at each institution, and each campus will host two courses in the curriculum. Students will receive academic advising regarding admission and graduation requirements, and financial aid through their home institution. Faculty and academic advisers at each institution will offer virtual office hours and online chat capabilities, as well as access by telephone and email. Students will have online library access through the home institution.

UW-Extension will provide administrative and financial support to the program. A program manager will be housed at UW-Extension and will work in concert with student services staff at the six partner institutions to provide general program information; problem resolution; and career advising online, by phone, or in person (for students near Madison). The program manager will be in close contact with the enrolled students and with the academic program directors to provide the hands-on active support that has been shown to be important for adult and nontraditional learners. Students enrolled in this program will have access to an extensive array of online student services including writing labs, learning readiness assessments, and career advising offered by UW-Extension.

Institutional Program Array

There is consensus among the six academic partners that the M.S. in Data Science degree program will serve as a valuable complement to the existing graduate program array at each of their institutions and will not compete with any program currently offered.

Other Programs in the University of Wisconsin System

A comprehensive search of current graduate-level degrees or specializations in the areas of data science, predictive analytics, business analytics or related areas within the UW System yields no same or similar program to the M.S. in Data Science currently offered. It is clear that a gap exists within the state consistent with what our research suggested. There are a small number of graduate degrees within the UW System that demonstrate minimal overlap in courses and/or course topics. However, none of these offerings is provided in a fully online format targeting working adults. We are aware of a developing B.S. in Data Science currently under development at UW-River Falls and have had initial conversations with representatives of that institution regarding possible future collaborations.

The M.S. in Data Science curriculum planning workgroup identified several similar regional graduate programs in the area of data science or related topics (only three of which were offered in an online format) that not only informed our planning but also assisted us in

developing a unique online offering for professionals in this subject area. These programs include the following:

- DePaul University (IL), Master of Science in Predictive Analytics (online)
- Elmhurst College (IL), Master of Science in Data Science (online)
- Northwestern University (IL), Master of Science in Predictive Analytics (online)
- University of Minnesota, Master of Science in Business Analytics (face-to-face)
- University of St. Thomas (MN), Master of Science in Data Science (face-to-face)

Collaborative Nature of the Program

The M.S. in Data Science is a collaborative degree program that benefits from the shared resources of all partner institutions. The UW System encourages and supports systemwide cooperative and collaborative efforts among institutions as one means to develop need-based programs of mutual interest, benefit, and value to all partners; add to the existing base of quality academic offerings within the System; and, more effectively and efficiently, address the needs of both traditional and nontraditional learners, as well as employers within the state. This degree, like other collaborative programs currently offered within the System, provides each of the participating academic institutions the ability to offer a high-quality, sustainable program without a requirement to extend significant local resources or a risk of compromising existing programs.

The six partner campuses (UW-Eau Claire, UW-Green Bay, UW-La Crosse, UW-Oshkosh, UW-Stevens Point, and UW-Superior) collectively contributed in the development of the program curriculum and competencies. All 12 courses have been approved at each of the partner institutions. UW-Extension will provide administrative support, financial investment, marketing, and student services for the program. Although students choose a home institution at which they receive the degree, all of the courses are developed and housed at UW-Extension. This cohesive development and offering of courses will ensure students have a consistent experience even though the faculty reside at the different partner institutions. All courses will be listed in the individual campus registration systems. All partners will share equally in the net revenues from the program.

In addition, the program will continue to engage external input and advice through a program Advisory Board consisting of 12 to 15 representatives from industry who will also serve as ambassadors and referral agents to the program. The academic directors from each of the six partner campuses will also hold seats on the board, which will meet biannually. Program faculty will be invited to attend and participate in the meeting. The board members will also be asked to help host students working on capstone projects, and to help create school-to-work transitions so that as students graduate from the program, they will move to gainful employment. The program manager will provide assistance to the board, coordinate meetings, and, together with the academic directors of the program, engage with board members and ensure that the board is connected to the program in constructive and positive ways. Board meetings will provide opportunities to present program progress and successes, and to gather feedback regarding changes in the industry and how those changes may affect program graduates. The meetings will also help to ensure that the program remains relevant to trends in the field.

Finally, it is anticipated that the program will establish several unique partnerships with various companies that represent products and tools commonly used by data science professionals that may be incorporated into the curriculum/courses. These connections will serve to better prepare and position students for success in the field upon graduation as students put their new knowledge to work.

Diversity

Consistent with current local efforts at all of the partner campuses, this program will strive to achieve inclusive excellence by enrolling, retaining, and graduating sufficient numbers of students from underrepresented populations; engaging faculty from underrepresented populations; implementing strategies to promote and support integration efforts; implementing multidimensional approaches to teaching and learning; and leveraging resources so that the program is able to respond to students' evolving and growing needs.

This degree will target primarily nontraditional student populations, including students of color, first-generation American students, first-generation college students, and low-income students who may have family or work responsibilities that prevent them from attending school in traditional formats. The online delivery format will also provide opportunities to those students who are time- and place-bound (do not reside within close proximity to an existing UW institution). Hence, from its inception, this degree is designed to attract underserved students. In addition, recruitment and marketing efforts for this degree will focus on underrepresented populations. UW-Extension will leverage advertising space on multiple partner sites in the "Diversity & Inclusion Network": BlackPlanet.com, AsianAvenue.com, MiGente.com, and others. UW-Extension will also advertise this program in minority-focused newspapers, periodicals, and websites.

While the proposed degree does not project a significant number of new faculty and staff, the partner campuses will continue to be committed to recruiting a culturally diverse campus community. The program will work toward achieving equity in the gender distribution of faculty, and faculty of color will be encouraged to participate in this program.

UW-Extension has several initiatives currently underway to attract more students of color into the UW System. Through UW HELP, brochures focusing on Hispanic and Hmong students are sent to those target groups. A program manager for the M.S. in Data Science program employed by UW-Extension will conduct outreach, working with employers to encourage and support the education of their employees, especially focusing on underrepresented minorities. In addition, the Advisory Board will provide support in this area by helping the program extend its reach to diverse prospective students and communities.

Ensuring that diverse student populations enter the M.S. in Data Science program is important, but equally important is providing the support services that students need to feel comfortable and able to succeed. The UW-Extension student adviser will work closely with all students to self-identify barriers to their success either to help them overcome those barriers directly or to point them to campus and other resources that will be of assistance to them. UW-Extension will maintain online student environments that will allow individuals from diverse ethnic backgrounds to connect with other students over both cultural similarities and over

programmatic interests to help build points of commonality and understanding. Social media opportunities for student connection will be made available through Facebook, Twitter, and LinkedIn, to name a few. An essential goal of this program is to increase both the access for diverse audiences to this degree and the success of those students once they enter the program. To ensure that this goal is met, one of the areas of assessment focuses on diversity.

On the curricular side, faculty will incorporate topics and discussions related to diversity and inclusivity into courses as deemed valuable and appropriate to ensure students have an understanding of these issues and how they impact decisions. In addition, we recognize that adult students come to the learning environment from diverse backgrounds. The strength of this program and the success of students is, in large part, based on the institutions' ability to attract and retain a diverse adult student audience.

Student Learning Outcomes

During the summer of 2014, the M.S. in Data Science curriculum development workgroup, made up of faculty from each of the partner institutions, dedicated significant time to the development of a targeted and powerful program curriculum. This process and ultimate product were significantly enhanced with input from representatives from diverse industry sectors including financial services, retail, insurance, manufacturing, healthcare, and education. The curriculum closely complements what have been identified as typical data science tasks. These tasks include, but are not limited to, the following:

- identify and interpret rich data sources
- process and manage large amounts of data, the merging of data sources
- ensure consistency, integrity and security of datasets
- create meaningful visualizations to aid in understanding data
- build and apply mathematical models in using and processing the data
- present and communicate the data insights/findings to diverse expert and non-expert audiences

Specific program competencies and outcomes have been developed by the curriculum planning workgroup and are summarized below:

Competency A: Identify and assess the needs of an organization for a data science task.

- Students will be able to conduct a needs assessment.
- Students will be able to frame tasks in the context of organizational goals.
- Students will be able to communicate data science options and limitations that could meet organizational needs.

Competency B: Collect and manage data to devise solutions to data science tasks.

- Students will be able to collect, clean, and prepare data.
- Students will be able to evaluate data in terms of source, volume, frequency, and flow.

Competency C: Select, apply, and evaluate models to devise solutions to data science tasks.

- Students will be able to identify and classify relevant variables for data science tasks.
- Students will be able to choose and apply tools and methodologies to solve data science tasks.

- Students will be able to assess the model used to solve data science tasks.

Competency D: Interpret data science analysis outcomes.

- Students will be able to interpret data, extract meaningful information, and assess findings.
- Students will be able to evaluate the limitations of data science findings.

Competency E: Effectively communicate data science-related information effectively in various formats to appropriate audiences.

- Students will be able to write, format, disseminate, and orally communicate technical materials.
- Students will be able to help non-technical professionals visualize, explore, and act on data science findings.
- Students will be able to facilitate data-informed discussions through listening, questioning, and presenting.

Competency F: Value and safeguard the ethical use of data in all aspects of the profession.

- Students will be able to identify and analyze social, legal, and ethical issues in data science.
- Students will be able to interpret and apply a professional code of ethics relevant to the data science profession.
- Students will be able to interpret the activities and choices of others within an ethical framework and determine an appropriate action based on standards of professional conduct.

Competency G: Transform findings from data resources into actionable business strategies.

- Students will be able to integrate data science capabilities into the formation of a situation analysis.
- Students will be able to explain how data assets can be used to develop competitive advantage.
- Students will be able to identify and appraise the leadership and management skills required to direct a team of data science professionals toward meeting organizational goals.

Assessment of Student Learning Outcomes

The assessment of student learning outcomes for the M.S. in Data Science will be managed by an assessment team composed of the six academic program directors from each partner campus as well as the program manager. This team also serves as the oversight and decision-making body for the program. The team will meet biannually in person; however, teleconferences may be used to meet more frequently, if need arises.

The assessment team will identify and define measures and establish a rubric for evaluating how well students are meeting the program's seven competency areas. The team will also identify what data will be needed and serve as the collection point for the data. As a part of the course development process, the assessment team will determine which examples of student work will be most appropriate to demonstrate competency in a specific student learning outcome. Program graduates will be surveyed to determine success in securing employment related to the major, and regarding the types of roles and careers that graduates have entered.

The assessment team will receive data collected from campuses by UW-Extension each semester. UW-Extension will also monitor data on new enrollments, retention rates, and graduation rates. Further, the assessment team will also compile these various sources of data and complete an annual report summarizing the data, the assessment of the data, and decisions regarding improvements to the curriculum, structure, and program delivery. The report will be shared with the faculty of the program and other stakeholders. Decisions of the assessment team will go through the normal curricular processes at each partner institution. The assessment team is responsible for ensuring that recommendations for improvement are implemented.

Student services, instructional, and business office personnel from each institution will also meet annually to review processes and concerns and to make adjustments as necessary. Program evaluation regarding the collaborative nature of the model will help assess processes critical to the success of the collaboration, such as the financial model, student recruitment and advising, admission and enrollment processes and trends, and curriculum design.

Program assessment and evaluation occur on a more frequent schedule than in traditional academic programs. The M.S. in Data Science program will go through an informal program and fiscal review three years following degree implementation. Based on those discussions, recommendations will be made related to the continuation of the program. In addition, the program will engage in a five-year review as required by UW System. Designated Program Planning and Review Liaisons at each of the partner campuses will be invited to participate in these review processes.

Program Curriculum

The M.S. in Data Science program represents a fixed curriculum comprising 12 three-credit courses to include a capstone course (36 credits total; see Table 2 below). Students will graduate from the program as professionals with expertise in a number of specialized areas to include data mining and warehousing, predictive analytics, statistical modeling, database infrastructures and data management, machine learning, and analytics-based decision making. A complete course listing with abbreviated descriptions is summarized as follows:

Table 2: M.S. in Data Science Course Titles and Descriptions

Course Number	Course Title	Course Description (abbreviated)	Host Campus
DS 700	Foundations of Data Science	Introduction to data science and its importance in business decision making	UW-Green Bay
DS 705	Statistical Methods	Statistical methods and inference procedures presented with an emphasis on applications, computer implementation, and interpretation of results	UW-La Crosse
DS 710	Programming for Data Science	Introduction to programming languages and packages used in data science	UW-Eau Claire
DS 715	Data Warehousing	Introduction to the concepts and techniques to work with and reason about subject-oriented, integrated, time-variant, and nonvolatile collections of data in support of management's decision-making process	UW-Stevens Point

DS 730	Big Data: High-Performance Computing	Overview of how to process large datasets efficiently to include introduction of non-relational databases	UW-Oshkosh
DS 735	Communicating about Data	Prepares students to master technical, informational, and persuasive communication to meet organizational goals	UW-Stevens Point
DS 740	Data Mining	Data mining methods and procedures for diagnostic and predictive analytics	UW-Eau Claire
DS 745	Visualization and Unstructured Data Analysis	Covers various aspects of data analytics	UW-Green Bay
DS 760	Ethics of Data Science	Ethical issues related to data science, including privacy, intellectual property, security, and the moral integrity of inferences based on data	UW-Oshkosh
DS 775	Prescriptive Analytics	This course covers procedures and techniques for using data to inform the decision-making process.	UW-La Crosse
DS 780	Data Science and Strategic Decision Making	The interaction between data science and strategic decision making. Leveraging data resources for competitive advantage in the marketplace	UW-Superior
DS 785	Capstone	Capstone course in which students will develop and execute a project involving real-world data	UW-Superior

The curriculum planning workgroup has identified the following program prerequisites:

- Elementary Statistics
- Introduction to Programming
- Introduction to Databases
-

Aptitude tests (GRE, GMAT, or other) will not be required.

Projected Time to Degree

Based on experience with similar collaborative offerings within the UW System and the typical adult student profile, it is assumed that most students will enroll part-time and take an average of three to four courses per year. At this rate, the majority of students would complete the program within 3 to 4 years. Students may enter the program for the spring, summer, or fall semester. Students will be encouraged to take courses in sequence and as influenced by internal course prerequisites. The capstone, which represents the culminating experience for students, must be taken in the final semester of study.

Program Review Process

The collaborative partners, including all six academic institutions and UW-Extension, will review the program annually. Academic directors, faculty, and administrators from all partners will have input into programmatic changes and upcoming needs. UW-Extension, as the fiscal agent for this program, will manage resources to ensure that funds are available to invest in the program as needed. The decision about how to invest in the program will be made collaboratively by all partners. As defined in the partner agreement, the program will engage in

an internal 3-year review focusing on both program and fiscal matters. In addition, the program will conduct a formal 5-year review as required by UW System.

Institutional Review

Each of the partner institutions provides a comprehensive review of academic programs as noted below:

UW-Eau Claire: Each department undergoes a thorough review within a maximum of seven years. At this time all programs in the department are reviewed. The Data Science program will be housed in the math department, and it will undergo review at that time.

UW-Green Bay: The Academic Affairs Council has responsibility and authority for review of all credit courses and all academic programs at both the undergraduate and graduate levels. Recommendations and decisions of the Academic Affairs Council are forwarded to the Faculty Senate.

UW-La Crosse: Academic programs undergo an Academic Program Review (APR) on a regular cycle as one component of the commitment to academic excellence. The Faculty Senate's Academic Program Review Committee coordinates the review process and provides an opportunity for program faculty to reflect on curriculum, assessment, new initiatives, personnel, and support for achieving the goals of the program. Programs that have external accreditation participate in UW-La Crosse's APR the year following their accreditation review. Programs without external accreditation participate in the process, which includes an external review, every seven years.

UW-Oshkosh: Academic program review will occur every seven years except for new programs which must undergo a review after five years. Program faculty and deans should seek evaluation by external consultants as a supplement to the internal self-study. The following high-level items are included in the program review: description of the program, staffing, resources needed such as library collections or computing services, an evaluation of the program, and recommendations for the program going forward.

UW Stevens Point: The Department Review Subcommittee, which resides under the purview of the Faculty Senate's Academic Affairs Committee, reviews academic programs according to the Reporting Cycle for Assessment and Program Review document. This occurs at five-year intervals.

UW-Superior: The Academic Program Review Council is responsible for ongoing program review. It will conduct and supervise a program audit and review process of the Data Science program on a regular basis and report the findings, stipulations, suggestions, and observations to the UW-Superior Faculty Senate. The Data Science program will also be reviewed annually as part of the Annual Assessment Plan of the Department of Business and Economics. The findings of the Annual Assessment Plan are reported annually in the Department of Business and Economics Annual Report.

Accreditation

While there are no specific professional credentialing agencies for the degree program, partners will be securing authorization to offer a consortial, online master's degree program from the Higher Learning Commission, the regional accrediting body for all six partner institutions. Each of the participating academic partners is currently under the Higher Learning Commission-defined threshold for online program offerings.

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University of Wisconsin System - Multiple Institutions
Cost and Revenue Projections For the Collaborative M.S. in Data Science Program

	Items	Projections				
		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
		Year 1	Year 2	Year 3	Year 4	Year 5
I	Enrollment (New Student) Headcount	63	44	35	33	33
	Enrollment (Continuing Student) Headcount		54	91	121	149
	Enrollment (New Student) FTE	17	9	7	7	7
	Enrollment (Continuing Student) FTE	0	23	37	48	58
II	Total New Credit Hours (# new sections x credits per section)	30	57	63	63	63
	Existing Credit Hours	0	0	0	0	0
III	FTE of New Faculty/Instructional Staff					
	FTE of Current Fac/IAS	2.000	3.125	3.125	3.125	3.125
	FTE of New Admin Staff					
	FTE Current Admin Staff	6.000	6.000	5.250	5.250	5.250
V	New Revenues					
	From Tuition	\$287,100	\$554,400	\$757,350	\$942,975	\$1,128,600
	From Fees					
	Program Revenue - Grants					
	Program Revenue - Other					
	Reallocation					
	Total New Revenue	\$287,100	\$554,400	\$757,350	\$942,975	\$1,128,600
VI	New Expenses					
	Salaries plus Fringes					
	Faculty/Instructional Staff	\$160,800	\$271,350	\$267,920	\$269,890	\$271,860
	Other Staff	\$542,423	\$546,210	\$480,756	\$484,090	\$487,422
	Other Expenses					
	Facilities					
	Equipment					
	Other:	\$127,000	\$131,500	\$132,500	\$132,500	\$132,500
	Total Expenses	\$830,223	\$949,060	\$881,176	\$886,480	\$891,782
VII	Net Revenue	-\$543,123	-\$394,660	-\$123,826	\$56,495	\$236,818

Narrative: Explanation of the Numbers and Other Ongoing Commitments that will Benefit the Proposed Program

UW-Extension – CEOEL will initially fund the program with GPR until sufficient program revenues are being generated to pay for the program expenditures.
GPR salary, fringe, supplies and expenses, and FTEs will be allocated to the academic institutions from UWEX/CEOEL.
Academic institutions may elect to hire additional staff to cover additional instructional load.

a - Number of students enrolled

b - To be based on 12 credits at the undergraduate level and 7 credits at the graduate level

c - Number of faculty/instructional staff providing significant teaching and advising for the program

d - Number of other staff providing significant services for the program

Continuing Education, Outreach & E-Learning
505 South Rosa Road, Suite 200
Madison, WI 53719-1277
608-262-1034
608-262-8205 (fax)
800-947-3529 (TTY)

Date: March 2, 2015


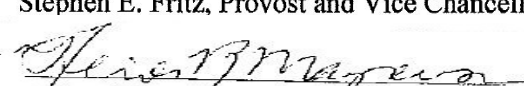
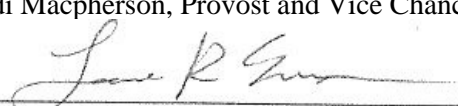
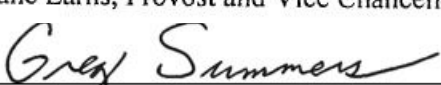

To: Ray Cross
President, University of Wisconsin System

From: David Schejbal
Dean



On behalf of the following Provosts: Patricia Kleine, UW-Eau Claire; Stephen E. Fritz, UW-Green Bay; Heidi Macpherson, UW-La Crosse; Lane Earns, UW-Oshkosh; Greg Summers, UW-Stevens Point; Faith Hensrud, UW-Superior; and Aaron Brower, UW-Extension; I request authorization to implement the *Master of Science in Data Science* for inclusion into the UW System program array.

This program will be a 36-credit collaborative, online, Master of Science degree in Data Science offered jointly by six UW institutions: UW-Eau Claire, UW-Green Bay, UW-La Crosse, UW-Oshkosh, UW-Stevens Point, and UW-Superior. UW-Extension will provide ongoing administrative and financial support to the program. Each of these institutions has strongly embraced the collaborative program model; has contributed greatly to the development of this new, innovative and exciting degree program; has made resource commitments to ensure program success to include faculty, curriculum, materials and required academic supports for students; and has secured support and approval from each of their faculty governance bodies. In addition, each Provost signed below endorses the submitted UW System Budget Template developed for this collaborative offering. Finally, this program will be integrated into each institution's assessment and accreditation processes and program review procedures.


3/3/15
Patricia Kleine, Provost and Vice Chancellor for Academic Affairs, UW-Eau Claire
Stephen E. Fritz, Provost and Vice Chancellor for Academic Affairs, UW-Green Bay
Heidi Macpherson, Provost and Vice Chancellor for Academic Affairs, UW-La Crosse
Lane Earns, Provost and Vice Chancellor for Academic Affairs, UW-Oshkosh
Greg Summers, Provost and Vice Chancellor for Academic Affairs, UW-Stevens Point
Faith Hensrud, Provost and Vice Chancellor for Academic Affairs, UW-Superior
Aaron Brower, Provost and Vice Chancellor for Academic Affairs, UW-Extension

Request to Trustees of the
William F. Vilas Trust Estate

EDUCATION COMMITTEE

Resolution I.1.a.(6):

That, upon recommendation of the Chancellors of the University of Wisconsin-Madison and the University of Wisconsin-Milwaukee and the President of the University of Wisconsin System, the Board of Regents approves the request to the Trustees of the William F. Vilas Trust Estate for \$9,585,605 for fiscal year July 1, 2015, to June 30, 2016, subject to availability, as provided by the terms of the William F. Vilas Trust, for Support of Scholarships, Fellowships, Professorships, and Special Programs in Arts and Humanities, Social Sciences, Biological Sciences, Physical Sciences, and Music.



Office of the President

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March 4, 2015

Chancellor Rebecca Blank
University of Wisconsin-Madison
161 Bascom Hall, 500 Lincoln Drive
Madison, Wisconsin 53706

Via Electronic Mail

Dear Chancellor Blank:

The time has come once again to ask for your request to the Vilas Trust Estate for the 2015-16 year. The Trust would like the request to be categorized as follows:

1. Determine from the Vilas Professors the amount they will request for allowances for the ensuing academic year. The annual allowance for a Vilas Research Professor is currently limited to \$50,000, although a Vilas Research Professor may request an increased allowance to support a project to advance knowledge in his or her area of research or study.
2. Obtain from the Chairperson of the Music Department the program and request for the 2015-16 academic year. The maximum amount for UW-Madison's Music Department is \$27,667.
3. Determine from the Committee on Fellowships the number of Traveling Fellowships (not to exceed five) which will be requested for the 2015-16 academic year.
4. Determine from the Vilas Associates the amount of salary (total compensation package not to exceed the salary of the lowest paid Vilas Professor) and allowance they will request for the ensuing academic year.

When I have your request, I will convey it to the Trust for its formal proffer. The Trustees anticipate that the amount of income, which will be available for various awards, will be approximately \$9,450,000. The Trust will act on the request once it has been submitted. Please send us your request no later than March 13, 2015 and kindly copy Dr. Faymonville (cfaymonville@uwsa.edu).

Sincerely,

A handwritten signature in black ink that reads "Ray Cross".

Ray Cross
President



March 12, 2015

President Ray Cross
University of Wisconsin System
1720 Van Hise Hall
CAMPUS

Dear President Cross:

In this memo, I enumerate the request for funds from the Vilas Trust Estate for fiscal year July 1, 2015 to June 30, 2016 for the University of Wisconsin-Madison.

Our request is framed in careful accordance with both the terms of the Vilas Trust and the needs we have to fulfill the strategic goals aimed at supporting the mission of the campus as a research and teaching campus of the highest rank. We are especially mindful of the gaps in our ability to attract, retain, and support the highest quality scholars to our faculty exacerbated by recent budget cuts; and the difficulty many students have in paying for undergraduate or graduate education here because of rising tuition and increasing challenges in finding need-based aid. Our total request for 2015-2016 is: \$9,464,836.00.

The programs for which we are requesting funding follow.

A. CONTINUATION OF APPROVED PROGRAMS

1. Continuation of 10 Vilas Undergraduate Scholarships at \$400 each		4,000
2. Continuation of 10 Vilas Graduate Fellowships:		
a. 5 at \$600 each	3,000	
b. 5 Traveling Fellowships at \$1,500 each	<u>7,500</u>	10,500
3. Continuation of 21 Vilas Research Professors at \$10,000 salary plus \$50,000 auxiliary allowances each		1,260,000
4. Continuation of 16 Vilas Distinguished Achievement Professorships		800,000
5. Continuation of additional graduate and undergraduate scholarships		
a. Continuation of 50 additional undergraduate scholarships at \$400 each	20,000	
b. Continuation of 50 additional graduate fellowships at \$600 each	<u>30,000</u>	50,000
6. Continuation of eighty (80) additional undergraduate scholarships at \$400 each under the provisions of Paragraph (3), Article 4 of the Deed of Gift and Conveyance by the Trustees of the Estate of William F. Vilas		32,000

7.	Retirement benefits for ten (10) Vilas Professors: Berkowitz, Bird, Brock, Hauser, Hermand, Keisler, Kung, Mueller, Vansina, and Weinbrot at \$2,500 each	25,000
8.	Continuation of support for encouragement of merit and talent or to promote appreciation of and taste for the art of music at UW-Madison for 2015-16	30,000
9.	15 Vilas Associates in the Arts and Humanities	532,837
10.	12 Vilas Associates in the Social Sciences	544,375
11.	15 Vilas Associates in the Physical Sciences	702,451
12.	10 Vilas Associates in the Biological Sciences	315,727
<u>Total Continuation Request:</u>		\$ 4,306,890

B. ONE-TIME PROGRAM ALLOCATIONS

1.	College of Engineering Start-up Package Funds, used to support new faculty hired for its Trans-disciplinary Institute initiative (in collaboration with the Grainger Foundation). Funds in the start-up package would need to be spent within two years and may be used for any legitimate professional research expense, per UW-Madison rules, except that they may not be used for summer salary support of the professor.	850,000
2.	Vilas Life Cycle Professorship Program	450,000
3.	Vilas Research Investigator Awards (up to \$30,000 per award). Pursuant to and consistent with the intent of Article 4, Section E of the Deed of Gift and Conveyance. These would go to faculty mentors of graduate students who are research assistants or project assistants.	120,000
4.	Vilas Faculty Young/Mid-Career Investigator Awards These awards will not exceed \$50,000 per year (or, in the case of awardees who receive a two-year award up to \$100,000 total) in flexible research funds. They will assist in the critical area of research investment in best faculty: start-up research when recruiting best faculty early in their careers ("Vilas Faculty Young Investigator"); or timely research boost when retaining best Faculty in mid-career ("Vilas Faculty Mid-Career Investigator").	2,000,000
5.	Continuation of 1998 and 2002 Expansion of Approved Programs:	
a.	900 additional undergraduate scholarships at \$400 each, pursuant to Article 4, Sections A and E of the Deed of Gift and Conveyance	360,000
b.	400 additional fellowships at the \$600 level, pursuant to Article 4, Sections A and E of the Deed of Gift and Conveyance	240,000
c.	Seventy (70) Traveling Graduate Fellowships at \$1,200 each, pursuant to Article 4, Section A, paragraph 3 of the Deed of Gift and Conveyance (regarding two-fellowship salary for travel/study in other states or Foreign countries).	84,000

6. Additional 14 Vilas Distinguished Achievement Professorships at \$50,000 per Professorship	700,000
7. Fifty (50) new Vilas Mid-Career Faculty Travel awards at \$1,500 per award	75,000
8. Vilas Professor Vernon Barger's request for a new project in cosmology	40,000
9. Vilas Professor David Bethea's request for Pushkin Summer Institute	49,740
10. Vilas Professor Richard Davidson's request for upgrades to the MRI scanner	100,000
11. Vilas Professor Judith Kimble's request to purchase BioRad cyclor	5,495
12. Vilas Professor Erik Wright's request to support publication	15,000
13. Vilas Professor Sau Lan Wu's request to purchase 3 computing servers	65,211
14. Vilas Professor Steven Durlauf's request for a new computer	3,500

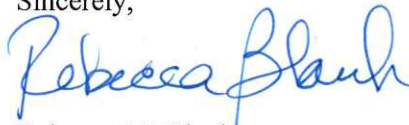
Total of One-time Part B. Program Allocations: **\$5,157,946**

Total of Part A and Part B: **\$9,464,836**

The list of Vilas Research Professors and Vilas Distinguished Achievement Professors is attached.

Please let me know if you have any questions.

Sincerely,


Rebecca M. Blank
Chancellor

Attachments

xc: Sr. VP Carmen Faymonville
Provost Sarah Mangelsdorf
Vice Chancellor Darrell Bazzell
Asst. Vice Chancellor Tim Norris
Vice Provost Michael Bernard-Donals
Yvonne Quamme, Office of the Provost

Vilas Research Professors

Vernon Barger - Vilas Research Professor
of Physics, College of Letters and Science

David Bethea - Vilas Research Professor
of Slavic Languages, College of Letters and Science

Susan Coppersmith – Vilas Research Professor
of Physics, College of Letters and Science

William Cronon – Vilas Research Professor
of History and Geography, College of Letters and
Science, and Gaylord Nelson Institute for
Environmental Studies

Richard Davidson - Vilas Research Professor
of Psychology and Psychiatry, College of Letters and
Science and School of Medicine and Public Health

Steven Durlauf – Vilas Research Professor
of Economics, College of Letters and Science

Morton Gernsbacher – Vilas Research Professor
of Psychology, College of Letters and Science

Judith Kimble - Vilas Research Professor
of Biochemistry and Medical Genetics, College of
Agricultural and Life Sciences and School of
Medicine and Public Health

Gregg Mitman - Vilas Research Professor
of History of Science, College of Letters and Science

Emiko Ohnuki-Tierney - Vilas Research Professor
of Anthropology, College of Letters and Science

Elliott Sober - Vilas Research Professor
of Philosophy, College of Letters and Science

Karen Strier - Vilas Research Professor
of Anthropology, College of Letters and Science

Erik Olin Wright - Vilas Research Professor
of Sociology, College of Letters and Science

Sau Lan Wu - Vilas Research Professor
of Physics, College of Letters and Science

**Six New Vilas Research Professors and one replacement for Professor Ching Kung (retiring) -
Recipients not yet selected for 2014-15 award**

Vilas Distinguished Achievement Professors, 2012-13 Cohort

Michael Bell – Community and Environmental Sociology, College of Agricultural and Life Sciences

Cynthia Carlsson – Geriatrics, School of Medicine & Public Health

Lew Friedland – Journalism and Mass Communication, College of Letters and Science

Jerlando Jackson – Educational Leadership & Policy Analysis, School of Education

Hongrui Jiang – Electrical and Computer Engineering, College of Engineering

Clark Johnson – Geoscience, College of Letters and Science

Jack Ma – Electrical and Computer Engineering, College of Engineering

Anna Huttenlocher – Pediatrics, School of Medicine & Public Health

Wei Xu – Oncology, School of Medicine & Public Health

Robert Mathieu – Astronomy, Letters & Science

Naomi Chesler – Biomedical Engineering, Engineering

Vilas Distinguished Achievement Professors, 2013-14 Cohort

Manon van de Water – Theatre and Drama, Letters & Science

Sean Palecek – Chemical and Biological Engineering, Engineering

Michael Graham – Chemical and Biological Engineering, Engineering

Hussain Bahia – Civil and Environmental Engineering, Engineering

Jordan Ellenberg – Mathematics, Letters & Science

Matthew Turner – Geography, Letters & Science

Anna Gade – Religious Studies/ Lang. & Cultures of Asia, Letters & Science

John Hawks – Anthropology, Letters & Science

Vilas Distinguished Achievement Professors, 2014-15 Cohort

Amy Barger- Astronomy, College of Letters and Science

John Booske – Electrical & Computer Engineering, College of Engineering

Kristin Eschenfelder - Library Systems, College of Letters and Science

Cheryl Hanley-Maxwell – Rehabilitation Psychology and Special Education, School of Education

Stephen Kantrowitz – History, College of Letters and Science

Lingjun Li – Pharmacy, School of Pharmacy

David Lynn - Chemical & Biological Engineering, College of Engineering

Mano Mavrikakis - Chemical & Biological Engineering, College of Engineering

Katherine McMahon - Civil & Environmental Engineering, College of Engineering

Rob Nixon – English, College of Letters and Science

David Page - Biostatistics & Medical Informatics, School of Medicine and Public Health

Dietram Scheufele - Life Sciences Communication, College of Agricultural and Life Science

Lih-Sheng Turng - Mechanical Engineering, College of Engineering

Susan Webb Yackee - Political Science, College of Letters and Science

Chi Jin – Mathematics, College of Letters and Science



Office of the President

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March 4, 2015

Chancellor Mark A. Mone
University of Wisconsin-Milwaukee
2310 Hartford Avenue
P.O. Box 413
Milwaukee, Wisconsin 53201

Via Electronic Mail

Dear Chancellor Mone:

The time has come once again to ask for your request to the Vilas Trust Estate for the 2015-16 year. The Trust would like the request to be categorized as follows:

1. Determine from the Vilas Professors the amount they will request for allowances for the ensuing academic year. The annual allowance for a Vilas Research Professor is currently limited to \$50,000, although a Vilas Research Professor may request an increased allowance to support a project to advance knowledge in his or her area of research and study.
2. Obtain from the Chairperson of the Music Department the program and request for the 2015-16 academic year. The Trustees have determined that from the amount available, the maximum amount available for the Milwaukee Music Department is \$58,269.

When I have your request, I will convey it to the Trust for its formal proffer. The Trustees anticipate that the amount of income, which will be available for various awards, will be approximately \$9,450,000. The Trust will act on the request once it has been submitted. Please send us your request no later than March 13, 2015 and kindly copy Dr. Faymonville (cfaymonville@uwsa.edu).

Sincerely,

A handwritten signature in black ink that reads "Ray Cross".

Ray Cross
President



Academic Affairs

Chapman Hall 230
P.O. Box 413
Milwaukee WI 53201-0413
414-229-4503 *phone*
414-229-4929 *fax*
www3.uwm.edu/dept/acad_aff/

March 11, 2015

TO: Ray Cross, President
The University of Wisconsin System

FROM: Johannes Britz
Provost and Vice Chancellor

RE: UW-Milwaukee 2015-16 Vilas Trust Support

Please find requests for three proposals that UW-Milwaukee is submitting for the 2015-16 Vilas Trust Funds:

1. Vilas Research Professor Kumkum Sangari, Department of English.
Total Request: \$60,000.00 (\$50,000 for Research Support and \$10,000 for Salary Support)
2. Department of Music, Peck School of the Arts. "*Wisconsin, A Community of Musical Experiences*". Total Request: \$58,269 (see attached proposal).
3. Continuation of the standard retirement benefit of \$2,500 in support of Vilas Professor Emeritus Ihab Hassan.

Thank you for your continued consideration and support of these activities. Both the Departments of English and Music are appreciative of this opportunity to gain funding for these activities. The proposal from the Music Department is attached.

Should you have any questions, please do not hesitate to contact me, or Associate Vice Chancellor Dev Venugopalan (229-5561).

c: Mark Mone, Chancellor
Dev Venugopalan, Vice Provost
Rodney Swain, Dean, College of Letters & Science
Scott Emmons, Dean, Peck School of the Arts



Peck School of the Arts
Department of Music

Music Building
PO Box 413
Milwaukee, WI
53201- 0413
414 229 - 5162 phone
414 229 - 2776 fax

March 2, 2015

MEMORANDUM

TO: Scott Emmons, Dean, Peck School of the Arts

FROM: Jon Welstead, Professor and Chair, Music Department

RE: **2015-2016 William F. Vilas Proposal: "Wisconsin, A Community of Musical Experiences"**

In its 2015-2016 Vilas proposal entitled "**Wisconsin, A Community of Musical Experiences**," the UWM Department of Music is planning to continue its mission of bringing the best musical experiences and master-teacher-artists to UWM students, the Milwaukee metropolitan area, and to southeastern Wisconsin. The department will provide musical performances, guest artist workshops and coachings, and expanded opportunities for teaching and performance for UWM music students and music students and audiences from around the state.

The proposed 2015-2016 William F. Vilas Trust, "**Wisconsin, A Community of Musical Experiences**" initiative is designed to expand and diversify the Music Department's instructional and performance outreach to the Milwaukee community and the wider "Community" of Wisconsin. The events being planned to engage music students at UWM, in Milwaukee, and across the state, include the distinguished Chamber Music Milwaukee Artists Series, a guest artist/faculty series; the second annual Milwaukee Music Festival in which the most talented student performers from all over the state of Wisconsin are auditioned and invited to participate in a two-day select symphony orchestra and wind ensemble chamber music festival on the UWM campus; three resident high school workshops to audition and prepare high school musicians for their Wisconsin State Music Conference competitions; workshops in woodwinds, brass, and piano; and the Woody Herman Educational Workshop featuring Wisconsin alums and regional jazz professionals performing in an "Honors Jazz Ensemble," along with nine to ten auditioned and invited junior and senior high jazz bands who participate in performance, improvisation, and ensemble workshops.

The activities proposed for "**Wisconsin, A Community of Musical Experiences**" will serve our ongoing mission to cultivate the arts in southeastern Wisconsin and improve the quality of educational experiences at the college and pre-college levels. The interactions among the various featured groups and distinguished guests represent music ranging from classical instrumental, opera theatre, and jazz standards, to international world music and contemporary music. The events are designed to encourage UWM students to think about ways they might musically and culturally engage their communities through the exploration of new styles and genres of music and pursue innovative approaches to programming, outreach, and education.

The Department of Music in the Peck School of the Arts has full confidence that its committed efforts, funded by the William F. Vilas Trust, will help the department meet its educational and outreach goals. The Department of Music will acknowledge the generous support of the William F. Vilas Trust in all publicity and marketing materials related to its planned activities.

Please see attached list for specific details on the activities proposed for Vilas sponsorship during 2015-16.

Thank you.

A handwritten signature in dark ink, appearing to read "Jon Welstead".

Dr. Jon Welstead, Professor and Chair
Music Department, UWM Peck School of the Arts

William F. Vilas Trust Proposal – Department of Music for 2015 - 2016

1. Rene Izquierdo: Guitar in Chamber Music Setting Classical Guitar Performance Program	\$ 5,000.00
2. Jennifer Clippert: Double Reed Outreach Woodwinds Performance Program	\$ 2,050.00
3. Christopher Burns: Unruly Music - Spektral Quartet residency Composition & Technology Program	\$ 5,000.00
4. John Stropes: Clive Carroll residency Finger-Style Guitar Performance Program	\$ 2,620.00
5. Kevin Hartman: Woodwinds, Brass, Percussions High School Outreach Woodwinds, Brass, Percussion Performance Programs	\$ 4,000.00
6. Tanya Kruse Ruck: Opera Theater Production Opera Theatre and Vocal Performance Program	\$ 8,000.00
7. Piano Area: High School Piano Competition Piano Performance, Collaborative, and Piano Pedagogy Program	\$ 3,699.00
8. Curt Hanrahan: Woody Herman Educational Jazz Workshop Jazz Performance and Jazz Studies Program	\$ 5,000.00
9. Bernard Zinck: ICM: St. Andrews Episcopal Church Madison Institute for Chamber Music Performance Program	\$ 2,200.00
10. Climer/Kim: Milwaukee Music Festival for High School Musicians	\$ 8,700.00
11. Jun Kim: Guest Artist, UWM Symphony Orchestra/Masterclass Symphony Orchestra Ensemble/Conducting Program	\$ 3,000.00
12. CMM: Chamber Music Milwaukee: Faculty and Guest Artist Series Chamber Music Faculty & Guest Artist Concert Series	<u>\$ 9,000.00</u>
Total Vilas Budget:	\$58,269.00

Wisconsin Partnership Program
UW School of Medicine and Public Health
Oversight and Advisory Committee Appointment

EDUCATION COMMITTEE

Resolution I.1.a.(7):

That, upon recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, the Board of Regents approves the appointment of Robert Lemanske, MD, to fill an unexpired term on the UW School of Medicine and Public Health Oversight and Advisory Committee of the Wisconsin Partnership Program effective April 1, 2015 through October 31, 2016.

**APPOINTMENT TO THE
UW SCHOOL OF MEDICINE AND PUBLIC HEALTH
OVERSIGHT AND ADVISORY COMMITTEE
OF THE
WISCONSIN PARTNERSHIP PROGRAM**

BACKGROUND

The Wisconsin Insurance Commissioner's Order (Order) of March 2000 approved the conversion of Blue Cross and Blue Shield United of Wisconsin from a nonprofit service corporation to a stock insurance corporation and the distribution of the proceeds from the sale of stock to the University of Wisconsin School of Medicine and Public Health (SMPH) and the Medical College of Wisconsin. The Order required the UW System Board of Regents to create an Oversight and Advisory Committee consisting of nine members appointed for four-year renewable terms. Four public members (health advocates) and four SMPH representatives are appointed by the Regents, and one member is appointed by the Insurance Commissioner. In accordance with the Order, the Oversight and Advisory Committee is responsible for directing and approving the use of funds for public health initiatives. The committee also reviews, monitors and reports to the Board of Regents on the funding of education and research initiatives through the Wisconsin Partnership Program's annual reports.

The SMPH, in collaboration with the Oversight and Advisory Committee, developed the inaugural Five-Year Plan (2004-2009) describing the uses of the funds. Following approval of the Five-Year Plan by the Board of Regents in April 2003, the plan was reviewed and subsequently approved by the Wisconsin United for Health Foundation, Inc. (WUHF) in March 2004. Immediately thereafter, WUHF transferred the funds to the UW Foundation for management and investment based on the Agreement between the UW Foundation, the Board of Regents, and WUHF (Agreement). Since March 2004, the Oversight and Advisory Committee and the Partnership Education and Research Committee, collectively known as the Wisconsin Partnership Program, have been engaged in seeking proposals from community organizations and faculty, respectively, and in making awards in accordance with the Order, the Agreement and the Five-Year Plan. The current Five-Year Plan (2014-2019) was presented to and approved by the Board of Regents in December 2013.

Information on the awards and related program activities are presented to the Board of Regents annually.

REQUESTED ACTION

Approval of Resolution I.1.a.(7), appointment of Robert Lemanske, MD, to fill an unexpired term on the UW School of Medicine and Public Health Oversight and Advisory Committee of the Wisconsin Partnership Program effective April 1, 2015 through October 31, 2016.

DISCUSSION

In accordance with the Insurance Commissioner's Order and the Bylaws of the Oversight and Advisory Committee approved by the Board of Regents in February 2001, the Regents are being asked to appoint Robert Lemanske as one of the four UW School of Medicine and Public Health representatives to fill an unexpired term effective April 1, 2015 through October 31, 2016.

Robert Lemanske, MD, is a Professor of Pediatrics and Medicine at the UW School of Medicine and Public Health (SMPH) and the Division Chief of Pediatric Allergy, Immunology and Rheumatology. He is also Chair of the Allergy and Immunology Conjoint Program and Director of the Morris Institute of Respiratory Research.

A pediatric allergist and immunologist by training, Dr. Lemanske's clinical practice and research interests focus on the pathophysiology and treatment of asthma in infants and young children. Since 1998, he has been the Principal Investigator of a birth cohort study, *Childhood Origins of ASThma (COAST)*, which has prospectively evaluated the contributions of genetic and environmental factors of childhood asthma and allergic diseases. Dr. Lemanske has also led three asthma clinical research networks, including AsthmaNet, a consortium designed to evaluate new and existing therapies for asthma in children and adults. Dr. Lemanske was a member of the Board of Directors for the American Board of Allergy and Immunology for seven years beginning in 1994 and served as Chair for one year. Since 2001, he has been recognized by his peers as being one of the best doctors in his specialty and in his community in *Castle Connolly's America's Top Doctors*.

Dr. Lemanske is very knowledgeable about the work of the Wisconsin Partnership Program as a former member of the Partnership Education and Research Committee, which is responsible for allocating resources for innovative education and research initiatives to build healthier communities. He was a committee member for four years as a representative of the clinical faculty and also participated on the Executive Committee.

In accordance with the nomination process followed by the SMPH, Dean Robert Golden identified Dr. Lemanske as an ideal nominee for a faculty position on the Oversight and Advisory Committee. Dean Golden strongly endorses Dr. Lemanske's nomination and recommends him to the Board of Regents for appointment to the committee.

Dr. Lemanske's biographical sketch is available in Appendix A.

RECOMMENDED ACTION

Adoption of Resolution I.1.a.(7), approving the appointment of Robert Lemanske, MD, to fill an unexpired term on the UW School of Medicine and Public Health Oversight and Advisory Committee of the Wisconsin Partnership Program effective April 1, 2015 through October 31, 2016.

BIOGRAPHICAL SKETCH

Provide the following information for the key personnel and other significant contributors in the order listed on Form Page 2. Follow this format for each person. **DO NOT EXCEED FOUR PAGES.**

NAME Lemanske, Robert F., Jr., M.D.	POSITION TITLE Professor of Pediatrics and Medicine
eRA COMMONS USER NAME lemanske	

EDUCATION/TRAINING <i>(Begin with baccalaureate or other initial professional education, such as nursing, and include postdoctoral training.)</i>			
INSTITUTION AND LOCATION	DEGREE <i>(if applicable)</i>	YEAR(s)	FIELD OF STUDY
University of Wisconsin-Madison	B.S.	1967-1971	Chemistry
University of Wisconsin-Madison	M.D.	1971-1975	Medicine
University of Wisconsin Hospital and Clinics	Residency	1975-1978	Pediatrics
University of Wisconsin Medical School	Fellowship	1978-1980	Allergy/Immunology
National Institutes of Allergy & Infectious Disease	Fellowship	1980-1982	Allergy/Immunology

Personal Statement

I am a Professor of Pediatrics and Medicine at the University of Wisconsin School of Medicine and Public Health in Madison, where I am Head of the Division of Pediatric Allergy, Immunology, and Rheumatology. I am currently the Chair of the Allergy and Immunology Conjoint Program and the Director of the Morris Institute for Respiratory Research. My research interests have focused primarily on the pathophysiology and treatment of asthma including mechanisms underlying pulmonary late phase reactions, virus-induced airway dysfunction, and asthma inception in infants and young children. I have been the overall principal investigator of a birth cohort study [funded initially by the NHLBI in 1998 as an RO-1 and since 2002 as a Program Project Grant (PPG)] that has prospectively evaluated the contributions of both genetic (immune dysregulation) and environmental (viral respiratory tract infections with emphasis on both rhinovirus and respiratory syncytial virus) factors that contribute to the expression, progression, and remission of childhood asthma and allergic diseases. I have also been the Principal Investigator on three NHLBI-funded asthma clinical research networks: Asthma Clinical Research Network (ACRN), Childhood Asthma Research and Education (CARE) network, and currently, AsthmaNet. Finally, I served two years (2009-2011) on the MERC Committee and two years (2011-2013) on the PERC Committee and have therefore had experience with PERC/OAC responsibilities and interactions.

Positions and Honors

Positions and Employment

1978-1980	Fellow, Allergy and Immunology, University of Wisconsin Medical School, Madison, WI
1980-1983	Research Fellow, National Institute of Allergy and Infectious Disease, Bethesda, MD
1983-1988	Assistant Professor of Medicine and Pediatrics, Departments of Medicine and Pediatrics, University of Wisconsin Medical School, Madison, WI
1988-1993	Associate Professor of Medicine and Pediatrics, Departments of Medicine and Pediatrics, University of Wisconsin Medical School, Madison, WI (tenured status)
1993-present	Professor of Medicine and Pediatrics, Departments of Medicine and Pediatrics, University of Wisconsin School of Medicine and Public Health, Madison, WI (tenured status)

Professional Memberships

1980-present	Member, American Thoracic Society
1984-present	Fellow, American Academy of Pediatrics
1985-present	Fellow, American Academy of Allergy, Asthma and Immunology
1994-2000	Board of Directors, American Board of Allergy and Immunology
2000	Chair, Board of Directors, American Board of Allergy and Immunology
2001-2004	Board of Directors, American Academy of Allergy, Asthma and Immunology
2014-2015	President-Elect, American Academy of Allergy, Asthma and Immunology
2015-2016	President, American Academy of Allergy, Asthma and Immunology

Honors

1974 Alpha Omega Alpha

1991-1996 Recipient Allergic Disease Academic Award

2003-present Appointed Member to Advisory Council, National Heart, Lung and Blood Institute, NIH

Selected peer-reviewed publications (in chronological order)

1. **Lemanske RF**, Jackson DJ, Gangnon RE, Evans MD, Li Z, Shult PA, Kirk CJ, Reisdorf E, Roberg KA, Anderson EL, Carlson-Dakes KT, Adler KJ, Gilbertson-White S, Pappas TE, DaSilva DF, Tisler CJ, Gern JE. Rhinovirus illnesses during infancy predict subsequent childhood wheezing. *J Allergy Clin Immunol* 116 (3):571-577, 2005. NIH Public Access Policy does not apply.
2. Gern JE, Brooks GD, Meyer P, Chang A, Shen K, Evans MD, Tisler C, DaSilva D, Roberg KA, Mikus LD, Rosenthal LA, Kirk CJ, Shult PA, Bhattacharya A, Li Z, Gangnon R, **Lemanske RF Jr**. Bidirectional interactions between viral respiratory illnesses and cytokine responses in the first year of life. *J Allergy Clin Immunol* 117:72-78, 2006. NIH Public Access Policy does not apply.
3. Lee W-M, Kiesner C, Pappas T, Lee I, Grindle K, Jartti T, Jakiela B, **Lemanske RF Jr**, Shult PA and Gern JE. A diverse group of previously unrecognized human rhinoviruses are common causes of respiratory illnesses in infants. *PLoS ONE* 2(10): e966. doi:10.1371/journal.pone.0000966, 2007. PMC1989136
4. Jackson DJ, Gangnon RE, Evans MD, Roberg KA, Anderson EL, Pappas TE, Printz MC, Lee WM, Shult PA, Reisdorf E, Carlson-Dakes KT, Salazar LP, DaSilva DF, Tisler CJ, Gern JE, **Lemanske RF**. Wheezing Rhinovirus Illnesses in Early Life Predict Asthma Development in High Risk Children. *Am J Respir Crit Care Med* 178 (7):667-672, 2008. PMC2556448
5. Jartti T, Lee WM, Pappas T, Evans M, **Lemanske RF Jr**, Gern JE. Serial viral infections in infants with recurrent respiratory illnesses. *Eur Respir J* 32(2): 314-320, 2008. PMC2843696
6. Ober C, Tan Z, Sun Y, Possick J, Pan L, Nicolae R, Radford S, Parry RR, Heinzmann A, Deichmann K, Lester L, Gern JE, **Lemanske RF Jr**, Nicolae DL, Elias JA, Chupp GL. Effect of variation in CHI3L1 on serum YKL-40 level, risk of asthma, and lung function. *N Engl J Med* 358(16):1682-1691, 2008. PMC2629486
7. **Lemanske RF Jr**, Mauger DT, Sorkness CA, Jackson DJ, Boehmer SJ, Martinez FD, Strunk RC, Szeffler SJ, Zeiger RS, Bacharier LB, Covar RA, Guilbert TW, Larsen G, Morgan WJ, Moss MH, Spahn JD, Taussig LM. Step-up therapy for children with uncontrolled asthma receiving inhaled corticosteroids. *N Engl J Med* 2010 March 18; 362(11):975-85. PMC2989902
8. Loisel DA, Tan Z, Tisler CJ, Evans MD, Gangnon RE, Jackson DJ, Gern JE, **Lemanske RF Jr**, Ober C. IFNG genotype and sex interact to influence the risk of childhood asthma. *J Allergy Clin Immunol* 128(3):524-31, 2011. PMC3548570
9. Guilbert TW, Singh AM, Danov Z, Evans MD, Jackson DJ, Burton R, Roberg KA, Anderson EL, Pappas TE, Gangnon R, Gern JE, **Lemanske RF Jr**. Decreased lung function after preschool wheezing rhinovirus illnesses in children at risk to develop asthma. *J Allergy Clin Immunol* 128(3):532-8, e1-10, 2011. PMC3233203
10. Zeiger RS, Mauger D, Bacharier LB, Guilbert TW, Martinez FD, **Lemanske RF Jr**, Strunk RC, Covar R, Szeffler SJ, Boehmer S, Jackson DJ, Sorkness CA, Gern JE, Kelly HW, Friedman NJ, Mellon MH, Schatz M, Morgan WJ, Chinchilli VM, Raissy HH, Bade E, Malka-Rais J, Beigelman A, Taussig LM; CARE Network of the National Heart, Lung, and Blood Institute. Daily or intermittent budesonide in preschool children with recurrent wheezing. *N Engl J Med* 2011 Nov 24; 365(21):1990-2001. PMC3247621
11. Durrani SR, Montville DJ, Pratt AS, Sahu S, Devries MK, Rajamanickam V, Gangnon RE, Gill MA, Gern JE, **Lemanske RF Jr**, Jackson DJ. Innate immune responses to rhinovirus are reduced by the high affinity IgE receptor in allergic asthmatic children. *J Allergy Clin Immunol* 2012; 130(2):489-95. PMC3437329
12. Cadman RV, **Lemanske Jr RF**, Evans MD, Jackson DJ, Gern JE, Sorkness RL, Fain SB. Pulmonary (3)He magnetic resonance imaging of childhood asthma. *J Allergy Clin Immunol* 2013 Feb; 131(2):369-376.e5. PMC3563846

13. Caliskan M, Bochkov YA, Kreiner-Moller E, Bonnelykke K, Stein MM, Du G, Bisgaard H, Jackson DJ, Gern JE, **Lemanske Jr RF**, Nicolae DL, Ober C. Rhinovirus wheezing illness and genetic risk of childhood onset asthma. N Engl J Med 2013; 368:1398-407. PMC3755952
14. Chang TS, **Lemanske RF Jr**, Mauger DT, Fitzpatrick AM, Sorkness CA, Szeffler SJ, Gangnon RE, Page CD, Jackson DJ; Childhood Asthma Research and Education (CARE) Network Investigators. Childhood asthma clusters and response to therapy in clinical trials. J Allergy Clin Immunol. 2014 Feb;133(2):363-9. PMC3960405
15. Kloeppfer KM, Lee WM, Pappas TE, Kang TJ, Vrtis RF, Evans MD, Gangnon RE, Bochkov YA, Jackson DJ, **Lemanske RF Jr**, Gern JE. Detection of pathogenic bacteria during rhinovirus infection is associated with increased respiratory symptoms and asthma exacerbations. J Allergy Clin Immunol. 2014 May;133(5):1301-7. PMC4047978

Research Support

Current

P01 HL070831 (Lemanske) 09/26/13-06/30/18 4.2 cal mos
 NIH-NHLBI \$1,695,766
 COAST - Rhinovirus Infections in Children and Adolescents
 This grant evaluates gene by environment interactions, with specific emphasis on rhinovirus infections and their influence on the expression, regression, and progression of childhood asthma.

U10 HL098090 (Lemanske, Sorkness) 09/30/09-06/30/16 2.04 cal mos
 NIH-NHLBI \$560,950
 AsthmaNet: UW-Madison Clinical and Translational Research Center
 This project is a collaborative adult and pediatric asthma clinical research network to evaluate new and existing therapies for asthma and basic disease mechanisms.

U10 HL098115 (Mauger) 02/01/11-06/30/15 0.6 cal mos
 NIH-NHLBI \$10,733/patient (INFANT)
 \$1,494/patient (AVICA)
 AsthmaNet: Infant-Avica; DCC funding through Pennsylvania State University
 Role: Site PI

133-PRJ31MB (Lemanske) 11/01/09-xx/xx/xx 0.12 cal mos
 Pharmaxis \$23,757 (received to date)
 Mannitol Challenge in COAST
 The goal of this project is to utilize Aridol (Mannitol) to evaluate airway responsiveness in the COAST cohort (250 children) at 11 and 13 years of age.

(Sun) 02/01/15-01/31/18 0.12 cal mos
 Wisconsin Partnership Program \$500,000 (total direct cost)
 Zooming in on Childhood Asthma: Disease Causality and Personalized Medicine
 The goal of this project is to identify genes that are causal for childhood asthma, and develop genetic screening methods to increase precision of diagnosis.
 Role: Co-Investigator

Pending

T32 AI007635 (Gern) 09/01/15-08/31/20 0.6 cal mos
 NIH-NIAID
 Wisconsin Allergy and Immunology Research, Training Program
 This grant provides funding for a postdoctoral training program for MD participants in clinical, translational, and basic science research related to allergic diseases and asthma.
 Role: Co-Director

R01 HL30045 (Martinez)
NIH-NHLBI

09/01/15-08/31/20
\$598,750 (Madison site)

0.6 cal mos

ORal Bacterial EXtracts (ORBEX): Primary Prevention of Asthma and Wheezing in Children

We propose the Oral Bacterial Extracts (ORBEX) trial to test the hypothesis that Bronchovaxom, given to 6-18 month old children at high risk for asthma, can prevent the development of persistent wheezing by age 3.5-4.5 years. We will perform a randomized, double-blind, placebo-controlled, two arm clinical trial with a total of 1076 children.

Role: Co-Investigator

Approval of Administrative Code Revisions
Chapters UWS 4 and 7

EDUCATION COMMITTEE

Resolution I.1.b.(1)

That, upon recommendation of the President of the University of Wisconsin System, the Board of Regents approves the attached revisions to Chapter UWS 4, Wis. Admin. Code, "Procedures for Dismissal of Faculty," and Chapter UWS 7, Wis. Admin. Code, "Dismissal of Faculty in Special Cases," to comply with the directives outlined in Title IX, the Dear Colleague Letter issued by the U.S. Department of Education Office for Civil Rights, and the Violence Against Women Act. Further, the Board of Regents approves the attached statements that the proposed rules have minimal to no economic impact locally or statewide; the rules have minimal to no fiscal impact locally and statewide; UW System Administration will schedule a public hearing on the rules; and UW System Administration is authorized to take additional action to comply with statutory rulemaking requirements, as necessary.

**APPROVAL OF RULE REVISIONS TO CHAPTERS UWS 4 AND 7, WIS. ADMIN.
CODE, PROCEDURES FOR DISMISSAL OF FACULTY AND
DISMISSAL OF FACULTY IN SPECIAL CASES**

BACKGROUND

The University of Wisconsin System (UW System) Administration seeks to modify Board of Regents (Board) administrative rules, known as Ch. UWS 4, Wis. Admin. Code, “Procedures for Dismissal of Faculty” and Ch. UWS 7, Wis. Admin. Code, “Dismissal of Faculty in Special Cases.”

This document describes the general background, the procedures used to determine the proposed changes, and the implications of the adoption of Resolution I.1.b.(1). All UW System institutions are affected by the proposed revisions to Chs. UWS 4 and 7.

The Board has statutory authority to propose revisions for Chs. UWS 4 and 7, as articulated in s. 36.13(3), Wis. Stats., and s. 36.13(5), Wis. Stats.

Section 36.13(3), Wis. Stats., reads as follows:

Rules. The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the non-retention and dismissal of faculty members. Such rules shall be promulgated under ch. 227.

Section 36.13(5), Wis. Stats., reads as follows:

Procedural Guarantees. Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person’s contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final, subject to judicial review under ch. 227. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227.

During the summer of 2014, the Board submitted a formal request to the Governor’s Office for authority to propose these legislative changes by submitting Scope Statements pursuant to the Wisconsin Legislative Rulemaking Process for Wisconsin Administrative Codes, Chapters UWS 4, 7, 11 and 17, relating to student and faculty/academic staff disciplinary procedures mentioned above. The purpose of this request was to seek the Governor’s approval to initiate changes to the above Chs. in order to comply with federal guidance issued by the U.S. Department of Education Office for Civil Rights as it relates to Title IX of the Education Amendments of 1972 (“Title IX”) (guidance issued by the U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, April, 2011). The proposed revisions are also intended to address the regulatory amendments under the Violence Against Women Reauthorization Act

of 2013 (“VAWA”) amendments and the Campus Sexual Violence Elimination Act (“Campus SaVE Act”).

The proposed changes to Chs. UWS 4 and 7 presented for Board review must be within the narrow scope of the Scope Statements approved by the Governor’s Office. Therefore, the proposed changes address only those changes necessary to comply with the directives outlined in Title IX; the *Dear Colleague Letter* issued by the Office for Civil Rights of the U.S. Department of Education; and the Violence Against Women Act (VAWA) which covers offenses of sexual harassment, sexual assault, dating violence, domestic violence and stalking.

On August 22, 2014, the Board approved scope statements for the revision of Ch. UWS 4, Wis. Admin. Code, “Procedures for Dismissal of Faculty;” and Ch. UWS 7, Wis. Admin. Code, “Dismissal of Faculty in Special Cases.” (See Attachment 1). Subsequently, a committee of legal staff; faculty, academic staff; and student representatives; UWSA staff, and others was appointed to review the existing code and determine what, if any, changes were necessary in order to comply with the federal regulations and guidance as noted above. A drafting committee to review Chs. 4, 7, and 11 (also being reviewed) was convened and co-chaired by Associate Vice President Stephen H. Kolison, Jr. and Senior Associate Vice President Al Crist.

On December 17, 2014, the drafting committee’s proposed edits and changes to Chs. UWS 4 and 7 were compiled and, together with additional background materials, sent by Interim Senior Vice President Ward as a draft document to chancellors, provosts, and governance bodies at each UW institution for review and comment. Senior Associate Vice President Crist shared the proposed changes with the chief business officers and the human resources directors on December 23, 2014.

On January 12, 2015, the drafting committee’s proposed edits and changes to Chs. UWS 4 and 7 were compiled and, together with additional background materials, sent by Interim Senior Vice President Ward to senior student affairs officers (SSAOs), Title IX coordinators, sexual assault coordinators, conduct officers and student government representatives for review and comment.

A number of responses were received by Senior Vice President Ward by the deadline on March 6, 2015. On March 11, 2015, the drafting committee reviewed all comments, edits, and questions received by the campuses and made recommendations for the final re-written version of Chs. UWS 4 and 7 which are summarized below.

REQUESTED ACTION

Adoption of Resolution I.1.b.(1), approving the Revisions to Administrative Code UWS Ch. 4, “Procedures for Dismissal of Faculty” and Ch. 7, “Dismissal of Faculty in Special Cases of Serious Criminal Misconduct, including Sexual Assault.” By approving the resolution, the Board also approves statements that the proposed rules have minimal to no economic impact locally or statewide; the rules have minimal to no fiscal impact; UW System Administration will schedule a public hearing on the rules; and UW System Administration is authorized to take additional action to comply with the statutory rulemaking requirements, as necessary.

DISCUSSION

Ch. UWS 4 provides a disciplinary process for pursuing dismissal of faculty for just cause; and Ch. UWS 7 provides a similar disciplinary process for dismissal of faculty in special cases of serious criminal misconduct, including sexual assault. The U.S. Department of Education Office for Civil Rights (OCR) has reaffirmed that Title IX protects students from sexual harassment (which includes sexual assault) carried out by institutions of higher education employees. Even though there are no binding federal regulations interpreting Title IX with respect to addressing allegations of sexual misconduct, the U.S. Department of Education has issued guidance through *Dear Colleague Letters*, which establishes the federal agency's expectations for institutions of higher education that receive federal funding. This guidance is enforced by the U.S. Department of Education OCR.

Proposed Changes by Subject Matter

The proposed revisions to Chs. UWS 4 and 7 are intended to reconcile any potential inconsistencies between the Administrative Code and the federal standards regarding institutional obligations in addressing issues of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. The proposed changes address:

A. **Definition Section:**

- “*Complainant*” has been added to clarify that only persons who are allegedly harmed by sexual harassment, sexual assault, stalking, domestic violence or dating violence would have the additional procedural protections under Title IX.
- “*Reporting Party*” has been added to distinguish between an actual complainant versus a person who may only be filing a complaint on behalf of the complainant (e.g., the reporting party may be a dean of a college, but not the person allegedly harmed by the noted offenses).
- “*Preponderance of the Evidence*” has been added to define the standard under which Title IX offenses would be adjudicated.
- “*Clear and Convincing Evidence*” has been added to define the standard that applies in special cases involving serious criminal misconduct (e.g., Ch. UWS 7) and to show how the “Clear and Convincing Evidence” standard of proof differs from a “Preponderance of the Evidence” standard of proof.
- “*Dating violence*,” “*domestic violence*,” “*sexual assault*,” “*sexual harassment*,” and “*stalking*” have been defined with references to state law definitions for purposes of consistency and clarity. When an alleged violation involves any of these five specific offenses, the complainant is provided with additional rights.

B. *Role of Title IX Coordinators:* Institutions must designate at least one qualified or trained employee to coordinate the institution's efforts to comply with and carry out its

responsibilities under Title IX. As stated in Chs. UWS 4 and 11, the institution must include the Title IX Coordinator in the initial processing of the complaint and investigation in cases involving sexual harassment, sexual assault, stalking, dating violence and domestic violence.

C. *Evidentiary Standard of Proof:* Allegations involving sexual harassment, sexual assault, stalking, dating violence and domestic violence shall have an evidentiary standard of proof of a preponderance of the evidence. Chs. UWS 4 and 11 state that there must be “just cause” to dismiss an employee; however, neither code specifies the standard of proof that should be used in evaluating the evidence. The Committee discussed whether to add language that would specify the use of a “clear and convincing” standard of proof for all other offenses, which would be consistent with Ch. UWS 7. However, there was a concern that such clarification would be beyond the scope of the Committee’s role. Therefore, the Committee elected to address only the standard of proof for the VAWA offenses to comply with the federal guidance.

D. *Access to Information during Proceeding:* Both the complainant and the accused should be afforded similar and timely access to information that will be used at a hearing. Access to this information must be provided in a manner that is consistent with state and federal privacy laws. For example, prior disciplinary action, student educational records or medical information that is revealed during an investigation or hearing process should not be disclosed to the aggrieved party unless a specific legal exception applies under state or federal law. In cases of sexual harassment, sexual assault, stalking, dating violence and domestic violence, the proposed Administrative Code would provide the complainant with the same information as the accused, unless such disclosure is prohibited by state or federal law.

E. *Rights of Aggrieved Party during Hearing Process:* As stated in the OCR guidance, during an investigation related to the VAWA offenses, the complainant and the accused should be afforded equal rights. The proposed Administrative Code would provide parity of rights in the following manner:

- The complainant and the accused would have an equal opportunity to present relevant witnesses and other evidence.
- The parties would be afforded similar and timely access to any information used at the hearing, excluding information that would be excluded from disclosure under state or federal law, such as private or confidential information relating to student educational records, medical records or other employment personnel records.
- Both the complainant and the accused would be provided with written notification of the outcome of the complaint/proceedings.
- Under the existing codes, an accused party has the right to confront or cross-examine witnesses (which usually include the complainant). However, the Office for Civil Rights strongly encourages institutions to prevent the accused and the complainant

from personally cross examining each other. Instead, the OCR suggests that the parties be allowed to submit questions directly to a trained third party, such as the hearing committee, for consideration. The Committee determined that language should be added to give a hearing body the authority to restrict cross-examination of the parties in a manner that would allow for questioning of the parties but avoid an intimidating or hostile hearing environment.

- Both the complainant and the accused would have the right to an advisor of his/her choice during the proceedings.

Additional Rulemaking Requirements

As part of the rulemaking process, the Board of Regents must meet certain procedural requirements, including: providing an economic impact statement, providing a fiscal estimate, and holding a public hearing. Attachment 2 includes a preliminary economic impact statement and a fiscal statement. Attachment 2 also includes a directive from the Board to UW System Administration to conduct the required hearing and take the steps necessary to meet these statutory requirements. By adopting Resolution I.1.b.(1), the Board approves the statements in Attachment 2.

Note: Attachment 3 contains the draft with tracked changes of Ch. UWS 4 and Attachment 4 shows the how the Ch. UWS 4 would read with all changes incorporated. Attachment 5 contains the draft with tracked changes of Ch. UWS 7 and Attachment 6 shows how Ch. UWS 7 would read with all changes incorporated.

Attachment 1

STATEMENT OF SCOPE FOR ADMINISTRATIVE RULES

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

Rule No.: Chapter UWS 4 and Chapter UWS 7

Relating to: Procedures for Dismissal of Faculty/Dismissal of Faculty in Special Cases

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Board of Regents of the University of Wisconsin System ("Board") seeks to modify Chapter UWS 4, Procedures for Dismissal of Faculty, and Chapter UWS 7, Dismissal of Faculty in Special Cases, to recognize published guidance from the U.S. Department of Education. In the guidance, the Department of Education has addressed expectations for higher education institutions to respond to sexual misconduct allegations involving school employees, including allegations of sexual assault.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The current version of Chapter UWS 4 provides a disciplinary process for pursuing dismissal of faculty for just cause. The current version of Chapter UWS 7 provides a disciplinary process for pursuing dismissal of faculty in special cases of serious criminal misconduct, including sexual assault.

The U.S. Department of Education has issued guidance related to sexual assaults at higher education institutions and has reaffirmed that Title IX protects students from sexual harassment carried out by school employees. Some of the expectations of the U.S. Department of Education may require modifications to the provisions under the current Chapters 4 and 7 in order for them to be met.

The modifications contemplated by this rulemaking would incorporate into law some of the published expectations of the U.S. Department of Education. In particular, the new provisions would reflect the evidentiary burden of proof and the role of a complainant in the process.

If modifications are not made to Chapter UWS 4 and Chapter UWS 7, UW institutions will continue to adhere to the provisions of Chapter UWS 4 and Chapter UWS 7 and the federal guidance, but only to the extent that a conflict does not arise. Further, following both policy guidance and the law may lead to confusion.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Wis. Stat. § 36.13(3): "Rules. The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the non-retention and dismissal of faculty members. Such rules shall be promulgated under ch. 227."

Wis. Stat. § 36.13(5): "Procedural Guarantees. Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and decision of the board in such matters shall be final, subject to judicial review under ch. 227. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227."

5. Estimate the amount of time that state employees will spend developing the rule and other resources necessary to develop the rule:

50 hours

6. List with description of all entities that may be affected by the proposed rule:

All 13 four-year University of Wisconsin System institutions, all 13 UW Colleges and the University of Wisconsin Extension.

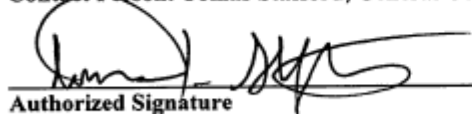
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Title IX of the Education Amendments of 1972 provides that "[N]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Currently, there are no federal regulations interpreting this law with respect to addressing allegations of sexual misconduct; however, the U.S. Department of Education has issued guidance through Dear Colleague Letters which establish the federal agency's expectations for institutions of higher education that receive federal funding. This guidance is being enforced by the U.S. Department of Education through the Office for Civil Rights.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

There is no anticipated economic impact of the proposed rule.

Contact Person: Tomas Stafford, General Counsel, 608-262-2995

 6/19/14
Authorized Signature Date

Attachment 2

Economic Impact

The analysis conducted on behalf of the Board of Regents determined that the proposed rules will have minimal to no economic impact locally or statewide. The Board hereby directs UW System Administration, pursuant to s. 227.137, Wis. Stats., to initiate a comment period of at least fourteen (14) calendar days to solicit information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rules in order to determine what, if any, economic impact the rules will have locally or statewide. UW System Administration is hereby authorized to take any and all additional action necessary to comply with this statutory requirement.

Fiscal Estimate

The Board of Regents hereby determines that the proposed rules will have minimal to no fiscal impact or effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenues. The Board also anticipates no state fiscal effect during the current biennium and minimal to no fiscal impact on annual state funds. However, it should be noted that due to changes in the law and federal guidance, a number of UW institutions may be required to spend additional institutional funds in order to implement comprehensive training programs, and hire Title IX coordinators and investigators to conduct the duties and responsibilities required to comply with the federal guidance issued by the Office for Civil Rights as it relates to sexual misconduct on campus. There is minimal to no anticipated fiscal effect on the private sector, and no anticipated costs incurred by the private sector in complying with the rules. The Board hereby directs UW System Administration to prepare a fiscal estimate in accordance with this determination, as directed under s. 224.14(4), Wis. Stats. UW System Administration is also authorized to take any and all additional action necessary to comply with this statutory requirement.

Public Hearing

The Board of Regents hereby authorizes UW System Administration to proceed with scheduling a public hearing in accordance with s. 227.17, Wis. Stats. UW System Administration is hereby authorized to take any and all additional action necessary to comply with this statutory requirement, provided that if UW System Administration recommends additional rules changes of a substantive nature, as determined by the President of the University of Wisconsin System, it will re-submit the rules to the Board of Regents for approval.

Attachment 3
Draft – Tracked Changes

Chapter UWS 4

PROCEDURES FOR DISMISSAL

- UWS 4.01 Dismissal for cause.
- UWS 4.015 Definitions
- UWS 4.02 Responsibility for charges.
- UWS 4.03 Standing faculty committee.
- UWS 4.04 Hearing.
- UWS 4.05 Adequate due process.
- UWS 4.06 Procedural guarantees.
- UWS 4.07 Recommendations: to the chancellor: to the regents.
- UWS 4.08 Board review.
- UWS 4.09 Suspension from duties.
- UWS 4.10 Date of dismissal.

UWS 4.01 Dismissal for cause.

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his/her term of appointment only by the board and only for just cause and only after due notice and hearing. A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal.

(2) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic community. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 4.015 Definitions.

The following terms shall have the meaning given below.

- (1) “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.”
- (2) “Complainant” means one or more individuals allegedly harmed as a result of sexual harassment, sexual assault, dating violence, domestic violence and/or stalking as defined in subparagraphs (5), (6), (9), (10) and/or (11).
- (3) “Complaint” means an allegation against a faculty member reported to an appropriate university official.

(4) “Consult” or “consulting” means thoroughly reviewing and discussing the relevant facts and discretionary issues.

(5) “Dating violence” means violence committed in a “dating relationship” as defined in Wis. Stat. § 813.12(1)(ag).

(6) “Domestic violence” means conduct defined as “domestic abuse” in Wis. Stat. §§ 813.12(1)(am) and 968.075.

(7) “Preponderance of the evidence” means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than “clear and convincing evidence.”

(8) “Reporting Party” means one or more individuals or groups filing a complaint as defined in subparagraph (3). A reporting party may also be a complainant as defined in subparagraph (2).

(9) “Sexual harassment” means conduct defined in Wis. Stat. § 111.32.

(10) “Sexual assault” means conduct defined in Wis. Stat. § 940.225.

(11) “Stalking” means conduct defined in Wis. Stat. § 940.32.

UWS 4.02 Responsibility for charges.

(1) Whenever the chancellor of an institution within the university of Wisconsin system receives a complaint against a faculty member which he/she deems substantial and which, if true, might lead to dismissal under s. [UWS 4.01](#), the chancellor, or designee, shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member.

For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the chancellor, or designee, shall appoint the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The chancellor, or designee, shall also offer to discuss the matter informally with the complainant, and provide information of rights under this chapter. Both the faculty member and the complainant shall have the right to be accompanied by an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process.

A faculty member may be dismissed only after receipt of a written statement of specific charges from the chancellor as the chief administrative officer of the institution and, if a hearing is requested by the faculty member, in accordance with the provisions of this chapter. If the faculty member does not request a hearing, action shall proceed along normal administrative lines but the provisions of ss. [UWS 4.02](#), [4.09](#), and [4.10](#) shall still apply.

(2) Any formal statement of specific charges for dismissal sent to a faculty member shall be accompanied by a statement of the appeal procedures available to the faculty member.

(3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. [801.11 \(1\) \(c\)](#), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the statement of charges involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

UWS 4.03 Standing faculty committee. The faculty of each institution shall provide a standing committee charged with hearing dismissal cases and making recommendations under this chapter. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.46 (4), Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the board according to s. UWS 4.07.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; correction made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.

UWS 4.04 Hearing. If the faculty member requests a hearing within 20 days of notice of the statement of charges (25 days if notice is by first class mail and publication), such a hearing shall be held not later than 20 days after the request except that this time limit may be enlarged by mutual written consent of the parties, or by order of the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the standing faculty committee created under s. UWS 4.03.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 4.05 Adequate due process.

(1) A fair hearing for a faculty member whose dismissal is sought under s. UWS 4.01 shall include the following:

(a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;

(b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;

(c) A right to be heard in his/her defense;

(d) A right to an advisor, counsel and/or other representatives, and to offer witnesses;

(e) A right to confront and cross-examine adverse witnesses. If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence or stalking, the hearing committee may reasonably restrict the faculty member or the complainant from questioning each other

(f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;

(g) Written findings of fact and decision based on the hearing record;

(h) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.

(2) If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the faculty member in section 4.05(1)(a-h), except as may be precluded by applicable state or federal law.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) (h) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; correction in (1) (h) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.

UWS 4.06 Procedural guarantees.

(1) Any hearing held shall comply with the requirements set forth in s. UWS 4.05. The following requirements shall also be observed:

(a) The burden of proof of the existence of just cause is on the administration or its representatives;

(b) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the standard of proof shall be a preponderance of the evidence;

(c) No faculty member who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;

(d) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open (see subch. [V of ch. 19](#), Stats., Open Meeting Law);

(e) The faculty hearing committee may, on motion of either party, , and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence or stalking, on the motion of the complainant, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. [UWS 4.03](#);

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

(g) If the faculty hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under s. [UWS 4.03](#);

(h) If a proceeding on charges against a faculty member not holding tenure is not concluded before the faculty member's appointment would expire, he/she may elect that such proceeding be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be discontinued at the expiration of the appointment;

(i) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;

(j) No provision herein shall prevent the settlement of cases by mutual agreement between the administration and the faculty member, with board approval, at any time prior to a final decision by the board;

(k) Adjournment shall be granted to enable the parties, including the complainant, to investigate evidence as to which a valid claim of surprise is made.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 4.07 Recommendations: to the chancellor: to the regents.

(1) The faculty hearing committee shall send to the chancellor and to the faculty member concerned, as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. The committee may determine that while adequate cause for discipline exists, some sanction less severe than dismissal is more appropriate. Within 20 days after receipt of this material the chancellor shall review it and afford the faculty member an opportunity to discuss it. The chancellor shall prepare a written recommendation within 20 days following the meeting with the faculty member, unless his/her proposed recommendation differs substantially from that of the committee. If the chancellor's proposed recommendations differ substantially from those of the faculty hearing committee, the chancellor shall promptly consult the faculty hearing committee and provide the committee with a reasonable opportunity for a written response prior to forwarding his/her recommendation. If the recommendation is for dismissal, the recommendation shall be submitted through the president of the system to the board. A copy of the faculty hearing committee's report and recommendations shall be forwarded through the president of the system to the board along with the chancellor's recommendation. A copy of the chancellor's recommendation shall also be sent to the faculty member concerned and to the faculty committee. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the complainant shall have all rights provided to the faculty member in this paragraph, including the right to receive a copy of the chancellor's recommendation, except as may be precluded by state or federal law.

(2) Disciplinary action other than dismissal may be taken by the chancellor, after affording the faculty member an opportunity to be heard on the record, except that, upon written request by the faculty member, such action shall be submitted as a recommendation through the president to the board together with a copy of the faculty hearing committee's report and recommendation. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the complainant shall have all the rights provided to the faculty member in this paragraph.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 4.08 Board review.

(1) If the chancellor recommends dismissal, the board shall review the record before the faculty hearing committee and provide an opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, unless the board decides to drop the charges against the faculty member without a hearing or the faculty member elects to waive a hearing. This hearing shall be closed unless the faculty member requests an open hearing (see subch. V of ch. 19, Stats., Open Meeting Law). For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the same opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, as the faculty member.

(2) If, after the hearing, the board decides to take action different from the recommendation of the faculty hearing committee and/or the chancellor, then before taking final action the board shall consult with the faculty hearing committee and/or the chancellor, as appropriate.

(3) If a faculty member whose dismissal is sought does not request a hearing **pursuant to s. UWS 4.04 the board shall take appropriate action upon receipt of the statement of charges** and the recommendation of the chancellor.

(4) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall be notified of the board's final decision and may receive a copy, if applicable, upon request, except as may be precluded by state or federal law.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 4.09 Suspension from duties. Pending the final decision as to his/her dismissal, the faculty member shall not normally be relieved of duties; but if, after consultation with appropriate faculty committees the chancellor finds that substantial harm to the institution may result if the faculty member is continued in his/her position, the faculty member may be relieved immediately of his/her duties, but his/her pay shall continue until the board makes its decision as to dismissal, unless the chancellor also makes the determinations set forth in s. **UWS 7.06 (1)** in which case the suspension from duties may be without pay and the procedures set forth in s. **UWS 7.06** shall apply.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; **CR 06-078: am. Register May 2007 No. 617, eff. 7-1-07.**

UWS 4.10 Date of dismissal. A decision by the board ordering dismissal shall specify the effective date of the dismissal.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

Attachment 4

Draft – Proposed Changes Incorporated

Chapter UWS 4

PROCEDURES FOR DISMISSAL

UWS 4.01 Dismissal for cause.

UWS 4.015 Definitions

UWS 4.02 Responsibility for charges.

UWS 4.03 Standing faculty committee.

UWS 4.04 Hearing.

UWS 4.05 Adequate due process.

UWS 4.06 Procedural guarantees.

UWS 4.07 Recommendations: to the chancellor; to the regents.

UWS 4.08 Board review.

UWS 4.09 Suspension from duties.

UWS 4.10 Date of dismissal.

UWS 4.01 Dismissal for cause.

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his/her term of appointment only by the board and only for just cause and only after due notice and hearing. A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal.

(2) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic community. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 4.015 Definitions.

The following terms shall have the meaning given below.

(1) “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.”

(2) “Complainant” means one or more individuals allegedly harmed as a result of sexual harassment, sexual assault, dating violence, domestic violence and/or stalking as defined in subparagraphs (5), (6), (9), (10) and/or (11).

(3) “Complaint” means an allegation against a faculty member reported to an appropriate university official.

(4) “Consult” or “consulting” means thoroughly reviewing and discussing the relevant facts and discretionary issues.

(5) “Dating violence” means violence committed in a “dating relationship” as defined in Wis. Stat. § 813.12(1)(ag).

(6) “Domestic violence” means conduct defined as “domestic abuse” in Wis. Stat. §§ 813.12(1)(am) and 968.075.

(7) “Preponderance of the evidence” means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than “clear and convincing evidence.”

(8) “Reporting Party” means one or more individuals or groups filing a complaint as defined in subparagraph (3). A reporting party may also be a complainant as defined in subparagraph (2).

(9) “Sexual harassment” means conduct defined in Wis. Stat. § 111.32.

(10) “Sexual assault” means conduct defined in Wis. Stat. § 940.225.

(11) “Stalking” means conduct defined in Wis. Stat. § 940.32.

UWS 4.02 Responsibility for charges.

(1) Whenever the chancellor of an institution within the university of Wisconsin system receives a complaint against a faculty member which he/she deems substantial and which, if true, might lead to dismissal under s. UWS 4.01, the chancellor, or designee, shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member.

For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the chancellor, or designee, shall appoint the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The chancellor, or designee, shall also offer to discuss the matter informally with the complainant, and provide information of rights under this chapter. Both the faculty member and the complainant shall have the right to be accompanied by an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process.

A faculty member may be dismissed only after receipt of a written statement of specific charges from the chancellor as the chief administrative officer of the institution and, if a hearing is requested by the faculty member, in accordance with the provisions of this chapter. If the faculty member does not request a hearing, action shall proceed along normal administrative lines but the provisions of ss. UWS 4.02, 4.09, and 4.10 shall still apply.

(2) Any formal statement of specific charges for dismissal sent to a faculty member shall be accompanied by a statement of the appeal procedures available to the faculty member.

(3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the statement of charges involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

UWS 4.03 Standing faculty committee. The faculty of each institution shall provide a standing committee charged with hearing dismissal cases and making recommendations under this chapter. This standing faculty committee shall operate as the hearing agent for the board pursuant to s. 227.46 (4), Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of law and decision to the board according to s. UWS 4.07.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; **correction made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.**

UWS 4.04 Hearing. If the faculty member requests a hearing within 20 days of notice of the statement of charges (25 days if notice is by first class mail and publication), such a hearing shall be held not later than 20 days after the request except that this time limit may be enlarged by mutual written consent of the parties, or by order of the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the standing faculty committee created under s. UWS 4.03.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 4.05 Adequate due process.

(1) A fair hearing for a faculty member whose dismissal is sought under s. UWS 4.01 shall include the following:

(a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;

(b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;

(c) A right to be heard in his/her defense;

(d) A right to an advisor, counsel and/or other representatives, and to offer witnesses;

(e) A right to confront and cross-examine adverse witnesses. If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence or stalking, the hearing committee may reasonably restrict the faculty member or the complainant from questioning each other

(f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;

(g) Written findings of fact and decision based on the hearing record;

(h) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.

(2) If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the faculty member in section 4.05(1)(a-h), except as may be precluded by applicable state or federal law.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) (h) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; **correction in (1) (h) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.**

UWS 4.06 Procedural guarantees.

(1) Any hearing held shall comply with the requirements set forth in s. UWS 4.05. The following requirements shall also be observed:

(a) The burden of proof of the existence of just cause is on the administration or its representatives;

(b) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the standard of proof shall be a preponderance of the evidence;

(c) No faculty member who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;

(d) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);

(e) The faculty hearing committee may, on motion of either party, , and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence or stalking, on the motion of the complainant, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee under s. UWS 4.03;

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

(g) If the faculty hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee under s. UWS 4.03;

(h) If a proceeding on charges against a faculty member not holding tenure is not concluded before the faculty member's appointment would expire, he/she may elect that such proceeding be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be discontinued at the expiration of the appointment;

(i) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;

(j) No provision herein shall prevent the settlement of cases by mutual agreement between the administration and the faculty member, with board approval, at any time prior to a final decision by the board;

(k) Adjournment shall be granted to enable the parties, including the complainant, to investigate evidence as to which a valid claim of surprise is made.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 4.07 Recommendations: to the chancellor: to the regents.

(1) The faculty hearing committee shall send to the chancellor and to the faculty member concerned, as soon as practicable after conclusion of the hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. The committee may determine that while adequate cause for discipline exists, some sanction less severe than dismissal is more appropriate. Within 20 days after receipt of this material the chancellor shall review it and afford the faculty member an opportunity to discuss it. The chancellor shall prepare a written recommendation within 20 days following the meeting with the faculty member, unless his/her proposed recommendation differs substantially from that of the committee. If the chancellor's proposed recommendations differ substantially from those of the faculty hearing committee, the chancellor shall promptly consult the faculty hearing committee and provide the committee with a reasonable opportunity for a written response prior to forwarding his/her recommendation. If the recommendation is for dismissal, the recommendation shall be submitted through the president of the system to the board. A copy of the faculty hearing committee's report and recommendations shall be forwarded through the president of the system to the board along with the chancellor's recommendation. A copy of the chancellor's recommendation shall also be sent to the faculty member concerned and to the faculty committee. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the complainant shall have all rights provided to the faculty member in this paragraph, including the right to receive a copy of the chancellor's recommendation, except as may be precluded by state or federal law.

(2) Disciplinary action other than dismissal may be taken by the chancellor, after affording the faculty member an opportunity to be heard on the record, except that, upon written request by the faculty member, such action shall be submitted as a recommendation through the president to the board together with a copy of the faculty hearing committee's report and recommendation. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the complainant shall have all the rights provided to the faculty member in this paragraph.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

UWS 4.08 Board review.

(1) If the chancellor recommends dismissal, the board shall review the record before the faculty hearing committee and provide an opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, unless the board decides to drop the charges against the faculty member without a hearing or the faculty member elects to waive a hearing. This hearing shall be closed unless the faculty member requests an open hearing (see subch. V of ch. 19, Stats., Open Meeting Law). For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the same opportunity for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, as the faculty member.

(2) If, after the hearing, the board decides to take action different from the recommendation of the faculty hearing committee and/or the chancellor, then before taking final action the board shall consult with the faculty hearing committee and/or the chancellor, as appropriate.

(3) If a faculty member whose dismissal is sought does not request a hearing pursuant to s. UWS 4.04 the board shall take appropriate action upon receipt of the statement of charges and the recommendation of the chancellor.

(4) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall be notified of the board's final decision and may receive a copy, if applicable, upon request, except as may be precluded by state or federal law.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 4.09 Suspension from duties. Pending the final decision as to his/her dismissal, the faculty member shall not normally be relieved of duties; but if, after consultation with appropriate faculty committees the chancellor finds that substantial harm to the institution may result if the faculty member is continued in his/her position, the faculty member may be relieved immediately of his/her duties, but his/her pay shall continue until the board makes its decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 7.06 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 7.06 shall apply.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; **CR 06-078: am. Register May 2007 No. 617, eff. 7-1-07.**

UWS 4.10 Date of dismissal. A decision by the board ordering dismissal shall specify the effective date of the dismissal.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

Attachment 5
Draft-Tracked Changes

Chapter UWS 7
DISMISSAL OF FACULTY IN SPECIAL CASES

UWS 7.01 Declaration of policy.

UWS 7.015 Definitions

UWS 7.02 Serious criminal misconduct.

UWS 7.03 Dismissal for cause.

UWS 7.04 Reporting responsibility.

UWS 7.05 Expedited process.

UWS 7.06 Temporary suspension without pay.

UWS 7.01 Declaration of policy. University faculty members are responsible for advancing the university's missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness, credibility, and ability to maintain public trust are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the university's ability to fulfill its missions, or that seriously impairs the faculty member's fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The board of regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.015 Definitions.

- (1) “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.”
- (2) “Complainant” means one or more individuals allegedly harmed as a result of sexual assault, dating violence, domestic violence and/or stalking as defined in UWS 4.015.
- (3) “Complaint” means an allegation against a faculty member reported to an appropriate university official.
- (4) “Consult” or “consulting” means thoroughly reviewing and discussing the relevant facts and discretionary issues.
- (5) “Preponderance of the evidence” means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than “clear and convincing evidence.”

UWS 7.02 Serious criminal misconduct.

(1) In this chapter, "serious criminal misconduct" means:

(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:

1. Causing serious physical injury to another person.
2. Creating a serious danger to the personal safety of another person.
3. Sexual assault.
4. Theft, fraud or embezzlement.
5. Criminal damage to property.
6. Stalking or harassment.

(b) A substantial risk to the safety of members of the university community or others is posed.

(c) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.

(d) The faculty member's fitness or ability to fulfill the duties of his or her position is seriously impaired.

(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. [UWS 7.03](#) to [7.06](#).

(4) Any act required or permitted by ss. [UWS 7.03](#) to [7.06](#) to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the board of regents under s. [UWS 2.02](#).

History: [CR 06-078](#): cr. [Register May 2007 No. 617](#), eff. 6-1-07.

UWS 7.03 Dismissal for cause.

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his or her term of appointment only by the board and only for just cause and only after due notice and hearing.

(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. [UWS 7.02](#).

History: [CR 06-078](#): cr. [Register May 2007 No. 617](#), eff. 6-1-07.

UWS 7.04 Reporting responsibility. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. [UWS 7.02 \(1\) \(a\)](#), in state or federal court, shall immediately report that fact to the chancellor.

History: [CR 06-078](#): cr. [Register May 2007 No. 617](#), eff. 6-1-07.

UWS 7.05 Expedited process.

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. [UWS 7.04](#) or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. [UWS 7.02 \(1\) \(a\)](#), in state or federal court, the chancellor shall:

(a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the chancellor as to whether to proceed under this section or ch. [UWS 4](#). In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant shall be notified by the chancellor of the receipt of the report or information at the same time as the faculty member.

(b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause. In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant shall have the disqualification rights that are afforded to the faculty member in this subsection.

(2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.

(3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. [UWS 4](#), to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the faculty member in the manner specified in s. [UWS 4.02 \(3\)](#).

(a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within 2 working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. [UWS 4](#), the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. [UWS 4](#), the chancellor receives a report under s. [UWS 7.04](#) or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. [UWS 7.02 \(1\) \(a\)](#), and one or more of the conditions listed in s. [UWS 7.02 \(1\) \(b\)](#) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. [UWS 6](#), and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under sub. (3) (a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal

cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 4.05 to 4.06, except that the hearing shall be concluded, and written findings and a recommendation to the chancellor shall be prepared, within 15 working days of the filing of charges.

(5)

(a) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written recommendation on the matter.

(b) If the recommendation is for dismissal, the chancellor shall transmit it to the board for review.

(c) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member. In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant shall have the same right to a review on the record as the faculty member.

(6) Upon receipt of the chancellor's recommendation, the full board shall review the record before the institutional hearing committee, and shall offer an opportunity for filing exceptions to the recommendation, and for oral argument. In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant shall have all the rights provided to the faculty member in this paragraph. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor's recommendation.

(7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.

(8) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration must demonstrate by clear and convincing evidence that the faculty member engaged in serious criminal misconduct, as defined in UWS 7.02, except in cases involving sexual assault, dating violence, domestic violence or stalking, in which the evidentiary standard shall be by a preponderance of the evidence. (9)

The chair of the faculty hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.06 Temporary suspension without pay.

(1) The chancellor, after consulting with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to his or her dismissal where:

(a) The faculty member has been charged with a felony of a type listed in s. UWS 7.02 (1) (a) and the chancellor, after following the provisions of s. UWS 7.05 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, and 2) that the faculty member has engaged in the conduct as alleged; or

(b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or

(c) The faculty member has pleaded guilty or no contest to or been convicted of a felony of a type listed in s. [UWS 7.02 \(1\) \(a\)](#) and one or more of the conditions listed in s. [UWS 7.02 \(1\) \(b\)](#) through (e) are present.

(2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.

(3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:

(a) If the chancellor later determines that the faculty member should not be dismissed, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, and, except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.

(b) If the board later determines that the faculty member should not be dismissed, the board may order a lesser penalty and shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.

(c) If the chancellor or board later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the faculty member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the faculty member.

(4) If, after affording the faculty member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. [UWS 4.09](#) shall apply.

History: [CR 06-078](#): cr. [Register May 2007 No. 617](#), eff. 6-1-07.

Attachment 6

Draft – Proposed Changes Incorporated

Chapter UWS 7

DISMISSAL OF FACULTY IN SPECIAL CASES

UWS 7.01 Declaration of policy.

UWS 7.015 Definitions

UWS 7.02 Serious criminal misconduct.

UWS 7.03 Dismissal for cause.

UWS 7.04 Reporting responsibility.

UWS 7.05 Expedited process.

UWS 7.06 Temporary suspension without pay.

UWS 7.01 Declaration of policy. University faculty members are responsible for advancing the university's missions of teaching, research and public service. The fulfillment of these missions requires public trust in the integrity of the institution and in all members of the university community. The university's effectiveness, credibility, and ability to maintain public trust are undermined by criminal activity that poses a substantial risk to the safety of others, that seriously impairs the university's ability to fulfill its missions, or that seriously impairs the faculty member's fitness or ability to fulfill his or her duties. Situations involving such serious criminal misconduct by faculty members must be addressed and resolved promptly to ensure that public trust is maintained and that the university is able to advance its missions. The board of regents therefore adopts the procedures in this chapter for identifying and responding to those instances in which a faculty member has engaged in serious criminal misconduct.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.015 Definitions.

- (6) "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."
- (7) "Complainant" means one or more individuals allegedly harmed as a result of sexual assault, dating violence, domestic violence and/or stalking as defined in UWS 4.015.
- (8) "Complaint" means an allegation against a faculty member reported to an appropriate university official.
- (9) "Consult" or "consulting" means thoroughly reviewing and discussing the relevant facts and discretionary issues.
- (10) "Preponderance of the evidence" means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than "clear and convincing evidence."

UWS 7.02 Serious criminal misconduct.

(1) In this chapter, "serious criminal misconduct" means:

(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:

1. Causing serious physical injury to another person.
2. Creating a serious danger to the personal safety of another person.
3. Sexual assault.
4. Theft, fraud or embezzlement.
5. Criminal damage to property.
6. Stalking or harassment.

(b) A substantial risk to the safety of members of the university community or others is posed.

(c) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.

(d) The faculty member's fitness or ability to fulfill the duties of his or her position is seriously impaired.

(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 7.03 to 7.06.

(4) Any act required or permitted by ss. UWS 7.03 to 7.06 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies approved by the board of regents under s. UWS 2.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.03 Dismissal for cause.

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his or her term of appointment only by the board and only for just cause and only after due notice and hearing.

(2) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 7.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.04 Reporting responsibility. Any faculty member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.05 Expedited process.

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 7.04 or other credible information that a faculty member has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), in state or federal court, the chancellor shall:

(a) Within 3 working days of receipt of the report or information, inform the faculty member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and to advise the chancellor as to whether to proceed under this section or ch. UWS 4. In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant shall be notified by the chancellor of the receipt of the report or information at the same time as the faculty member.

(b) Upon appointing an investigator and notifying the faculty member, afford the faculty member 3 working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The faculty member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause. In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant shall have the disqualification rights that are afforded to the faculty member in this subsection.

(2) The investigator shall complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.

(3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the faculty member pursuant to this chapter, to seek dismissal of the faculty member pursuant to ch. UWS 4, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the faculty member in the manner specified in s. UWS 4.02 (3).

(a) If the chancellor decides to seek dismissal of the faculty member pursuant to this chapter, the chancellor shall file charges within 2 working days of reaching the decision.

(b) If the chancellor decides to seek dismissal of the faculty member pursuant to ch. UWS 4, the chancellor shall file charges and proceed in accordance with the provisions of that chapter and implementing institutional policies. If, during the course of such proceedings under ch. UWS 4, the chancellor receives a report under s. UWS 7.04 or other credible information that the faculty member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 7.02 (1) (a), and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this chapter.

(c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 6, and implementing institutional policies, shall be followed.

(4) If charges seeking dismissal are filed under sub. (3) (a), the faculty member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal

cases and making recommendations under s. UWS 4.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 4.05 to 4.06, except that the hearing shall be concluded, and written findings and a recommendation to the chancellor shall be prepared, within 15 working days of the filing of charges.

(5)

(a) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written recommendation on the matter.

(b) If the recommendation is for dismissal, the chancellor shall transmit it to the board for review.

(c) Disciplinary action other than dismissal may be taken by the chancellor, whose decision shall be final, unless the board at its option grants a review on the record at the request of the faculty member. In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant shall have the same right to a review on the record as the faculty member.

(6) Upon receipt of the chancellor's recommendation, the full board shall review the record before the institutional hearing committee, and shall offer an opportunity for filing exceptions to the recommendation, and for oral argument. In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant shall have all the rights provided to the faculty member in this paragraph. The full board shall issue its decision on the matter within 15 working days of receipt of the chancellor's recommendation.

(7) If a faculty member whose dismissal is sought under sub. (3) (a) does not proceed with the hearing before the institutional hearing committee as provided in sub. (4), the board shall take appropriate action within 10 working days of receipt of the statement of charges and the recommendation of the chancellor.

(8) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration must demonstrate by clear and convincing evidence that the faculty member engaged in serious criminal misconduct, as defined in UWS 7.02, except in cases involving sexual assault, dating violence, domestic violence or stalking, in which the evidentiary standard shall be by a preponderance of the evidence. (9) The chair of the faculty hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 7.06 Temporary suspension without pay.

(1) The chancellor, after consulting with appropriate faculty governance representatives, may suspend a faculty member from duties without pay pending the final decision as to his or her dismissal where: (a) The faculty member has been charged with a felony of a type listed in s. UWS 7.02 (1) (a) and the chancellor, after following the provisions of s. UWS 7.05 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present, and 2) that the faculty member has engaged in the conduct as alleged; or

(b) The faculty member is unable to report for work due to incarceration, conditions of bail or similar cause; or

(c) The faculty member has pleaded guilty or no contest to or been convicted of a felony of a type listed in s. UWS 7.02 (1) (a) and one or more of the conditions listed in s. UWS 7.02 (1) (b) through (e) are present.

(2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the faculty member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the faculty member with an opportunity to be heard with regard to the matter. The faculty member may be represented by counsel or another at this meeting.

(3) If, after affording the faculty member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the faculty member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:

(a) If the chancellor later determines that the faculty member should not be dismissed, the chancellor may discontinue the proceedings, or may recommend a lesser penalty to the board, and, except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.

(b) If the board later determines that the faculty member should not be dismissed, the board may order a lesser penalty and shall order the payment of back pay for any period of the suspension for which the faculty member was willing and able to report for work.

(c) If the chancellor or board later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the faculty member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the faculty member.

(4) If, after affording the faculty member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 4.09 shall apply.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

EDUCATION COMMITTEE

Resolution I.1.b.(2)

That, upon recommendation of the President of the University of Wisconsin System, the Board of Regents approves the attached revisions to Chapter UWS 11, “Dismissal of Academic Staff for Cause,” to comply with the directives outlined in Title IX, the Dear Colleague Letter issued by the U.S. Department of Education Office for Civil Rights, and the Violence Against Women Act. Further, the Board of Regents approves the attached statements that the proposed rules have minimal to no economic impact locally or statewide; the rules have minimal to no fiscal impact locally and statewide; UW System Administration will schedule a public hearing on the rules; and UW System Administration is authorized to take additional action to comply with statutory rulemaking requirements, as necessary.

APPROVAL OF RULE REVISIONS TO CHAPTER UWS 11, WIS. ADMIN. CODE, DISMISSAL OF ACADEMIC STAFF FOR CAUSE

BACKGROUND

The University of Wisconsin System (UW System) Administration seeks to modify Board of Regents (Board) administrative rules, known as Ch. UWS 11, Wis. Admin. Code, "Dismissal of Academic Staff for Cause."

This document describes the general background, the procedures used to determine the proposed changes, and the implications of the adoption of Resolution I.1.b.(2). All UW System institutions are affected by the proposed revisions to Ch. UWS 11.

The Board has statutory authority to propose revisions to Ch. UWS 11. Section 36.15(3), Wis. Stats., reads as follows:

Procedural Guarantees. A person having an academic staff appointment for a term may be dismissed prior to the end of the appointment term only for just cause and only after due notice and hearing. A person having an academic staff appointment for an indefinite term who has attained permanent status may be dismissed only for just cause and only after due notice and hearing. In such matters the action and decision of the board, or the appropriate official authorized by the board, shall be final, subject to judicial review under ch. 227. The Board shall develop procedures for the notice and hearing which shall be promulgated as rules under ch. 227.

The proposed changes to Ch. UWS 11 presented for Board review must be within the narrow scope of the Scope Statements issued to the Governor's Office. Therefore, the proposed changes address only those changes necessary to comply with the directives outlined in Title IX; the *Dear Colleague Letter* issued by the Office for Civil Rights of the U.S. Department of Education; and the Violence Against Women Act (VAWA) which covers offenses of sexual harassment, sexual assault, dating violence, domestic violence and stalking.

On August 22, 2014, the Regents approved a scope statement for the revision of Ch. UWS 11, Wis. Admin. Code, "Dismissal of Academic Staff for Cause." (See Attachment 1). Subsequently, a committee consisting of legal staff; faculty, academic staff, and student representatives; UWSA staff; and others was appointed to review the existing code and determine what, if any, changes were necessary in order to comply with the federal regulations and guidance as noted above. The drafting committee, chaired by Associate Vice President Stephen Kolison and Senior Associate Vice President Al Crist, convened and proposed changes and edits to Ch. UWS 11.

On December 17, 2014, the drafting committee's proposed edits and changes to UWS Ch. 11 were compiled and, together with additional background materials, sent by Interim Senior Vice President Ward as a draft document to chancellors, provosts, and governance bodies at each UW institution for review and comment. Senior Associate Vice President Crist shared the

proposed changes with the chief business officers and the human resources directors on December 23, 2014.

A number of responses were received by Senior Vice President Ward by the deadline on March 6, 2015. On March 11, 2015, the drafting committee reviewed all comments, edits, and questions received by the campuses and made recommendations for the final re-written version of Ch. UWS 11.

REQUESTED ACTION

Adoption of Resolution I.1.b.(2)., approving the Revisions to Administrative Code Ch. UWS 11 “Dismissal of Academic Staff for Cause.” By approving the resolution, the Board also approves statements that the proposed rules have minimal to no economic impact locally or statewide; the rules have minimal to no fiscal impact; UW System Administration will schedule a public hearing on the rules; and UW System Administration is authorized to take additional action to comply with the statutory rulemaking requirements, as necessary.

DISCUSSION

Chapter UWS 11 provides a disciplinary process for pursuing dismissal of academic staff in cases of serious criminal misconduct, such as sexual assault.

Proposed Changes by Subject Matter

The proposed revisions to Ch. UWS 11 are intended to reconcile any potential inconsistencies between the Administrative Code and the federal standards regarding institutional obligations in addressing issues of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. The proposed changes address:

A. *Definition Section:*

- “*Complainant*” has been added to clarify that only persons who are allegedly harmed by sexual harassment, sexual assault, stalking, domestic violence or dating violence would have the additional procedural protections under Title IX.
- “*Reporting Party*” has been added to distinguish between an actual complainant versus a person who may only be filing a complaint on behalf of the complainant (e.g., the reporting party may be a dean of a college, but not the person allegedly harmed by the noted offenses).
- “*Preponderance of the Evidence*” has been added to define the standard under which Title IX offenses would be adjudicated.
- “*Clear and Convincing Evidence*” has been added to define the standard that applies in special cases involving serious criminal misconduct (e.g., Ch. UWS

7) and to show how the “Clear and Convincing Evidence” standard of proof differs from a “Preponderance of the Evidence” standard of proof.

- “*Dating violence*,” “*domestic violence*,” “*sexual assault*,” “*sexual harassment*,” and “*stalking*” have been defined with references to state law definitions for purposes of consistency and clarity. When an alleged violation involves any of these five specific offenses, the complainant is provided with additional rights.

B. *Role of Title IX Coordinators:* Institutions must designate at least one qualified or trained employee to coordinate the institution’s efforts to comply with and carry out its responsibilities under Title IX. As stated in Chs. UWS 4 and 11, the institution must include the Title IX Coordinator in the initial processing of the complaint and investigation in cases involving sexual harassment, sexual assault, stalking, dating violence and domestic violence.

C. *Evidentiary Standard of Proof:* Allegations involving sexual harassment, sexual assault, stalking, dating violence and domestic violence shall have an evidentiary standard of proof of a preponderance of the evidence. Chs. UWS 4 and 11 state that there must be “just cause” to dismiss an employee; however, neither code specifies the standard of proof that should be used in evaluating the evidence. The Committee discussed whether to add language that would specify the use of a “clear and convincing” standard of proof for all other offenses, which would be consistent with Ch. UWS 7. However, there was a concern that such clarification would be beyond the scope of the Committee’s role. Therefore, the Committee elected to address only the standard of proof for the VAWA offenses to comply with the federal guidance.

D. *Access to Information during Proceeding:* Both the complainant and the accused should be afforded similar and timely access to information that will be used at a hearing. Access to this information must be provided in a manner that is consistent with state and federal privacy laws. For example, prior disciplinary action, student educational records or medical information that is revealed during an investigation or hearing process should not be disclosed to the aggrieved party unless a specific legal exception applies under state or federal law. In cases of sexual harassment, sexual assault, stalking, dating violence and domestic violence, the proposed Administrative Code would provide the complainant with the same information as the accused, unless such disclosure is prohibited by state or federal law.

E. *Rights of Aggrieved Party during Hearing Process:* As stated in the OCR guidance, during an investigation related to the VAWA offenses, the complainant and the accused should be afforded equal rights. The proposed Administrative Code would provide parity of rights in the following manner:

- The complainant and the accused would have an equal opportunity to present relevant witnesses and other evidence.

- The parties would be afforded similar and timely access to any information used at the hearing, excluding information that would be excluded from disclosure under state or federal law, such as private or confidential information relating to student educational records, medical records or other employment personnel records.
- Both the complainant and the accused would be provided with written notification of the outcome of the complaint/proceedings.
- Under the existing codes, an accused party has the right to confront or cross-examine witnesses (which usually include the complainant). However, the Office for Civil Rights strongly encourages institutions to prevent the accused and the complainant from personally cross examining each other. Instead, OCR suggests that the parties be allowed to submit questions directly to a trained third party, such as the hearing committee, for consideration. The Committee determined that language should be added to give a hearing body the authority to restrict cross-examination of the parties in a manner that would allow for questioning of the parties but avoid an intimidating or hostile hearing environment.
- Both the complainant and the accused would have the right to an advisor of his/her choice during the proceedings.

Additional Rulemaking Requirements

As part of the rulemaking process, the Board of Regents must meet certain procedural requirements, including: providing an economic impact statement, providing a fiscal estimate, and holding a public hearing. Attachment 2 includes a preliminary economic impact statement and a fiscal statement. Attachment 2 also includes a directive from the Board to UW System Administration to conduct the required hearing and take the steps necessary to meet these statutory requirements. By adopting Resolution I.1.b.(2)., the Board approves the statements in Attachment 2.

Note: Attachment 3 contains the draft with tracked changes of Ch. UWS 11 and Attachment 4 shows how Ch. UWS 11 would read with all changes incorporated.

Attachment 1

STATEMENT OF SCOPE FOR ADMINISTRATIVE RULES

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

Rule No.: Chapter UWS 11

Relating to: Dismissal of Academic Staff for Cause

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Board of Regents of the University of Wisconsin System ("Board") seeks to modify Chapter UWS 11, Dismissal of Academic Staff for Cause, to recognize published guidance from the U.S. Department of Education. In the guidance, the Department of Education has addressed expectations for higher education institutions to respond to sexual misconduct allegations involving school employees, including allegations of sexual assault.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The current version of Chapter UWS 11 provides a disciplinary process for pursuing dismissal of academic staff, including cases of serious criminal misconduct, such as sexual assault.

The U.S. Department of Education has issued guidance related to sexual assaults at higher education institutions and has reaffirmed that Title IX protects students from sexual harassment carried out by school employees. Some of the expectations of the U.S. Department of Education may require modifications to the provisions under the current Chapter 11 in order for them to be met.

The modifications contemplated by this rulemaking would incorporate into law some of the published expectations of the U.S. Department of Education. In particular, the new provisions would reflect the evidentiary burden of proof and the role of a complainant in the process.

If modifications are not made to Chapter UWS 11, the UW institutions will continue to adhere to the provisions of Chapter UWS 11 and to the federal guidance, but only to the extent that a conflict does not arise between the two. Further, following both policy guidance and the law may lead to confusion.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Wis. Stat. § 36.15(3): "Procedural Guarantees. A person having an academic staff appointment for a term may be dismissed prior to the end of the appointment term only for just cause and only after due notice and hearing. A person having an academic staff appointment for an indefinite term who has attained permanent status may be dismissed only for just cause and only after due notice and hearing. In such matters the action and decision of the board, or the appropriate official authorized by the board, shall be final, subject to judicial review under ch. 227. The board shall develop procedures for the notice and hearing which shall be promulgated as rules under ch. 227."

5. Estimate the amount of time that state employees will spend developing the rule and other resources necessary to develop the rule:

50 hours

6. List with description of all entities that may be affected by the proposed rule:

All 13 four-year University of Wisconsin System institutions, all 13 UW Colleges and the University of Wisconsin Extension.

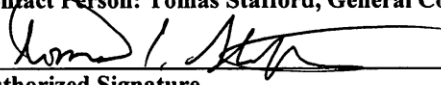
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Title IX of the Education Amendments of 1972 provides that "[N]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Currently, there are no federal regulations interpreting this law with respect to addressing allegations of sexual misconduct; however, the U.S. Department of Education has issued guidance through Dear Colleague Letters which establish the federal agency's expectations for institutions of higher education that receive federal funding. This guidance is being enforced by the U.S. Department of Education through the Office for Civil Rights.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

There is no anticipated economic impact of the proposed rule.

Contact Person: Tomas Stafford, General Counsel, 608-262-2995


Authorized Signature

June 18, 2014
Date

Attachment 2

Economic Impact

The analysis conducted on behalf of the Board of Regents determined that the proposed rules will have minimal to no economic impact locally or statewide. The Board hereby directs UW System Administration, pursuant to s. 227.137, Wis. Stats., to initiate a comment period of at least fourteen (14) calendar days to solicit information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rules in order to determine what, if any, economic impact the rules will have locally or statewide. UW System Administration is hereby authorized to take any and all additional action necessary to comply with this statutory requirement.

Fiscal Estimate

The Board of Regents hereby determines that the proposed rules will have minimal to no fiscal impact or effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenues. The Board also anticipates no state fiscal effect during the current biennium and minimal to no fiscal impact on annual state funds. However, it should be noted that due to changes in the law and federal guidance, a number of UW institutions may be required to spend additional institutional funds in order to implement comprehensive training programs, and hire Title IX coordinators and investigators to conduct the duties and responsibilities required to comply with the federal guidance issued by the Office for Civil Rights as it relates to sexual misconduct on campus. There is minimal to no anticipated fiscal effect on the private sector, and no anticipated costs incurred by the private sector in complying with the rules. The Board hereby directs UW System Administration to prepare a fiscal estimate in accordance with this determination, as directed under s. 224.14(4), Wis. Stats. UW System Administration is also authorized to take any and all additional action necessary to comply with this statutory requirement.

Public Hearing

The Board of Regents hereby authorizes UW System Administration to proceed with scheduling a public hearing in accordance with s. 227.17, Wis. Stats. UW System Administration is hereby authorized to take any and all additional action necessary to comply with this statutory requirement, provided that if UW System Administration recommends additional rules changes of a substantive nature, as determined by the President of the University of Wisconsin System, it will re-submit the rules to the Board of Regents for approval.

Attachment 3

Draft – Tracked Changes

Chapter UWS 11

DISMISSAL OF ACADEMIC STAFF FOR CAUSE

- UWS 11.01 Dismissal for cause-indefinite academic staff appointments.
- UWS 11.015 Definitions.
- UWS 11.02 Responsibility for charges.
- UWS 11.03 Hearing body.
- UWS 11.04 Hearing.
- UWS 11.05 Adequate due process.
- UWS 11.06 Procedural guarantees.
- UWS 11.07 Recommendations: to the chancellor.
- UWS 11.08 Suspension from duties.
- UWS 11.09 Date of dismissal.
- UWS 11.10 Board review.
- UWS 11.101 Dismissal for cause in special cases - indefinite academic staff appointments.
- UWS 11.102 Serious criminal misconduct.
- UWS 11.103 Reporting responsibility.
- UWS 11.104 Expedited process.
- UWS 11.105 Temporary suspension from duties without pay.
- UWS 11.106 Board review.
- UWS 11.11 Dismissal for cause-fixed term or probationary academic staff appointments.
- UWS 11.12 Dismissal for cause-teaching members of the academic staff.

UWS 11.01 Dismissal for cause-indefinite academic staff appointments.

- (1) A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. [UWS 11.02](#) through [11.106](#) or for reasons of budget or program under ch. [UWS 12](#).
- (2) The board's policy is that members of the academic staff are entitled to enjoy and exercise all rights of United States citizens and to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.
- (3) Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. [UWS 11.102](#).

History: Cr. Register, October, 1975, No. 236, eff. 11-1-75; **CR 06-078: am. (1), cr. (3) Register May 2007, No. 617, eff. 6-1-07.**

UWS 11.015 Definitions.

The following terms shall have the meaning given below.

- (1) “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.”

(2) “Complainant” means one or more individuals allegedly harmed as a result of sexual harassment, sexual assault, dating violence, domestic violence and/or stalking as defined in subparagraphs (5), (6), (9), (10) and/or (11).

(3) “Complaint” means an allegation against an academic staff member reported to an appropriate university official.

(4) “Consult” or “consulting” means thoroughly reviewing and discussing the relevant facts and discretionary issues.

(5) “Dating violence” means violence committed in a “dating relationship” as defined in Wis. Stat. § 813.12(1)(ag).

(6) “Domestic violence” means conduct defined as “domestic abuse” in Wis. Stat. §§ 813.12(1)(am) and 968.075.

(7) “Preponderance of the evidence” means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than “clear and convincing evidence.”

(8) “Reporting Party” means one or more individuals or groups filing a complaint as defined in subparagraph (3). A reporting party may also be a complainant as defined in subparagraph (2).

(9) “Sexual harassment” means conduct defined in Wis. Stat. § 111.32.

(10) “Sexual assault” means conduct defined in Wis. Stat. § 940.225.

(11) “Stalking” means conduct defined in Wis. Stat. § 940.32.

History: CR 06-078: cr. Register May 2007, No. 617, eff. 6-1-07.

UWS 11.02 Responsibility for charges.

- (1) Whenever the chancellor of an institution receives an allegation which concerns an academic staff member holding an indefinite appointment which appears to be substantial and which, if true, might lead to dismissal under s. UWS 11.01, the chancellor shall request within a reasonable time that the appropriate dean, director, or designee investigate the allegation. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the chancellor shall direct the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The dean, director, or designee shall offer to discuss it informally with the academic staff member, and, if the allegation involves sexual harassment, sexual assault, dating violence, domestic violence or stalking, with the complainant and provide information of rights under this chapter. Both the academic staff member and the complainant shall have the right to be accompanied by an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process. If such an investigation and discussion does not result in a resolution of the allegation and if the allegation is deemed sufficiently serious to warrant dismissal, the dean, director, or designee shall prepare a written statement of specific charges. A member of the academic staff may be dismissed only after receipt of such a statement of specific charges and, if a hearing is requested by the academic staff member, after a hearing held in accordance with the provisions of this chapter and the subsequently adopted procedures of the institution. If the staff member does not request a hearing, dismissal action shall proceed along normal administrative lines but the provisions of ss. UWS 11.02, 11.08, and 11.09 shall apply. In those cases where the immediate supervisor of the academic staff member concerned is

a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

(2) Any formal statement of specific charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the formal statement of specific charges involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the formal statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

UWS 11.03 Hearing body.

- (1) The chancellor of each institution shall provide for a hearing body charged with hearing dismissal cases and making a report and recommendations under this chapter. Throughout this chapter, the term "hearing body" is used to indicate either a hearing committee or a hearing examiner as designated in the institutional procedures. This hearing body shall operate as the hearing agent for the chancellor pursuant to s. 227.46 (4), Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of fact and decision to the chancellor according to s. UWS 11.07.
- (2) With the concurrence of the faculty and the academic staff advisory committee of each institution, the chancellor may provide that dismissal for cause of a member of the academic staff having teaching responsibilities may be heard by the hearing body specified in s. UWS 4.03. If so provided, the hearing shall be held pursuant to the provisions of ch. UWS 11.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.

UWS 11.04 Hearing. If the staff member requests a hearing within 20 days from the service of the statement of charges (25 days if notice is by first class mail and publication), such hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The request for a hearing shall be addressed in writing to the hearing body established pursuant to s. UWS 11.03. Service of written notice of hearing on the specific charges shall be provided at least 10 days prior to the hearing.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 11.05 Adequate due process.

- (1) Each institution shall develop policies and procedures to provide for a fair hearing upon request in the event of dismissal. A fair hearing for an academic staff member whose dismissal is sought under s. UWS 11.01 shall include the following:
- (a) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
 - (b) A right to be heard in his or her defense;
 - (c) A right to an advisor, counsel and/or other representative, and to offer witnesses;

- (d) A right to confront and cross-examine adverse witnesses. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the hearing committee may reasonably restrict the academic staff member and the complainant from questioning each other;
 - (e) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
 - (f) Written findings of fact and decision based on the hearing record;
 - (g) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.
- (2) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the academic staff member in section 11.05(1)(a-g), except as may be precluded by applicable state or federal law.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; correction in (1) (g) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.

UWS 11.06 Procedural guarantees.

- (1) The following requirements shall also be observed:
 - (a) Any person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall not be qualified to participate as a member of the hearing body;
 - (b) The hearing shall be closed unless the staff member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);
 - (c) The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
 - (d) The burden of proof of the existence of just cause is on the administration or its representatives;
 - (e) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the standard of proof shall be a preponderance of the evidence;
 - (f) If a staff member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;
 - (g) No provision herein shall prevent the settlement of cases by mutual agreement between the administration and the staff member, with the chancellor's approval, at any time prior to a final decision by the chancellor; or when appropriate, with the board's approval prior to a final decision by the board;
 - (h) Adjournments shall be granted to enable the parties to investigate evidence as to which a valid claim of surprise is made.
- (2) If the institutional policies and procedures provide that dismissal cases be heard by a hearing committee, the following requirements shall be observed:
 - (a) The committee may, on motion of either party, and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence or stalking, on the motion of the complainant, disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of replacements equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the policies and procedures adopted by the institution;

- (b) If the hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the policies and procedures adopted by the institution.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 11.07 Recommendations: to the chancellor. The hearing body shall send to the chancellor and to the academic staff member concerned, as soon as practicable after conclusion of a hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. After reviewing the matter on record and considering arguments if submitted by the parties, the chancellor shall issue a decision. In that decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants review based on the record. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the complainant shall have all rights provided to the academic staff member in this paragraph.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 11.08 Suspension from duties. Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except where, after consulting with the appropriate administrative officer, the chancellor finds that substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the chancellor makes a decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 11.105 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.105 shall apply.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; CR 06-078: am. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.09 Date of dismissal. A decision by the chancellor ordering dismissal shall specify the effective date of the dismissal.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 11.10 Board review. A member of the academic staff on indefinite appointment who has been dismissed for cause by the chancellor following a hearing may appeal this action to the board. Any appeal must be made within 30 days of the date of the decision of the chancellor to dismiss. Upon receiving an appeal the board shall review the case on the record. Following such review the board may confirm the chancellor's decision, or direct a different decision, or approve a further hearing before the board with an opportunity for filing exceptions to the hearing body's recommendations or the chancellor's decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing. (See subch. V of ch. 19, Stats., Open Meeting Law.) All decisions of the board, whether after review on the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the same opportunity for appeal, for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, as provided to the academic staff member.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 11.101 Dismissal for cause in special cases - indefinite academic staff appointments. A member of the academic staff holding an indefinite appointment may be dismissed for serious criminal misconduct, as defined in s. [UWS 11.102](#).

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.102 Serious criminal misconduct.

(1) In this chapter, "serious criminal misconduct" means:

- (a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d), or (e) are present, and the felony involves any of the following:
 - 1. Causing serious physical injury to another person.
 - 2. Creating a serious danger to the personal safety of another person.
 - 3. Sexual assault.
 - 4. Theft, fraud or embezzlement.
 - 5. Criminal damage to property.
 - 6. Stalking or harassment.
- (b) A substantial risk to the safety of members of the university community or others is posed.
- (c) The university's ability, or the ability of the academic staff member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.
- (d) The academic staff member's fitness or ability to fulfill the duties of his or her position is seriously impaired.
- (e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.
- (2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.
- (3) Except as otherwise expressly provided, an academic staff member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. [UWS 11.103](#) to [11.106](#).
- (4) Any act required or permitted by ss. [UWS 11.103](#) to [11.106](#) to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the board of regents under s. [UWS 9.02](#).

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.103 Reporting responsibility. Any academic staff member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. [UWS 11.102 \(1\) \(a\)](#), in state or federal court, shall immediately report that fact to the chancellor.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.104 Expedited process.

- (1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. [UWS 11.103](#) or other credible information that an academic staff member holding an indefinite appointment has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. [UWS 11.102 \(1\) \(a\)](#), in state or federal court, the chancellor shall:
 - (a) Within 3 working days of receipt of the report or information, inform the academic staff member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and advise the chancellor as to whether to proceed under this section or ss. [UWS 11.02](#) to [11.10](#). For cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall be notified by the

chancellor of the receipt of the report or information at the same time as the academic staff member.

- (b) Upon appointing an investigator and notifying the academic staff member, afford the academic staff member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The academic staff member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause. For cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the disqualification rights that are afforded to the academic staff member in this subsection.
- (2) The investigator shall be complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.
- (3) Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the academic staff member in the manner specified in s. UWS 11.02 (2).
- (a) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, the chancellor shall file charges within 2 working days of reaching the decision.
- (b) If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, the chancellor shall file charges and proceed in accordance with the provisions of those sections of this chapter and implementing institutional policies. If, during the course of proceedings under ss. UWS 11.02 to 11.10, the chancellor receives a report under s. UWS 11.103 or other credible information that the academic staff member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), and one or more of the factors listed in s. UWS 11.102 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this section.
- (c) If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 13, and implementing institutional policies, shall be followed.
- (4) If charges seeking dismissal are filed under sub. (3) (a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05 to 11.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.
- (5) Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written decision on the matter. In the decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants a review based on the record. In cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the same right to a review on the record as the academic staff member.

- (6) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration must demonstrate by clear and convincing evidence that the academic staff member engaged in serious criminal misconduct, as defined in UWS 11.102, except in cases involving sexual assault, dating violence, domestic violence or stalking, in which the evidentiary standard shall be by a preponderance of the evidence. (7) The chair of the academic staff hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.105 Temporary suspension from duties without pay.

- (1) The chancellor, after consulting with appropriate academic staff governance representatives, may suspend an academic staff member holding an indefinite appointment from duties without pay pending the final decision as to his or her dismissal where:
- (a) The academic staff member has been charged with a felony of a type listed in s. UWS 11.102 (1) (a) and the chancellor, after following the provisions of s. UWS 11.104 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 11.102 (1) (b) through (e) are present, and 2) that the academic staff member has engaged in the conduct as alleged; or
 - (b) The academic staff member is unable to report for work due to incarceration, conditions of bail or similar cause; or
 - (c) The academic staff member has pleaded guilty or no contest to or been convicted of a felony of the type listed in s. UWS 11.102 (1) (a) and one or more of the conditions in s. UWS 11.102 (1) (b) through (e) are present.
- (2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the academic staff member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the academic staff member with an opportunity to be heard with regard to the matter. The academic staff member may be represented by counsel or another at this meeting.
- (3)
- (a) If, after affording the academic staff member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the academic staff member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:
 - (b) If the chancellor later determines that the academic staff member should not be dismissed the chancellor may discontinue the proceedings, or may impose a lesser penalty, and except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the academic staff member was willing and able to report for work;
 - (c) If the chancellor later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the academic staff member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the academic staff member.
- (4) If, after affording the academic staff member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.106 Board review. A member of the academic staff on an indefinite appointment who has been dismissed for serious criminal misconduct may appeal this action to the board as provided in s. UWS 11.10.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.11 Dismissal for cause-fixed term or probationary academic staff

appointments. A member of the academic staff holding a probationary appointment, or a member of the academic staff holding a fixed term appointment and having completed an initial specified period of time, may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program underch. UWS 12. A nonrenewal of such an appointment is not a dismissal under this section. A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a hearing before the appropriate dean or director or his/her designee. If such hearing is requested, a determination of just cause and notification of dismissal shall be made by the dean or director or designee. If no hearing is requested the dismissal is effected by the specifications in the original notification of charges. The hearing before the dean, director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be effective immediately on receipt of written notification of the decision of the dean or director or designee unless a different dismissal date is specified by the dean or director. Dismissals for cause shall be appealable by filing an appeal with the hearing body established under s. UWS 11.03. The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. The provisions of s. UWS 11.04, procedural guarantees, contained in ss. UWS 11.05 and 11.06 and the review provisions of s. UWS 11.07, shall be applicable to the appeal proceeding. In no event, however, shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the chancellor's decision or the end of the contract period, whichever is earlier, shall be restored. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the complainant shall have all procedural rights provided to the academic staff member in this section and the standard of proof shall be by a preponderance of the evidence.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 11.12 Dismissal for cause-teaching members of the academic staff. The policies and procedures of each institution may provide that dismissal for cause of a member of the academic staff having teaching responsibilities and holding a probationary appointment or a fixed term appointment may proceed under ss. UWS 11.02 to 11.10. If the institutional policies and procedures do not specifically make such provisions, dismissal for cause shall be made pursuant to s. UWS 11.11.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

Attachment 4

Draft – Proposed Changes Incorporated

Chapter UWS 11

DISMISSAL OF ACADEMIC STAFF FOR CAUSE

UWS 11.01 Dismissal for cause-indefinite academic staff appointments.

UWS 11.015 Definitions.

UWS 11.02 Responsibility for charges.

UWS 11.03 Hearing body.

UWS 11.04 Hearing.

UWS 11.05 Adequate due process.

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UWS 11.08 Suspension from duties.

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UWS 11.102 Serious criminal misconduct.

UWS 11.103 Reporting responsibility.

UWS 11.104 Expedited process.

UWS 11.105 Temporary suspension from duties without pay.

UWS 11.106 Board review.

UWS 11.11 Dismissal for cause-fixed term or probationary academic staff appointments.

UWS 11.12 Dismissal for cause-teaching members of the academic staff.

UWS 11.01 Dismissal for cause-indefinite academic staff appointments.

- (1)** A member of the academic staff holding an indefinite appointment may be dismissed only for just cause under ss. UWS 11.02 through 11.106 or for reasons of budget or program under ch. UWS 12.
- (2)** The board's policy is that members of the academic staff are entitled to enjoy and exercise all rights of United States citizens and to perform their duties in accordance with appropriate professional codes of ethics. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.
- (3)** Just cause for dismissal includes, but is not limited to, serious criminal misconduct, as defined in s. UWS 11.102.

History: Cr. Register, October, 1975, No. 236, eff. 11-1-75; CR 06-078: am. (1), cr. (3) Register May 2007, No. 617, eff. 6-1-07.

UWS 11.015 Definitions.

The following terms shall have the meaning given below.

- (1) “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.”

(2) “Complainant” means one or more individuals allegedly harmed as a result of sexual harassment, sexual assault, dating violence, domestic violence and/or stalking as defined in subparagraphs (5), (6), (9), (10) and/or (11).

(3) “Complaint” means an allegation against an academic staff member reported to an appropriate university official.

(4) “Consult” or “consulting” means thoroughly reviewing and discussing the relevant facts and discretionary issues.

(5) “Dating violence” means violence committed in a “dating relationship” as defined in Wis. Stat. § 813.12(1)(ag).

(6) “Domestic violence” means conduct defined as “domestic abuse” in Wis. Stat. §§ 813.12(1)(am) and 968.075.

(7) “Preponderance of the evidence” means information that would persuade a reasonable person that a proposition is more probably true than not. It is a lower standard of proof than “clear and convincing evidence.”

(8) “Reporting Party” means one or more individuals or groups filing a complaint as defined in subparagraph (3). A reporting party may also be a complainant as defined in subparagraph (2).

(9) “Sexual harassment” means conduct defined in Wis. Stat. § 111.32.

(10) “Sexual assault” means conduct defined in Wis. Stat. § 940.225.

(11) “Stalking” means conduct defined in Wis. Stat. § 940.32.

History: CR 06-078: cr. Register May 2007, No. 617, eff. 6-1-07.

UWS 11.02 Responsibility for charges.

- (1) Whenever the chancellor of an institution receives an allegation which concerns an academic staff member holding an indefinite appointment which appears to be substantial and which, if true, might lead to dismissal under s. UWS 11.01, the chancellor shall request within a reasonable time that the appropriate dean, director, or designee investigate the allegation. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the chancellor shall direct the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The dean, director, or designee shall offer to discuss it informally with the academic staff member, and, if the allegation involves sexual harassment, sexual assault, dating violence, domestic violence or stalking, with the complainant and provide information of rights under this chapter. Both the academic staff member and the complainant shall have the right to be accompanied by an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process. If such an investigation and discussion does not result in a resolution of the allegation and if the allegation is deemed sufficiently serious to warrant dismissal, the dean, director, or designee shall prepare a written statement of specific charges. A member of the academic staff may be dismissed only after receipt of such a statement of specific charges and, if a hearing is requested by the academic staff member, after a hearing held in accordance with the provisions of this chapter and the subsequently adopted procedures of the institution. If the staff member does not request a hearing, dismissal action shall proceed along normal administrative lines but the provisions of ss. UWS 11.02, 11.08, and 11.09 shall apply. In those cases where the immediate supervisor of the academic staff member concerned is

a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

(2) Any formal statement of specific charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions of s. 801.11 (1) (c), Stats., were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the formal statement of specific charges involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the formal statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474.

UWS 11.03 Hearing body.

(1) The chancellor of each institution shall provide for a hearing body charged with hearing dismissal cases and making a report and recommendations under this chapter. Throughout this chapter, the term "hearing body" is used to indicate either a hearing committee or a hearing examiner as designated in the institutional procedures. This hearing body shall operate as the hearing agent for the chancellor pursuant to s. 227.46 (4), Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence and transmit such record and summary along with its recommended findings of fact and decision to the chancellor according to s. UWS 11.07.

(2) With the concurrence of the faculty and the academic staff advisory committee of each institution, the chancellor may provide that dismissal for cause of a member of the academic staff having teaching responsibilities may be heard by the hearing body specified in s. UWS 4.03. If so provided, the hearing shall be held pursuant to the provisions of ch. UWS 11.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; **correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.**

UWS 11.04 Hearing. If the staff member requests a hearing within 20 days from the service of the statement of charges (25 days if notice is by first class mail and publication), such hearing shall be held not later than 20 days after the request, except that this time limit may be extended by mutual consent of the parties or by order of the hearing body. The request for a hearing shall be addressed in writing to the hearing body established pursuant to s. UWS 11.03. Service of written notice of hearing on the specific charges shall be provided at least 10 days prior to the hearing.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 11.05 Adequate due process.

(1) Each institution shall develop policies and procedures to provide for a fair hearing upon request in the event of dismissal. A fair hearing for an academic staff member whose dismissal is sought under s. UWS 11.01 shall include the following:

- (a) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
- (b) A right to be heard in his or her defense;
- (c) A right to an advisor, counsel and/or other representative, and to offer witnesses;
- (d) A right to confront and cross-examine adverse witnesses. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the hearing committee

may reasonably restrict the academic staff member and the complainant from questioning each other;

- (e) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
 - (f) Written findings of fact and decision based on the hearing record;
 - (g) Admissibility of evidence governed by s. 227.45 (1) to (4), Stats.
- (2) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the academic staff member in section 11.05(1)(a-g), except as may be precluded by applicable state or federal law.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1995, No. 474; **correction in (1) (g) made under s. 13.93 (2m) (b) 7., Stats., Register May 2007 No. 617.**

UWS 11.06 Procedural guarantees.

- (1) The following requirements shall also be observed:
- (a) Any person who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall not be qualified to participate as a member of the hearing body;
 - (b) The hearing shall be closed unless the staff member under charges requests an open hearing, in which case it shall be open (see subch. V of ch. 19, Stats., Open Meeting Law);
 - (c) The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
 - (d) The burden of proof of the existence of just cause is on the administration or its representatives;
 - (e) For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the standard of proof shall be a preponderance of the evidence;
 - (f) If a staff member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;
 - (g) No provision herein shall prevent the settlement of cases by mutual agreement between the administration and the staff member, with the chancellor's approval, at any time prior to a final decision by the chancellor; or when appropriate, with the board's approval prior to a final decision by the board;
 - (h) Adjournments shall be granted to enable the parties to investigate evidence as to which a valid claim of surprise is made.
- (2) If the institutional policies and procedures provide that dismissal cases be heard by a hearing committee, the following requirements shall be observed:
- (a) The committee may, on motion of either party, and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence or stalking, on the motion of the complainant, disqualify any one of its members for cause by a majority vote. If one or more of the hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of replacements equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the policies and procedures adopted by the institution;
 - (b) If the hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to

advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the policies and procedures adopted by the institution.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction in (1) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 11.07 Recommendations: to the chancellor. The hearing body shall send to the chancellor and to the academic staff member concerned, as soon as practicable after conclusion of a hearing, a verbatim record of the testimony and a copy of its report, findings, and recommendations. After reviewing the matter on record and considering arguments if submitted by the parties, the chancellor shall issue a decision. In that decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants review based on the record. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the complainant shall have all rights provided to the academic staff member in this paragraph.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 11.08 Suspension from duties. Pending the final decision as to dismissal, the academic staff member with an indefinite appointment shall not be relieved of duties, except where, after consulting with the appropriate administrative officer, the chancellor finds that substantial harm may result if the staff member is continued in his or her position. Where such determination is made, the staff member may be relieved of his or her position immediately, or be assigned to another administrative unit, but his or her salary shall continue until the chancellor makes a decision as to dismissal, unless the chancellor also makes the determinations set forth in s. UWS 11.105 (1) in which case the suspension from duties may be without pay and the procedures set forth in s. UWS 11.105 shall apply.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; **CR 06-078: am. Register May 2007 No. 617, eff. 6-1-07.**

UWS 11.09 Date of dismissal. A decision by the chancellor ordering dismissal shall specify the effective date of the dismissal.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 11.10 Board review. A member of the academic staff on indefinite appointment who has been dismissed for cause by the chancellor following a hearing may appeal this action to the board. Any appeal must be made within 30 days of the date of the decision of the chancellor to dismiss. Upon receiving an appeal the board shall review the case on the record. Following such review the board may confirm the chancellor's decision, or direct a different decision, or approve a further hearing before the board with an opportunity for filing exceptions to the hearing body's recommendations or the chancellor's decision and for oral argument on the record. If further review with opportunity for oral argument on the record is provided, this review shall be closed unless the staff member requests an open hearing. (See subch. V of ch. 19, Stats., Open Meeting Law.) All decisions of the board, whether after review on the record or after oral argument, shall be expressed in writing and shall indicate the basis for such decision. For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the same opportunity for appeal, for filing exceptions to the recommendations of the hearing committee or chancellor, and for oral arguments, as provided to the academic staff member.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75; correction made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

UWS 11.101 Dismissal for cause in special cases - indefinite academic staff

appointments. A member of the academic staff holding an indefinite appointment may be dismissed for serious criminal misconduct, as defined in s. UWS 11.102.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.102 Serious criminal misconduct.

(1) In this chapter, "serious criminal misconduct" means:

(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d), or (e) are present, and the felony involves any of the following:

1. Causing serious physical injury to another person.
2. Creating a serious danger to the personal safety of another person.
3. Sexual assault.
4. Theft, fraud or embezzlement.
5. Criminal damage to property.
6. Stalking or harassment.

(b) A substantial risk to the safety of members of the university community or others is posed.

(c) The university's ability, or the ability of the academic staff member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.

(d) The academic staff member's fitness or ability to fulfill the duties of his or her position is seriously impaired.

(e) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, an academic staff member who has engaged in serious criminal misconduct shall be subject to the procedures set forth in ss. UWS 11.103 to 11.106.

(4) Any act required or permitted by ss. UWS 11.103 to 11.106 to be done by the chancellor may be delegated to the provost or another designee pursuant to institutional policies forwarded to the board of regents under s. UWS 9.02.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.103 Reporting responsibility. Any academic staff member who is charged with, pleads guilty or no contest to, or is convicted of a felony of a type listed in s. UWS 11.102 (1) (a), in state or federal court, shall immediately report that fact to the chancellor.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.104 Expedited process.

(1) Whenever the chancellor of an institution within the University of Wisconsin System receives a report under s. UWS 11.103 or other credible information that an academic staff member holding an indefinite appointment has pleaded guilty or no contest to, or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), in state or federal court, the chancellor shall:

(a) Within 3 working days of receipt of the report or information, inform the academic staff member of its receipt and, after consulting with appropriate institutional governance representatives, appoint an investigator to investigate the report or information and advise the chancellor as to whether to proceed under this section or ss. UWS 11.02 to 11.10. For cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall be notified by the

chancellor of the receipt of the report or information at the same time as the academic staff member.

- (b)** Upon appointing an investigator and notifying the academic staff member, afford the academic staff member three working days in which to request that the investigator be disqualified on grounds of lack of impartiality or other cause. In the event that the chancellor determines that a request for disqualification should be granted, the chancellor shall, within 2 working days of the determination, appoint a different investigator. The academic staff member shall have the opportunity to request that any second or subsequent investigators be disqualified on grounds of lack of impartiality or other cause. For cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the disqualification rights that are afforded to the academic staff member in this subsection.
- (2)** The investigator shall be complete and file a report with the chancellor not later than 10 working days following the investigator's appointment.
- (3)** Within 3 working days of receipt of the investigator's report, the chancellor shall consult with appropriate institutional governance representatives and decide whether to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, to seek an alternative disciplinary sanction, or to discontinue the proceedings. The charges shall be served on the academic staff member in the manner specified in s. UWS 11.02 (2).
- (a)** If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.101 to 11.106, the chancellor shall file charges within 2 working days of reaching the decision.
- (b)** If the chancellor decides to seek dismissal of the academic staff member pursuant to ss. UWS 11.02 to 11.10, the chancellor shall file charges and proceed in accordance with the provisions of those sections of this chapter and implementing institutional policies. If, during the course of proceedings under ss. UWS 11.02 to 11.10, the chancellor receives a report under s. UWS 11.103 or other credible information that the academic staff member has pleaded guilty or no contest to or has been convicted of a felony of a type listed in s. UWS 11.102 (1) (a), and one or more of the factors listed in s. UWS 11.102 (1) (b) through (e) are present, the chancellor may, at that point, elect to follow the procedures for dismissal pursuant to this section.
- (c)** If the chancellor decides to seek an alternative disciplinary sanction, the procedures under ch. UWS 13, and implementing institutional policies, shall be followed.
- (4)** If charges seeking dismissal are filed under sub. (3) (a), the academic staff member shall be afforded a hearing before the institutional standing committee charged with hearing dismissal cases and making recommendations under s. UWS 11.03. The hearing shall provide the procedural guarantees enumerated under ss. UWS 11.05 to 11.06, except that the hearing must be concluded, and written findings and a recommendation to the chancellor must be prepared, within 15 working days of the filing of charges.
- (5)** Within 3 working days of receipt of the findings and recommendation of the committee under sub. (4), the chancellor shall prepare a written decision on the matter. In the decision, the chancellor may order dismissal of the staff member, may impose a lesser disciplinary action, or may find in favor of the staff member. This decision shall be deemed final unless the board, upon request of the academic staff member, grants a review based on the record. In cases involving sexual assault, dating violence, domestic violence, or stalking, the complainant shall have the same right to a review on the record as the academic staff member.

- (6) The administration or its representatives shall have the burden of proof to show that just cause exists for dismissal under this chapter. The administration must demonstrate by clear and convincing evidence that the academic staff member engaged in serious criminal misconduct, as defined in UWS 11.102, except in cases involving sexual assault, dating violence, domestic violence or stalking, in which the evidentiary standard shall be by a preponderance of the evidence. (7) The chair of the academic staff hearing body, subject to the approval of the chancellor, may extend the time limits set forth in this section if the parties are unable to obtain, in a timely manner, relevant and material testimony, physical evidence or records, or where due process otherwise requires.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.105 Temporary suspension from duties without pay.

- (1) The chancellor, after consulting with appropriate academic staff governance representatives, may suspend an academic staff member holding an indefinite appointment from duties without pay pending the final decision as to his or her dismissal where:
- (a) The academic staff member has been charged with a felony of a type listed in s. UWS 11.102 (1) (a) and the chancellor, after following the provisions of s. UWS 11.104 (1) through (3), finds, in addition, that there is a substantial likelihood 1) that one or more of the conditions listed in s. UWS 11.102 (1) (b) through (e) are present, and 2) that the academic staff member has engaged in the conduct as alleged; or
 - (b) The academic staff member is unable to report for work due to incarceration, conditions of bail or similar cause; or
 - (c) The academic staff member has pleaded guilty or no contest to or been convicted of a felony of the type listed in s. UWS 11.102 (1) (a) and one or more of the conditions in s. UWS 11.102 (1) (b) through (e) are present.
- (2) If the chancellor finds that the conditions in sub. (1) are present, he or she shall immediately notify the academic staff member, in writing, of the intent to impose a suspension without pay, and shall, within 2 working days, provide the academic staff member with an opportunity to be heard with regard to the matter. The academic staff member may be represented by counsel or another at this meeting.
- (3)
- (a) If, after affording the academic staff member the opportunity to be heard, the chancellor determines to suspend without pay, the chancellor shall inform the academic staff member of the suspension, in writing. The chancellor's decision to suspend without pay under this section shall be final, except that:
 - (b) If the chancellor later determines that the academic staff member should not be dismissed the chancellor may discontinue the proceedings, or may impose a lesser penalty, and except as provided in par. (c), shall order the payment of back pay for any period of the suspension for which the academic staff member was willing and able to report for work;
 - (c) If the chancellor later determines, under par. (a) or (b), to recommend or impose as a lesser penalty the suspension of the academic staff member without pay, then any period of suspension without pay so recommended or ordered shall be offset by the period of any suspension without pay actually served by the academic staff member.
- (4) If, after affording the academic staff member the opportunity to be heard, the chancellor determines that the conditions in sub. (1) are not present or that a suspension without pay is otherwise not warranted, the provisions of s. UWS 11.08 shall apply.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.106 Board review. A member of the academic staff on an indefinite appointment who has been dismissed for serious criminal misconduct may appeal this action to the board as provided in s. UWS 11.10.

History: CR 06-078: cr. Register May 2007 No. 617, eff. 6-1-07.

UWS 11.11 Dismissal for cause-fixed term or probationary academic staff

appointments. A member of the academic staff holding a probationary appointment, or a member of the academic staff holding a fixed term appointment and having completed an initial specified period of time, may be dismissed prior to the end of the contract term only for just cause or for reasons of budget or program underch. UWS 12. A nonrenewal of such an appointment is not a dismissal under this section. A dismissal shall not become effective until the individual concerned has received a written notification of specific charges and has been offered an opportunity for a hearing before the appropriate dean or director or his/her designee. If such hearing is requested, a determination of just cause and notification of dismissal shall be made by the dean or director or designee. If no hearing is requested the dismissal is effected by the specifications in the original notification of charges. The hearing before the dean, director, or designee shall provide the academic staff member with an opportunity to present evidence and argument concerning the allegations. Dismissal shall be effective immediately on receipt of written notification of the decision of the dean or director or designee unless a different dismissal date is specified by the dean or director. Dismissals for cause shall be appealable by filing an appeal with the hearing body established under s. UWS 11.03. The burden of proof as to the existence of just cause on appeal shall be on the administration or the authorized official. The provisions of s. UWS 11.04, procedural guarantees, contained in ss. UWS 11.05 and 11.06 and the review provisions of s. UWS 11.07, shall be applicable to the appeal proceeding. In no event, however, shall a decision favorable to the appellant extend the term of the original appointment. If a proceeding on appeal is not concluded before the appointment expiration date, the academic staff member concerned may elect that such proceeding be carried to a final decision. Unless such election is made in writing, the proceeding shall be discontinued at the expiration of the appointment. If the chancellor ultimately decides in favor of the appellant, salary lost during the interim period between the effective date of dismissal and the date of the chancellor's decision or the end of the contract period, whichever is earlier, shall be restored. In those cases where the immediate supervisor of the academic staff member concerned is a dean or director, the chancellor shall, to avoid potential prejudice, designate an appropriate administrative officer to act for the dean or director under this section.

For complaints involving sexual harassment, sexual assault, dating violence, domestic violence or stalking, the complainant shall have all procedural rights provided to the academic staff member in this section and the standard of proof shall be by a preponderance of the evidence.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

UWS 11.12 Dismissal for cause-teaching members of the academic staff. The policies and procedures of each institution may provide that dismissal for cause of a member of the academic staff having teaching responsibilities and holding a probationary appointment or a fixed term appointment may proceed under ss. UWS 11.02 to 11.10. If the institutional policies and procedures do not specifically make such provisions, dismissal for cause shall be made pursuant to s. UWS 11.11.

History: Cr. Register, October, 1975, No. 238, eff. 11-1-75.

EDUCATION COMMITTEE

Resolution I.1.b.(3)

That, upon recommendation of the President of the University of Wisconsin System, the Board of Regents approves the revisions to Chapter UWS 17, “Nonacademic Student Misconduct,” to comply with the directives outlined in Title IX, the Dear Colleague Letter issued by the U.S. Department of Education Office for Civil Rights, and the Violence Against Women Act. Further, the Board of Regents approves the attached statements that the proposed rules have minimal to no economic impact locally or statewide; the rules have minimal to no fiscal impact locally and statewide; UW System Administration will schedule a public hearing on the rules; and UW System Administration is authorized to take additional action to comply with statutory rulemaking requirements, as necessary.

APPROVAL OF RULE REVISIONS TO CHAPTER UWS 17, WIS. ADMIN. CODE, NONACADEMIC STUDENT MISCONDUCT

BACKGROUND

The University of Wisconsin System (UW System) Administration seeks to modify Board of Regents (Board) administrative rules, known as Ch. UWS 17, Wis. Admin. Code, “Nonacademic Student Misconduct.”

This document describes the general background, the procedures used to determine the proposed changes, and the implications of the adoption of Resolution I.1.b.(3). All UW System institutions are affected by the proposed revisions to Ch. UWS 17.

The Board has statutory authority to propose revisions to Ch. UWS 17 under s. 36.35, Wis. Stats., which reads as follows: “The board shall promulgate rules under ch. 227 governing student conduct and procedures for the administration of violations.”

During the summer of 2014, the Board submitted a formal request to the Governor’s Office for authority to propose these legislative changes by submitting Scope Statements pursuant to the Wisconsin Legislative Rulemaking Process for Wisconsin Administrative Codes, Chapters 4, 7, 11 and 17, relating to student and faculty/academic staff disciplinary procedures mentioned above. The purpose of this request was to seek the Governor’s approval to initiate changes to Chapter 17 in order to comply with federal guidance issued by the U.S. Department of Education Office for Civil Rights as it relates to Title IX of the Education Amendments of 1972 (“Title IX”) (guidance issued by the U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, April, 2011). The proposed revisions are also intended to address the regulatory amendments under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Campus Sexual Violence Elimination Act (“Campus SaVE Act”).

The proposed changes to Ch. UWS 17 presented for Board review must be within the narrow scope of the Scope Statements issued to the Governor’s Office. Therefore, the proposed changes address only those changes necessary to comply with the directives outlined in Title IX, the *Dear Colleague Letter* issued by the Office for Civil Rights of the U.S. Department of Education and the Violence Against Women Act (VAWA) which covers offenses of sexual harassment, sexual assault, dating violence, domestic violence and stalking.

On August 22, 2014, the Board approved a scope statement for the revision of Ch. UWS 17, Nonacademic Student Misconduct.” (See Attachment 1). Subsequently, a committee consisting of legal staff; faculty, academic staff, and student representatives; UWSA staff and others was appointed to review the existing code and determine what, if any, changes were necessary in order to comply with the federal regulations and guidance as noted above. The drafting committee, chaired by Associate Vice President Vicki Washington, convened and proposed changes and edits to Ch. UWS 17.

On January 12, 2015, the drafting committee’s proposed edits and changes to Ch. UWS 17 were compiled and, together with additional background materials, sent by Interim Senior

Vice President Ward to senior student affairs officers (SSAOs), Title IX coordinators, sexual assault coordinators, conduct officers and student government representatives for review and comment.

A number of responses were received by Senior Vice President Ward by the deadline on March 6, 2015. On March 13, 2015, the drafting committee reviewed all comments, edits, and questions received by the campuses and made recommendations for the final re-written version of Ch. UWS 17 which are summarized below.

REQUESTED ACTION

Adoption of Resolution I.1.b.(3), approving the Revisions to Administrative Code Ch. UWS 17, Nonacademic Student Misconduct. By approving the resolution, the Board also approves statements that the proposed rules have minimal to no economic impact locally or statewide; the rules have minimal to no fiscal impact; UW System Administration will schedule a public hearing on the rules; and UW System Administration is authorized to take additional action to comply with the statutory rulemaking requirements, as necessary.

DISCUSSION

Ch. UWS 17 provides a disciplinary process for dealing with nonacademic student misconduct. The U.S. Department of Education Office for Civil Rights (OCR) has reaffirmed that Title IX protects students from sexual harassment (which includes sexual assault) carried out by institutions of higher education employees. Even though there are no binding federal regulations interpreting Title IX with respect to addressing allegations of sexual misconduct, the U.S. Department of Education has issued guidance through *Dear Colleague Letters*, which establishes the federal agency's expectations for institutions of higher education that receive federal funding. This guidance is enforced by the U.S. Department of Education OCR.

Proposed Changes by Subject Matter

The proposed revisions to Ch. UWS 17 are intended to reconcile any potential inconsistencies between the Administrative Code and the federal standards regarding institutional obligations in addressing issues of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. The proposed changes address:

A. *Definitions:* The proposed changes include the following terms:

- “*Complainant*” has been added to clarify that only individuals allegedly harmed by a violation of Ch. UWS 17 for the offenses of sexual harassment, sexual assault, stalking, domestic violence or dating violence would have the additional procedural protections under Title IX.
- “*Respondent*” has been added to clarify the naming convention of the individual accused of violating Ch. UWS 17.

B. *Role of Title IX Coordinators:* Institutions must designate at least one qualified or trained employee to coordinate the institution's efforts to comply with and carry out its responsibilities under Title IX. As stated in Ch. UWS 17, the institution must include the Title IX Coordinator in the initial processing of the complaint and investigation in cases involving sexual harassment, sexual assault, stalking, dating violence and domestic violence.

C. *Conduct Subject to Disciplinary Action:* "Dating violence," "domestic violence," "sexual assault," "sexual harassment," and "stalking" (five offenses) have been added and defined in accordance with state law definitions for purposes of consistency and clarity. When an alleged violation involves any of these five specific offenses, the complainant is provided with additional rights.

D. *Evidentiary Standard of Proof:* The Office for Civil Rights (OCR) states that allegations involving sexual harassment, sexual assault, stalking, dating violence and domestic violence shall have an evidentiary standard of proof of a preponderance of the evidence. Ch. UWS 17 currently states that a preponderance of the evidence shall be used in all cases of sexual harassment and sexual assault. Therefore, Ch. UWS 17 was revised to require a *preponderance of the evidence* in all cases involving sexual assault, dating violence, domestic violence, stalking, and sexual harassment.

E. *Investigative Process:* UWS §17.11 is modified to provide the complainant with all rights provided to the respondent during the investigation.

F. *Hearing Examiner/Hearing Committee:* In cases that proceed to a hearing, the existing Code permits the respondent to select either a hearing examiner or hearing committee to hear the matter. In cases of the five offenses, the university will now have the right to decide whether the matter will be heard by a hearing examiner or hearing committee. This change shall provide equity in the process and ensure that the person(s) hearing the case will have the appropriate expertise and training.

G. *Access to Information during Proceeding:* The proposed changes provide for the complainant and respondent to be afforded similar and timely access to information that will be used at a hearing. Access to this information must be provided in a manner that is consistent with state and federal privacy laws. For example, prior disciplinary action, student educational records or medical information that is revealed during an investigation or hearing process should not be disclosed to the aggrieved party unless a specific legal exception applies under state or federal law. In cases of sexual harassment, sexual assault, stalking, dating violence and domestic violence, the proposed Administrative Code would provide the complainant with the same information as the respondent, unless such disclosure is prohibited by state or federal law.

H. *Rights of Aggrieved Party during the Hearing Process:* As stated in the OCR Guidance, during an investigation related to the five offenses, the complainant and the respondent should be afforded equal rights. The proposed changes would include parity of rights in the following manner:

- The complainant and the respondent would have an equal opportunity to present relevant witnesses and other evidence.
- The parties would be afforded similar and timely access to any information used at the hearing, excluding information that would be excluded from disclosure under state or federal law, such as private or confidential information relating to student educational records, medical records or other employment personnel records.
- Both the complainant and the respondent would be provided with written notification of the outcome of the complaint/proceedings.
- Under the existing code at UWS §17.12(4)(b), an accused party has the right to confront or cross-examine witnesses (which usually include the complainant). However, OCR strongly encourages institutions to prevent the respondent and the complainant from personally cross examining each other. Instead, OCR suggests that the parties be allowed to submit questions directly to a trained third party, such as the hearing committee, for consideration. Since UWS §17.12(4)(c) provides the hearing examiner or committee with the authority to adopt procedures for the questioning of a witness, as needed, no change was necessary.
- Both the complainant and the respondent would have the right to an advisor of his/her choice during the proceedings.

I. Appeal Rights: If the investigating officer determines that there is insufficient evidence to prove that the respondent committed nonacademic misconduct, the complainant may appeal the decision in accordance with UWS §17.13 (to the chancellor). The complainant shall also have equitable appeal rights under UWS §17.13 in regard to the hearing committee or examiner's decision.

Additional Rulemaking Requirements

As part of the rulemaking process, the Board of Regents must meet certain procedural requirements, including: providing an economic impact statement, providing a fiscal estimate, and holding a public hearing. Attachment 2 includes a preliminary economic impact statement and a fiscal statement. Attachment 2 also includes a directive from the Board to UW System Administration to conduct the required hearing and take the steps necessary to meet these statutory requirements. By adopting Resolution I.1.b.(3), the Board approves the statements in Attachment 2.

Note: Attachment 3 contains the draft with tracked changes of Ch. UWS 17 and Attachment 4 shows how Ch. UWS 17 would read with all changes incorporated.

Attachment 1

STATEMENT OF SCOPE FOR ADMINISTRATIVE RULES

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

Rule No.: Chapter UWS 17

Relating to: Nonacademic Student Misconduct

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Board of Regents of the University of Wisconsin System ("Board") seeks to modify Chapter UWS 17 regarding Student Nonacademic Misconduct to recognize the guidance that the U.S. Department of Education has published in regard to the manner in which higher education institutions should address and respond to sexual misconduct allegations involving a student, including sexual assault. Specifically, the Board seeks to amend Chapter UWS 17 by creating a new section that would provide a process under which such allegations would be handled by University of Wisconsin System institutions.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The current version of Chapter UWS 17 provides a student disciplinary process under which allegations of a violation of those rules, including allegations of sexual misconduct, is handled. This process has been fair and effective since it was first published in 1996. In 2009, the Chapter was amended through the administrative rule-making process to update the Chapter and modify certain provisions to underscore the educational emphasis of the nonacademic student disciplinary process. The Chapter authorizes each institution of the University of Wisconsin System to adopt consistent policies and procedures.

In response to the guidance issued by the U.S. Department of Education in the last few years, the University of Wisconsin System Administration provided written guidance to UW institutions to acknowledge the U.S. Department of Education's expectations for the manner in which institutions handle sexual misconduct on campus. This guidance, however, was developed with the acknowledgment that it does not supersede Chapter UWS 17. Consequently, some of the expectations of the U.S. Department of Education cannot be met because they would conflict with certain provisions under the current Chapter, such as certain rights afforded only to an accused student.

The modifications contemplated by this rulemaking would incorporate into law what now exists in the System's Guidance and thus reflect best practices as well as the expectations of the U.S. Department of Education. Further, the modifications would permit the University to incorporate those expectations which now are inconsistent with the existing rule. Institutions would adopt policies consistent with the new Chapter.

The alternative would be to continue to operate with both Chapter UWS 17 and the guidance. This, however, would be less effective and could lead to confusion. Instead of one single policy that is intended to be easily understood by students, the current framework includes UWS 17, the internal guidance provided by the University of Wisconsin System Administration, and guidance provided by the U.S. Department of Education.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Wis. Stat. § 36.35: "The board shall promulgate rules under ch. 227 governing student conduct and procedures for the administration of violations."

5. Estimate the amount of time that state employees will spend developing the rule and other resources necessary to develop the rule:

50 hours

6. List with description of all entities that may be affected by the proposed rule:

All 13 four-year University of Wisconsin System institutions, all 13 UW Colleges and the students thereof.

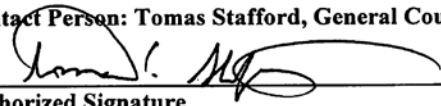
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Title IX of the Education Amendments of 1972 provides that "[N]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Currently, there are no federal regulations interpreting this law with respect to addressing allegations of sexual misconduct; however, the U.S. Department of Education has issued guidance through Dear Colleague Letters which establish the federal agency's expectations for institutions of higher education that receive federal funding. This guidance is being enforced by the U.S. Department of Education through the Office for Civil Rights.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

There is no anticipated economic impact of the proposed rule.

Contact Person: Tomas Stafford, General Counsel, 608-262-2995


Authorized Signature

June 18, 2014
Date

Attachment 2

Economic Impact

The analysis conducted on behalf of the Board of Regents determined that the proposed rules will have minimal to no economic impact locally or statewide. The Board hereby directs UW System Administration, pursuant to s. 227.137, Wis. Stats., to initiate a comment period of at least fourteen (14) calendar days to solicit information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rules in order to determine what, if any, economic impact the rules will have locally or statewide. UW System Administration is hereby authorized to take any and all additional action necessary to comply with this statutory requirement.

Fiscal Estimate

The Board of Regents hereby determines that the proposed rules will have minimal to no fiscal impact or effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenues. The Board also anticipates no state fiscal effect during the current biennium and minimal to no fiscal impact on annual state funds. However, it should be noted that due to changes in the law and federal guidance, a number of UW institutions may be required to spend additional institutional funds in order to implement comprehensive training programs, and hire Title IX coordinators and investigators to conduct the duties and responsibilities required to comply with the federal guidance issued by the Office for Civil Rights as it relates to sexual misconduct on campus. There is minimal to no anticipated fiscal effect on the private sector, and no anticipated costs incurred by the private sector in complying with the rules. The Board hereby directs UW System Administration to prepare a fiscal estimate in accordance with this determination, as directed under s. 224.14(4), Wis. Stats. UW System Administration is also authorized to take any and all additional action necessary to comply with this statutory requirement.

Public Hearing

The Board of Regents hereby authorizes UW System Administration to proceed with scheduling a public hearing in accordance with s. 227.17, Wis. Stats. UW System Administration is hereby authorized to take any and all additional action necessary to comply with this statutory requirement, provided that if UW System Administration recommends additional rules changes of a substantive nature, as determined by the President of the University of Wisconsin System, it will re-submit the rules to the Board of Regents for approval.

Attachment 3**Draft – Tracked Changes**

Chapter UWS 17 Statutory Language (Draft Revisions)	Suggested Edits or Language Changes from Drafting Committee	Additional Comments, Questions or Concerns
<p>Chapter UWS 17</p> <p>STUDENT NONACADEMIC DISCIPLINARY PROCEDURES</p> <p>UWS 17.01 Policy statement.</p> <p>UWS 17.02 Definitions.</p> <p>UWS 17.03 Consistent institutional policies.</p> <p>UWS 17.04 Notice to students.</p> <p>UWS 17.05 Designation of investigating officer.</p> <p>UWS 17.06 Nonacademic misconduct hearing examiner.</p> <p>UWS 17.07 Nonacademic misconduct hearing committee.</p> <p>UWS 17.08 Nonacademic misconduct occurring on or outside of university lands.</p> <p>UWS 17.09 Conduct subject to disciplinary action.</p> <p>UWS 17.10 Disciplinary sanctions.</p> <p>UWS 17.11 Disciplinary procedure.</p> <p>UWS 17.12 Hearing.</p> <p>UWS 17.13 Appeal to the chancellor.</p> <p>UWS 17.14 Discretionary appeal to the board of regents.</p> <p>UWS 17.15 Settlement.</p> <p>UWS 17.16 Effect of discipline within the institution.</p> <p>UWS 17.17 Effect of suspension or expulsion within the university system.</p> <p>UWS 17.18 Petition for restoration of rights after suspension or expulsion.</p>		

<p align="center">Chapter UWS 17 Statutory Language (Draft Revisions)</p>	<p align="center">Suggested Edits or Language Changes from Drafting Committee</p>	<p align="center">Additional Comments, Questions or Concerns</p>
<p>UWS 17.19 Emergency suspension. Note: See ch. UWS 14 for student academic disciplinary procedures. Note: Chapter UWS 17 as it existed on August 31, 1996 was repealed and a new chapter UWS 17 was created effective September 1, 1996. Chapter UWS 17 as it existed on August 31, 2009, was repealed and a new chapter UWS 17 was created effective September 1, 2009.</p> <p>UWS 17.01 Policy statement. The missions of the University of Wisconsin System and its individual institutions can be realized only if the university's teaching, learning, research and service activities occur in living and learning environments that are safe and free from violence, harassment, fraud, theft, disruption and intimidation. In promoting such environments, the university has a responsibility to address student nonacademic misconduct; this responsibility is separate from and independent of any civil or criminal action resulting from a student's conduct. This chapter defines nonacademic misconduct, provides university procedures for effectively addressing misconduct, and offers educational responses to misconduct. The University of Wisconsin System is committed to respecting students' constitutional rights. Nothing in this chapter is intended to restrict students' constitutional rights, including rights of freedom of speech or to peaceably assemble with others. History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.02 Definitions. In this chapter: (1) “Complainant” means any individual who is allegedly harmed</p>	<p>UWS 17.02 – Definitions</p> <p>UWS 17.02 Complainant means any individual to include all or any parties that</p>	

Chapter UWS 17 Statutory Language (Draft Revisions)	Suggested Edits or Language Changes from Drafting Committee	Additional Comments, Questions or Concerns
<p>by a respondent as a result of sexual harassment, sexual assault, dating violence, and domestic violence and/or stalking as defined in s. UWS 17.09.</p> <p>(2) "Chief administrative officer" means the chancellor of an institution or dean of a campus or their designees.</p> <p>(3) "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>(4) "Days" means calendar days.</p> <p>(5) "Delivered" means sent by electronic means to the student's official university email address and, in addition, provided by any of the following methods:</p> <p>(a) Given personally.</p> <p>(b) Placed in the student's official university mailbox</p> <p>(c) Mailed by regular first class United States mail to the student's current address as maintained by the institution.</p> <p>(6) "Disciplinary file" means the record maintained by the student affairs officer responsible for student discipline.</p> <p>(7) "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>(8) "Disciplinary sanction" means any action listed in s. UWS 17.10 (1) taken in response to student nonacademic misconduct.</p> <p>(9) "Expulsion" means termination of student status with resultant loss of all student rights and privileges.</p>	<p>could include guest, spouse, partner, visitor, community member etc. These changes were made in the spirit of Title IX and campus suggestions.</p> <p>a) Added the definition of "Complainant." All other parties remain undefined as is the case under the original language of the code.</p> <p>b) Recommend that add a special term for those persons who have the rights provided under VAWA 5. Question for committee is whether the rights should be limited to only those individuals who have a connection to the university in some capacity. (E.g. this language would not provide these rights to a non-student wife who was allegedly stalked by her student husband).</p>	<p>Future consideration</p> <p>(4) Re Definition for "Delivered" – many campuses use email to contact students. It is difficult to correctly determine a student's <u>current</u> address as that may not be listed accurately in students' official records. Utilizing an electronic means of delivering notifications and decisions to students is the best option currently available</p>

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<p>(10) "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>(11) "Institution" means any university, or an organizational equivalent designated by the board, and the University of Wisconsin colleges.</p> <p>(12) "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>(13) "Nonacademic misconduct hearing committee" or "committee" means the committee appointed pursuant to s. UWS 17.07 to conduct hearings under s. UWS 17.12.</p> <p>(14) "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> <ul style="list-style-type: none"> - (15) "Respondent" means any student who is accused of violating any provision of this chapter, and was registered for study in an institution for the academic period or between (for continuing student), when the misconduct occurred. <p>(16) "Student" means any person who is registered for study in an institution for the academic period , or between academic periods, for continuing students</p> <p>(17) "Student affairs officer" means the dean of students or student affairs officer designated by the chief administrative officer to</p>	<p>17.02 Specific definitions for the five offenses (sexual violence, sexual harassment, dating violence, domestic violence and stalking) will not be included. Definitions will be included by reference to the statutory definitions for the five offenses.</p> <p>UWS 17.02(14)</p> <ul style="list-style-type: none"> - Add a definition for "Respondent." That term more clearly defines the role and status of the parties, and is better understood by students, employees and others. - Suggested Definition: "Respondent "means any student who is accused of violating any provision of this chapter. 	

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<p>coordinate disciplinary hearings and carry out duties described in this chapter.</p> <p>(18) "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>(19) "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>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09. September 1, 2009.</p>		

Chapter UWS 17 Statutory Language (Draft Revisions)	Suggested Edits or Language Changes from Drafting Committee	Additional Comments, Questions or Concerns
<p>UWS 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>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 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>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.05 Designation of investigating officer. The chief administrative officer of each institution shall designate an investigating officer or officers for allegations of student nonacademic misconduct. The investigating officer shall investigate student nonacademic misconduct and initiate procedures for nonacademic misconduct under s. UWS 17.11. For allegations involving sexual assault, domestic violence, dating violence, stalking and/or sexual harassment, the chief administrative officer shall involve the Title IX Coordinator, or designee, in accordance with applicable institutional policies.</p> <p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p>	<p>UWS 17.05 Designation of Investigating Officer Add Language: For allegations involving sexual assault, domestic violence, dating violence, stalking and/or sexual harassment, the chief administrative officer shall involve the Title IX Coordinator, or designee, in accordance with applicable institutional policies.</p>	

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<p>UWS 17.06 Nonacademic misconduct hearing examiner. (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. (2) A hearing examiner shall be selected by the chief administrative officer from the faculty and staff of the institution, pursuant to the policies adopted under sub. (1). History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.07 Nonacademic misconduct hearing committee. (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. (2) A student nonacademic misconduct hearing committee shall consist of at least three persons, including at least one student, 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. History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p>	<p><u>UWS 17.07(2)</u></p> <ul style="list-style-type: none"> - Respondents may feel their rights are taken away from them. - Complainants and Respondents should have equal opportunities and rights throughout the process. <p>UWS 17.07 Students will remain on the hearing committee/panel to ensure the student's perspective is included in the hearing process. The majority of campuses are in favor of supporting the inclusion of student's participation on the hearing committee.</p>	<p><u>UWS 17.07(2)</u> Dear Colleague Letter advises to not have students on panel/committee.</p> <ul style="list-style-type: none"> - Issues with the training folks serving on the panel

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<p>UWS 17.08 Nonacademic misconduct occurring on or outside of university lands.</p> <p>(1) MISCONDUCT ON UNIVERSITY LANDS. Except as provided in s. UWS 17.08 (2), the provisions contained in this chapter shall apply to the student conduct described in s. UWS 17.09 that occurs on university lands or at university-sponsored events.</p> <p>(2) MISCONDUCT OUTSIDE OF UNIVERSITY LANDS. The provisions contained in this chapter may apply to the student conduct described in s. UWS 17.09 that occurs outside of university lands only when, in the judgment of the investigating officer, the conduct adversely affects a substantial university interest. In determining whether the conduct adversely affects a substantial university interest, the investigating officer shall consider whether the conduct meets one or more of the following conditions:</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>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.09 Conduct subject to disciplinary action. In accordance with s. UWS 17.08, the university may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct:</p>		

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<p>(1) DANGEROUS CONDUCT. Conduct that endangers or threatens the health or safety of oneself or another person.</p> <p>(2) SEXUAL ASSAULT. Conduct defined in s. 940.225, Stats.</p> <p>(3) DATING VIOLENCE. Violence committed by a student in a “dating relationship” as defined in s. 813.12(1)(ag) Stats.</p> <p>(4) DOMESTIC VIOLENCE. Conduct defined as “domestic abuse” in ss. 813.12(1)(am) and 968.075 Stats.</p> <p>(5) SEXUAL HARASSMENT. Conduct defined in s. 111.32(13) Stats or as defined in Board of Regent Policy that addresses sexual harassment.</p> <p>(6) STALKING. Conduct defined in s. 940.32, Stats.</p> <p>(7) HARASSMENT. Conduct defined in s. 947.013, Stats.</p> <p>(8) HAZING. Conduct defined in s. 948.51, Stats.</p> <p>(9) 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>(10) 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>(11) 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>(12) FORGERY OR FALSIFICATION. Unauthorized possession of or fraudulent creation, alteration, or misuse of any university or other</p>	<p>UWS 17.09(3)(4)(5) The language in the state law for these definitions is confusing and unclear. Definitions, terms and language in this statute and the Sexual Misconduct Policy need to be consistent.</p> <p>Compare Sexual Misconduct Policy’s definition with state definitions and determine the risk of not using the state’s definitions.</p> <p>Need to cover both employment (Wis. Stat. 111.32) and student (Board of Regents policy that will be modified in near future).</p> <p>UWS 17.09 Move (3) Dating Violence, (4) Domestic Violence, and (5) Sexual Harassment to UWS 17.09(17) Dating Violence, (18) Domestic Violence, and (19) Sexual Harassment.</p>	<p>UWS 17.09 (3) (4) (5) are all additions to the section. Definitions in the Sexual Misconduct Policy (drafted by the Policy Workgroup of the UWS Sexual Violence and Harassment Task Force) need to be consistent with State laws that define <i>dating violence</i>, <i>domestic violence</i>, and <i>sexual harassment</i>. The Office of General Counsel recommends that the definitions be consistent.</p>

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<p>governmental document, record, key, electronic device, or identification.</p> <p>(13) MISUSE OF COMPUTING RESOURCES. Conduct that involves any of the following:</p> <p>(a) Failure to comply with laws, license agreements, and contracts governing university computer network, software, and hardware use.</p> <p>(b) Use of university computing resources for unauthorized commercial purposes or personal gain.</p> <p>(c) Failure to protect a personal password or university-authorized account.</p> <p>(d) Breach of computer security, invasion of privacy, or unauthorized access to university computing resources.</p> <p>(14) FALSE STATEMENT OR REFUSAL TO COMPLY REGARDING A UNIVERSITY MATTER. Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter.</p> <p>(15) VIOLATION OF CRIMINAL LAW. Conduct that constitutes a criminal offense as defined by state or federal law.</p> <p>(16) SERIOUS AND REPEATED VIOLATIONS OF MUNICIPAL LAW. Serious and repeated off-campus violations of municipal law.</p> <p>(17) VIOLATION OF CH. UWS 18. Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.</p> <p>(18) VIOLATION OF UNIVERSITY RULES. Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.</p> <p>(19) NONCOMPLIANCE WITH DISCIPLINARY SANCTIONS. Conduct that</p>		

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<p>violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.</p> <p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.10 Disciplinary sanctions.</p> <p>(1) The disciplinary sanctions that may be imposed for nonacademic misconduct, in accordance with the procedures of ss. UWS 17.11 to 17.13, are any of the following:</p> <p>(a) A written reprimand.</p> <p>(b) Denial of specified university privileges.</p> <p>(c) Payment of restitution.</p> <p>(d) Educational or service sanctions, including community service.</p> <p>(e) Disciplinary probation.</p> <p>(f) Imposition of reasonable terms and conditions on continued student status.</p> <p>(g) Removal from a course in progress.</p> <p>(h) Enrollment restrictions on a course or program.</p> <p>(i) Suspension.</p> <p>(j) Expulsion.</p> <p>(2) One or more of the disciplinary sanctions listed in sub. (1) may be imposed for an incident of nonacademic misconduct.</p> <p>(3) Disciplinary sanctions shall not include the termination or revocation of student financial aid; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of a student for financial aid.</p>		

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<p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.11 Disciplinary procedure.</p> <p>(1) PROCESS. 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>(2) CONFERENCE WITH RESPONDENT. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the respondent in person, by telephone, or by electronic mail to offer to discuss the allegation of nonacademic misconduct, and to afford the respondent an opportunity to respond. If the respondent fails to respond to the investigating officer, , the investigating officer may proceed to make a determination on the basis of the available information. A complainant shall have all the rights provided to the respondent in this subsection.</p> <p>(3) DETERMINATION BY THE INVESTIGATING OFFICER THAT NO DISCIPLINARY SANCTION IS WARRANTED. If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action. The investigating officer will notify both the respondent and the complainant of this outcome and offer to discuss it separately with either one. If the investigating officer determines that nonacademic misconduct did not occur or that no disciplinary sanction is warranted, the complainant may appeal this decision in accordance s. UWS 17.13.</p>	<p>UWS 17.11(3)</p> <p>If the investigating officer determines no disciplinary sanction is warranted, the complainant may appeal to the Chancellor under s. UWS 17.13.</p>	<p>UWS 17.11(3)</p> <p>Once a decision is final, the right to review or appeal has to be available to both parties (complainant and respondent).</p> <p>If the reviewer determines a disciplinary sanction is warranted then the Respondent has the right to appeal the reviewer's decision.</p> <p><u>Discussion</u> Note the committee discussed the option of having a case directly go directly to a hearing committee to review the evidence, hear the side of each party involved and make a determination about the case.</p>

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<p>(4) PROCESS FOLLOWING DETERMINATION BY THE INVESTIGATING OFFICER THAT NONACADEMIC MISCONDUCT OCCURRED.</p> <p>(a) If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did occur and that one or more of the disciplinary sanctions listed under s. UWS 17.10 (1) should be recommended, the investigating officer shall prepare a written report which shall contain all of the following:</p> <ol style="list-style-type: none"> 1. A description of the alleged misconduct. 2. A description of all information available to the university regarding the alleged misconduct. Such information shall be available to the respondent and, upon request to the complainant, except as may be precluded by applicable state or federal law. 3. Specification of the sanction sought. 4. Notice of the respondent's right to a hearing. 5. A copy of this chapter and of the institutional procedures adopted to implement this section. <p>(b) The written report shall be delivered to the respondent and, upon request, to the complainant, except as may be precluded by applicable state or federal law. The report shall be treated confidentially, and any exceptions to this must be approved by the investigating officer.</p> <p>(c) A respondent 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 sanctions, or both.</p> <ol style="list-style-type: none"> 1. Where the disciplinary sanction sought is one of those listed 	<p>UWS 17.11 (3) In the last sentence in 17.11(3) the language to the Chancellor is removed to adhere to campus feedback.</p> <p>UWS 17.11(4)(a)(2) Information will be provided upon request to avoid the unnecessary disclosure of student information. The report will have information on other students, witnesses, etc. whose information may be included and the institution may not want to make it available. The investigating officer can meet with the complainant individually in order to ensure information is provided.</p>	<p>Issues: what is the best way to handling sexual assault: (1) Having a retired judge to review all cases.</p> <p>UWS 17.11(3) Under the DCL, both parties should have equal opportunities in regard to the process. Consideration for Committee as an alternative option: 1) Should the aggrieved party be allowed to appeal the decision at this point; or 2) should the code state that in VAWA 5 offenses, the issue would automatically proceed to a hearing no matter what (i.e. the investigating officer merely investigates and provides a report of the findings and proposed recommended action or sanction, if any, to the hearing body); or 3) other options.</p>

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<p>in s. UWS 17.10 (1) (a) to (g), and if the respondent desires a hearing, the respondent shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the respondent. If the respondent 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.</p> <p>2. Where the disciplinary sanction sought is one of those listed in s. UWS 17.10 (1) (h) to (j), the investigating officer shall forward a copy of the written report under par. (b) to the student affairs officer. The student affairs officer shall, upon receipt of the written report, proceed under s. UWS 17.12 to schedule a hearing on the matter. A hearing shall be conducted unless the respondent waives, in writing, the right to such a hearing.</p> <p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09; correction to (1) (title) made under s. 13.92 (4) (b) 2., Stats., Register August 2009 No. 644.</p> <p>UWS 17.12 Hearing.</p> <p>(1) A respondent who requests a hearing, or for whom a hearing is scheduled under s. UWS 17.11 (4) (c) 2., shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee. In cases of sexual assault, dating violence, domestic violence, stalking or sexual harassment the university shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.</p> <p>(2) If a respondent requests a hearing under s. UWS 17.11 (4) (c) 1., or a hearing is required to be scheduled under s. UWS 17.11 (4) (c) 2., the student affairs officer shall take the necessary steps to</p>	<p>UWS 17.12 (1) The last sentence is an addition to make it clear the University is responsible for selecting if the incident will be heard by a hearing examiner or hearing committee.</p>	<p>UWS 17.11 (4)(b) VAWA also requires that both the victim and accused must be informed of the outcome of the disciplinary proceeding.</p> <p>This provision is intended to address legal limitations on certain information, such as student records (FERPA), medical records (Ch. 146 and HIPAA) or employee investigations (Wisconsin Public Records Law 19.36 – pending investigation of employee misconduct; Wis. Stat 103.13 – personnel records).</p> <p>UWS17.12(1) Question is whether VAWA 5 cases should be heard solely by a hearing examiner. DCL recommends that students not be on a committee. A few pros and cons: Have a trained expert who will be capable of hearing case vs. committee</p>

Chapter UWS 17 Statutory Language (Draft Revisions)	Suggested Edits or Language Changes from Drafting Committee	Additional Comments, Questions or Concerns
<p>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 respondent and investigating officer, or is ordered or permitted by the hearing examiner or committee.</p> <p>(3) No less than 5 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the respondent and, upon request the complainant, , with access to or copies of the investigating officer's explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information of the type described in s. UWS 17.11 (4) (a) 2.</p> <p>(4) The hearing shall be conducted in accordance with the following guidance and requirements:</p> <p>(a) The hearing process shall further the educational purposes and reflect the university context of nonacademic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in ch. UWS 17.</p> <p>(b) The respondent 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 respondent's choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified in s. UWS 17.10 (1) (a) to (h), the advisor may counsel the respondent but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the respondent</p>	<p>UWS 17.12(1) Suggested language change UWS 17.12(1): A student who requests a hearing, or for whom a hearing is scheduled under UWS 17.11(4)(c)2, shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee, <u>except in cases of sexual assault, dating violence, domestic violence, stalking, and sexual harassment.</u></p> <p>UWS 17.12(2) Address the timeframe/timeline in a campus sexual misconduct policy.</p> <p>UWS 17.12(4)(b) Complainant has the right to an advisor Both parties have the right to submit questions to the committee prior to the start of the hearing. Any</p>	<p>who may not have the expertise or lack of training. However, an examiner would limit decision to one person which may be better addressed by a group from different campus populations (UWS 17.07(2)). Further, if allow student to choose, what if aggrieved party prefers the opposite option? Could also modify 17.07(2) to eliminate student as committee member for VAWA 5 cases to be consistent with DCL.</p> <p>UWS 17.12(1) How to determine who should be the decision maker of selecting a hearing examiner or hearing panel. Should the university be the decision maker of whether a case be heard by a committee or examiner?</p> <p>UWS 17.12(4)(b) The DCL strongly discourages the accused or aggrieved party from</p>

<p align="center">Chapter UWS 17 Statutory Language (Draft Revisions)</p>	<p align="center">Suggested Edits or Language Changes from Drafting Committee</p>	<p align="center">Additional Comments, Questions or Concerns</p>
<p>except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in s. UWS 17.10 (1) (i) or (j), or where the respondent has been charged with a crime in connection with the same conduct for which the disciplinary sanction is sought, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the respondent. In accordance with the educational purposes of the hearing, the respondent is expected to respond on his or her own behalf to questions asked of him or her during the hearing. The complainant shall have all the rights provided to the respondent in this subsection.</p> <p>(c) The hearing examiner or committee:</p> <ol style="list-style-type: none"> 1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony. 2. Shall observe recognized legal privileges. 3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, provided, however, whatever procedure is adopted, the complainant and respondent are allowed to effectively question the witness. <p>(d) 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 respondent and the complainant may access the record, upon request, except as may be precluded by the state and federal law.</p> <p>(e) The hearing examiner or committee shall prepare written</p>	<p>questions that come up during the hearing should be funneled through the chair of the committee:</p> <ul style="list-style-type: none"> - The Complainant and or their advisors and Respondent would have the right to submit questions to the committee throughout the hearing. <p>UWS 17.12(4)(b) Last sentence is new: Purpose - equity in the process for both parties.</p> <p>UWS 17.12(4)(c)(3) Draft language in this subsection to ensure it is consistent with subsection 17.12(4)(b)</p> <p>Other option is to add a subsection C4 and draft guidelines for the five offenses</p> <p>UWS 17.12(4)(d) Last sentence is new: Purpose - equity in the process for both</p>	<p>personally cross examining each other (whether by self or by advisor/attorney). VAWA is silent on this issue. Question for committee is whether to modify this section to give hearing committee the option of limiting cross examination and instead submit questions to the hearing panel for consideration. Could this be included in a policy rather than the code?</p> <p>The committee strongly encourages training addressing the interpretation and application of the hearing committee or examiner's authority under the provision under UWS 17.12(4)(a-k).</p> <p>UWS 17.12(4)(b) Committee Suggestion: Having administrators at the system level to assist campuses through the hearing process and</p>

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<p>law and may be closed if the respondent or complainant 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>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.13 Appeal to the chancellor.</p> <p>(1) Where the sanction prescribed by the hearing examiner or committee is one of those listed in s. UWS 17.10 (1) (h) to (j), the respondent may appeal in writing 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</p> <p>(2) In cases of sexual assault, dating violence, domestic violence, stalking or sexual harassment, the following appeal rights shall be provided:</p> <p>(a)The complainant may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the investigating officer pursuant to s. UWS 17.11(3), the hearing committee, or examiner pursuant to s. UWS 17.12(i). The appeal shall be based upon the record.</p> <p>(b)The respondent may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the hearing committee, or examiner pursuant to s. UWS 17.12(i). The appeal shall be based upon the record.</p>	<p>provision...based upon the information provide a finding</p> <p>UWS 17.13 Appeal to the Chancellor or designee</p> <p>UWS 17.13(1) If the Respondent or Complainant chooses to appeal the decision made by the hearing committee or examiner the appealing party must provide a written statement as a bases for appeal.</p>	<p>Upon further consideration the committee decided to leave the code silent and recommend the board policy provides prompt resolution of the process.</p> <p>UWS 17.13(2) DCL and VAWA stated that there shall be equal opportunity for the alleged victim to appeal a decision similar to that of the accused student. The intent for subsection 2 is to provide appeal rights of any decision or sanction without limiting it to subsection h-j.</p>

<p align="center">Chapter UWS 17 Statutory Language (Draft Revisions)</p>	<p align="center">Suggested Edits or Language Changes from Drafting Committee</p>	<p align="center">Additional Comments, Questions or Concerns</p>
<p>(3) The chief administrative officer has 30 days from receipt of an appeal to respond and shall sustain the decision unless the chief administrative officer finds any of the following:</p> <p>(a) The information in the record does not support the findings or decision.</p> <p>(b) Appropriate procedures were not followed which resulted in material prejudice to the respondent or complainant.</p> <p>(c) The decision was based on factors proscribed by state or federal law.</p> <p>(4) If the chief administrative officers makes a finding under sub. (1), the chancellor may return the matter for consideration, or may invoke an appropriate remedy of his or her own. The chief administrative officer's decision shall be communicated to the respondent and the complainant.</p> <p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 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, upon written request submitted by any party within 14 days of the final institutional decision.</p> <p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.15 Settlement. The procedures set forth in this chapter allow the university and a respondent to enter into a settlement</p>	<p><u>UWS 17.14</u> Timeline to file an appeal: the Respondent and Complainant would have 14 days after receiving the institutional chancellor's decision to submit a written request to the Board of Regents.</p>	<p>UWS 17.14 DCL recommends a timely process, but a time limit on appealing to the BOR is not required by either DCL or VAWA. Question for committee is whether we want to add a time frame under which an appeal must</p>

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<p>agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the respondent and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the respondent. The investigating officer shall confer with the complainant regarding the proposed settlement and provide notice of the outcome.</p> <p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.16 Effect of discipline within the institution. A respondent who, at the time of commencement, is subject to a continuing disciplinary sanction under s. UWS 17.10 (1) or unresolved disciplinary charges as a result of a report under s. UWS 17.11, shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding.</p> <p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.17 Effect of suspension or expulsion within the university system.</p> <p>(1) Suspension or expulsion shall be systemwide in effect and shall be noted on an individual's transcript, with suspension noted only for the duration of the suspension period.</p> <p>(2) An individual who is suspended from one institution in the University of Wisconsin System may not enroll in another institution in the system until the suspension has expired by its own terms, except as provided in s. UWS 17.18.</p> <p>(3) An individual who is expelled from one institution in the</p>	<p><u>UWS 17.15</u> <u>Included stronger language and made a change from advise to confer with the complainant about the outcome.</u></p> <p>UWS 17.15 Added language.</p>	<p>be filed (e.g. 30-60 days?). DCL states that mediation is not appropriate in cases of sexual assault, but that informal resolution can be entertained. Can address this matter in more detail in a policy.</p> <p>UWS 17.15 Need to address in Sexual Misconduct Policy the role of the Complainant and their involvement or input during the settlement process.</p> <p>What will happen if both parties does not agree to the terms of the settlement agree that the University drafts or decides on?</p> <p>The policy should be consist with and expand Chapter 17. The committee recommends the policy address the manner in which to consider the complainant's input in any settlement.</p>

<p style="text-align: center;">Chapter UWS 17 Statutory Language (Draft Revisions)</p>	<p style="text-align: center;">Suggested Edits or Language Changes from Drafting Committee</p>	<p style="text-align: center;">Additional Comments, Questions or Concerns</p>
<p>University of Wisconsin System may not enroll in another institution in the system, except as provided in s. UWS 17.18.</p> <p>(4) An individual 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>(5) Upon completion of a suspension period, an individual 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>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.18 Petition for restoration of rights after suspension or expulsion. A respondent who has been suspended may petition to have his or her student status, rights, and privileges restored before the suspension has expired by its own terms under s. UWS 17.17 (2). A respondent who has been expelled may petition for the right to apply for readmission. The petition shall be in writing and directed to the chief administrative officer of the institution from which the respondent was suspended or expelled or of a different University of Wisconsin institution to which the respondent seeks admission. The chief administrative officer shall make the readmission decision.</p> <p>History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.</p> <p>UWS 17.19 Emergency suspension.</p> <p>(1) The chief administrative officer may impose an emergency</p>		

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<p>suspension on a respondent, pending final institutional action on a report of nonacademic misconduct, in accordance with the procedures of this section.</p> <p>(2) The chief administrative officer of each institution may impose an emergency suspension on a respondent when all of the following conditions are met:</p> <p>(a) The investigating officer has made a reasonable attempt to offer the respondent the opportunity for discussion, either in person or by telephone.</p> <p>(b) The investigating officer recommends a sanction of suspension or expulsion.</p> <p>(c) The chief administrative officer concludes, based on the available information, that the misconduct occurred and that the respondent'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 respondent. 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. 4. Would constitute a potential for serious damage to university facilities or property. <p>(3) If the chief administrative officer determines that an emergency suspension is warranted under sub. (2), he or she shall promptly have written notification of the emergency suspension delivered to the respondent. The chief administrative officer's decision to impose an emergency suspension shall be effective immediately when delivered to the respondent and is final.</p> <p>(4) Where an emergency suspension is imposed, the hearing on the underlying allegations of misconduct shall be held, either on or</p>		

<p style="text-align: center;">Chapter UWS 17 Statutory Language (Draft Revisions)</p>	<p style="text-align: center;">Suggested Edits or Language Changes from Drafting Committee</p>	<p style="text-align: center;">Additional Comments, Questions or Concerns</p>
<p>outside of university lands, within 21 days of the imposition of the emergency suspension, unless the respondent agrees to a later date.</p> <p>(5) An emergency suspension imposed in accordance with this section shall be in effect until the decision in the hearing on the underlying charges pursuant to s. UWS 17.12 is rendered or the chief administrative officer rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the respondent agrees to a longer period.</p> <p>(6) If the chief administrative officer determines that none of the conditions specified in sub. (2) (c) are present, but that misconduct may have occurred, the case shall proceed in accordance with s. UWS 17.12.</p> <p>History: CR 08–099: cr. Register August 2009 No. 644, eff. 9–1–09.</p>		

Attachment 4

Draft – Proposed Changes Incorporated

Chapter UWS 17

STUDENT NONACADEMIC DISCIPLINARY PROCEDURES

- [UWS 17.01](#) Policy statement.
- [UWS 17.02](#) Definitions.
- [UWS 17.03](#) Consistent institutional policies.
- [UWS 17.04](#) Notice to students.
- [UWS 17.05](#) Designation of investigating officer.
- [UWS 17.06](#) Nonacademic misconduct hearing examiner.
- [UWS 17.07](#) Nonacademic misconduct hearing committee.
- [UWS 17.08](#) Nonacademic misconduct occurring on or outside of university lands.
- [UWS 17.09](#) Conduct subject to disciplinary action.
- [UWS 17.10](#) Disciplinary sanctions.
- [UWS 17.11](#) Disciplinary procedure.
- [UWS 17.12](#) Hearing.
- [UWS 17.13](#) Appeal to the chancellor.
- [UWS 17.14](#) Discretionary appeal to the board of regents.
- [UWS 17.15](#) Settlement.
- [UWS 17.16](#) Effect of discipline within the institution.
- [UWS 17.17](#) Effect of suspension or expulsion within the university system.
- [UWS 17.18](#) Petition for restoration of rights after suspension or expulsion.
- [UWS 17.19](#) Emergency suspension.

Note: See ch. [UWS 14](#) for student academic disciplinary procedures.

Note: Chapter UWS 17 as it existed on August 31, 1996 was repealed and a new chapter UWS 17 was created effective September 1, 1996. **Chapter UWS 17 as it existed on August 31, 2009, was repealed and a new chapter UWS 17 was created effective September 1, 2009.**

UWS 17.01 Policy statement. The missions of the University of Wisconsin System and its individual institutions can be realized only if the university's teaching, learning, research and service activities occur in living and learning environments that are safe and free from violence, harassment, fraud, theft, disruption and intimidation. In promoting such environments, the university has a responsibility to address student nonacademic misconduct; this responsibility is separate from and independent of any civil or criminal action resulting from a student's conduct. This chapter defines nonacademic misconduct, provides university procedures for effectively addressing misconduct, and offers educational responses to misconduct. The University of Wisconsin System is committed to respecting students' constitutional rights. Nothing in this chapter is intended to restrict students' constitutional rights, including rights of freedom of speech or to peaceably assemble with others.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.02 Definitions. In this chapter:

(1) “Complainant” means any individual who is allegedly harmed by a respondent as a result of sexual harassment, sexual assault, dating violence, and domestic violence and/or stalking as defined in s. UWS 17.09.

(2) “Chief administrative officer” means the chancellor of an institution or dean of a campus or their designees.

(3) “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.”

(4) “Days” means calendar days.

(5) “Delivered” means sent by electronic means to the student’s official university email address and, in addition, provided by any of the following methods:

(a) Given personally.

(b) Placed in the student’s official university mailbox

(c) Mailed by regular first class United States mail to the student’s current address as maintained by the institution.

(6) “Disciplinary file” means the record maintained by the student affairs officer responsible for student discipline.

(7) “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.

(8) “Disciplinary sanction” means any action listed in s. [UWS 17.10 \(1\)](#) taken in response to student nonacademic misconduct.

(9) “Expulsion” means termination of student status with resultant loss of all student rights and privileges.

(10) “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](#).

(11) “Institution” means any university, or an organizational equivalent designated by the board,

and the University of Wisconsin colleges.

(12) "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.

(13) "Nonacademic misconduct hearing committee" or "committee" means the committee appointed pursuant to s. [UWS 17.07](#) to conduct hearings under s. [UWS 17.12](#).

(14) "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.

- (15) **"Respondent" means any student who is accused of violating any provision of this chapter, and was registered for study in an institution for the academic period or between (for continuing student), when the misconduct occurred.**

(16) "Student" means any person who is registered for study in an institution for the academic period , or between academic periods, for continuing students

(17) "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.

(18) "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.

(19) "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.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09. September 1, 2009.

UWS 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.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 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.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.05 Designation of investigating officer. The chief administrative officer of each institution shall designate an investigating officer or officers for allegations of student nonacademic misconduct. The investigating officer shall investigate student nonacademic misconduct and initiate procedures for nonacademic misconduct under s. [UWS 17.11](#). For allegations involving sexual assault, domestic violence, dating violence, stalking and/or sexual harassment, the chief administrative officer shall involve the Title IX Coordinator, or designee, in accordance with applicable institutional policies.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.06 Nonacademic misconduct hearing examiner.

(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.

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

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.07 Nonacademic misconduct hearing committee.

(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.

(2) A student nonacademic misconduct hearing committee shall consist of at least three persons, including at least one student, 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.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

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

(1) Misconduct on university lands. Except as provided in s. [UWS 17.08 \(2\)](#), the provisions contained in this chapter shall apply to the student conduct described in s. [UWS 17.09](#) that occurs on university lands or at university-sponsored events.

(2) Misconduct outside of university lands. The provisions contained in this chapter may apply to the student conduct described in s. [UWS 17.09](#) that occurs outside of university lands only

when, in the judgment of the investigating officer, the conduct adversely affects a substantial university interest. In determining whether the conduct adversely affects a substantial university interest, the investigating officer shall consider whether the conduct meets one or more of the following conditions:

- (a) The conduct constitutes or would constitute a serious criminal offense, regardless of the existence of any criminal proceedings.
- (b) The conduct indicates that the student presented or may present a danger or threat to the health or safety of himself, herself or others.
- (c) The conduct demonstrates a pattern of behavior that seriously impairs the university's ability to fulfill its teaching, research, or public service missions.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.09 Conduct subject to disciplinary action. In accordance with s. [UWS 17.08](#), the university may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct:

- (1) Dangerous conduct. Conduct that endangers or threatens the health or safety of oneself or another person.
- (2) Sexual assault. Conduct defined in s. [940.225](#), Stats.
- (3) Dating violence. Violence committed by a student in a “dating relationship” as defined in s. 813.12(1)(ag) Stats.
- (4) Domestic violence. Conduct defined as “domestic abuse” in ss. 813.12(1)(am) and 968.075 Stats.
- (5) Sexual Harassment. Conduct defined in s. 111.32(13) Stats or as defined in Board of Regent Policy that addresses sexual harassment.
- (6) Stalking. Conduct defined in s. [940.32](#), Stats.
- (7) Harassment. Conduct defined in s. [947.013](#), Stats.
- (8) Hazing. Conduct defined in s. [948.51](#), Stats.
- (9) 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.
- (10) 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.

(11) 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.

(12) 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.

(13) Misuse of computing resources. Conduct that involves any of the following:

(a) Failure to comply with laws, license agreements, and contracts governing university computer network, software, and hardware use.

(b) Use of university computing resources for unauthorized commercial purposes or personal gain.

(c) Failure to protect a personal password or university-authorized account.

(d) Breach of computer security, invasion of privacy, or unauthorized access to university computing resources.

(14) False statement or refusal to comply regarding a university matter. Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a university matter.

(15) Violation of criminal law. Conduct that constitutes a criminal offense as defined by state or federal law.

(16) Serious and repeated violations of municipal law. Serious and repeated off-campus violations of municipal law.

(17) Violation of ch. UWS 18. Conduct that violates ch. [UWS 18](#), including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.

(18) Violation of university rules. Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.

(19) Noncompliance with disciplinary sanctions. Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.10 Disciplinary sanctions.

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

- (a) A written reprimand.
- (b) Denial of specified university privileges.
- (c) Payment of restitution.
- (d) Educational or service sanctions, including community service.
- (e) Disciplinary probation.
- (f) Imposition of reasonable terms and conditions on continued student status.
- (g) Removal from a course in progress.
- (h) Enrollment restrictions on a course or program.
- (i) Suspension.
- (j) Expulsion.

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

(3) Disciplinary sanctions shall not include the termination or revocation of student financial aid; however, this shall not be interpreted as precluding the individual operation of rules or standards governing eligibility for student financial aid under which the imposition of a disciplinary sanction could result in disqualification of a student for financial aid.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.11 Disciplinary procedure.

(1) Process. 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 \(1\)](#).

(2) Conference with Respondent. When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the respondent in person, by telephone, or by electronic mail to offer to discuss the allegation of nonacademic misconduct, and to afford the respondent an opportunity to respond. If the respondent fails to respond to the investigating officer, the investigating officer may proceed to make a determination on the basis of the available information. A complainant shall have all the rights provided to the respondent in this subsection.

(3) Determination by the investigating officer that no disciplinary sanction is warranted. If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action. The investigating officer will notify both the respondent and the complainant of this outcome and offer to discuss it separately with either one. If the investigating officer

determines that nonacademic misconduct did not occur or that no disciplinary sanction is warranted, the complainant may appeal this decision in accordance s. UWS 17.13.

(4) Process following determination by the investigating officer that nonacademic misconduct occurred.

(a) If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that nonacademic misconduct did occur and that one or more of the disciplinary sanctions listed under s. [UWS 17.10 \(1\)](#) should be recommended, the investigating officer shall prepare a written report which shall contain all of the following:

1. A description of the alleged misconduct.
2. A description of all information available to the university regarding the alleged misconduct. Such information shall be available to the respondent and, upon request to the complainant, except as may be precluded by applicable state or federal law.
3. Specification of the sanction sought.
4. Notice of the respondent's right to a hearing.
5. A copy of this chapter and of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered to the respondent and, upon request, to the complainant, except as may be precluded by applicable state or federal law. The report shall be treated confidentially, and any exceptions to this must be approved by the investigating officer.

(c) A respondent 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 sanctions, or both.

1. Where the disciplinary sanction sought is one of those listed in s. [UWS 17.10 \(1\) \(a\)](#) to [\(g\)](#), and if the respondent desires a hearing, the respondent shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the respondent. If the respondent does not request a hearing within this period, the determination of nonacademic misconduct shall be regarded as final, and the disciplinary sanction sought shall be imposed.

2. Where the disciplinary sanction sought is one of those listed in s. [UWS 17.10 \(1\) \(h\)](#) to [\(j\)](#), the investigating officer shall forward a copy of the written report under par. [\(b\)](#) to the student affairs officer. The student affairs officer shall, upon receipt of the written report, proceed under s. [UWS 17.12](#) to schedule a hearing on the matter. A hearing shall be conducted unless the respondent waives, in writing, the right to such a hearing.

History: [CR 08-099](#); cr. [Register August 2009 No. 644](#), eff. 9-1-09; correction to (1) (title)

made under s. [13.92 \(4\) \(b\) 2.](#), Stats., [Register August 2009 No. 644.](#)

UWS 17.12 Hearing.

- (1) A respondent who requests a hearing, or for whom a hearing is scheduled under s. [UWS 17.11 \(4\) \(c\) 2.](#), shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee. In cases of sexual assault, dating violence, domestic violence, stalking or sexual harassment the university shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.
- (2) If a respondent requests a hearing under s. [UWS 17.11 \(4\) \(c\) 1.](#), or a hearing is required to be scheduled under s. [UWS 17.11 \(4\) \(c\) 2.](#), the student affairs officer shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request or written report. The hearing shall be conducted within 45 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the respondent and investigating officer, or is ordered or permitted by the hearing examiner or committee.
- (3) No less than 5 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the respondent and, upon request the complainant, , with access to or copies of the investigating officer's explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information of the type described in s. UWS 17.11 (4) (a) 2.

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

(a) The hearing process shall further the educational purposes and reflect the university context of nonacademic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in ch. [UWS 17](#).

(b) The respondent 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 respondent's choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified in s. [UWS 17.10 \(1\) \(a\)](#) to [\(h\)](#), the advisor may counsel the respondent but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the respondent except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in s. [UWS 17.10 \(1\) \(i\)](#) or [\(j\)](#), or where the respondent has been charged with a crime in connection with the same conduct for which the disciplinary sanction is sought, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the respondent. In accordance with the educational purposes of the hearing, the respondent is expected to respond on his or her own behalf to questions asked of him or her during the hearing. The complainant shall have all the rights provided to the respondent in this subsection.

(c) The hearing examiner or committee:

1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony.

2. Shall observe recognized legal privileges.

3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, provided, however, whatever procedure is adopted, the complainant and respondent are allowed to effectively question the witness.

(d) 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 respondent and the complainant may access the record, upon request, except as may be precluded by the state and federal law.

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

(f) A hearing examiner's or committee's finding of nonacademic misconduct shall be based on one of the following:

1. Clear and convincing evidence, when the sanction to be imposed is one of those listed

in s. [UWS 17.10 \(1\) \(h\)](#) to [\(j\)](#).

2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in s. [UWS 17.10 \(1\) \(a\)](#) to [\(g\)](#).

3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases involving sexual assault, dating violence, domestic violence, stalking and sexual harassment.

(g) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in s. [UWS 17.10 \(1\) \(a\)](#) to [\(g\)](#) that differs from the recommendation of the investigating officer. Sanctions under s. [UWS 17.10 \(1\) \(h\)](#) to [\(j\)](#) may not be imposed unless previously recommended by the investigating officer.

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

(i) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered to the respondent and the complainant, except as may be precluded by state or federal law. The decision shall become final within 14 days of the date on the written decision, unless an appeal is taken under s. [UWS 17.13](#).

(j) If a party fails to appear at a scheduled hearing and to proceed, the hearing examiner or committee may either dismiss the case or, based upon the information provided, issue a decision.

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(k) Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the respondent or complainant 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.

History: [CR 08-099](#): cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.13 Appeal to the chancellor.

(1) Where the sanction prescribed by the hearing examiner or committee is one of those listed in s. [UWS 17.10 \(1\) \(h\)](#) to [\(j\)](#), the respondent may appeal in writing 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

(2) In cases of sexual assault, dating violence, domestic violence, stalking or sexual harassment, the following appeal rights shall be provided:

(a) The complainant may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the investigating officer pursuant to s. UWS 17.11(3), the hearing

committee, or examiner pursuant to s. UWS 17.12(i). The appeal shall be based upon the record.

(b) The respondent may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the hearing committee, or examiner pursuant to s. UWS 17.12(i). The appeal shall be based upon the record.

(3) The chief administrative officer has 30 days from receipt of an appeal to respond and shall sustain the decision unless the chief administrative officer finds any of the following:

(a) The information in the record does not support the findings or decision.

(b) Appropriate procedures were not followed which resulted in material prejudice to the respondent or complainant.

(c) The decision was based on factors proscribed by state or federal law.

(4) If the chief administrative officer makes a finding under sub. (1), the chancellor may return the matter for consideration, or may invoke an appropriate remedy of his or her own. The chief administrative officer's decision shall be communicated to the respondent and the complainant.

History: [CR 08-099](#): cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 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, upon written request submitted by any party within 14 days of the final institutional decision.

History: [CR 08-099](#): cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.15 Settlement. The procedures set forth in this chapter allow the university and a respondent to enter into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the respondent and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the respondent. The investigating officer shall confer with the complainant regarding the proposed settlement and provide notice of the outcome.

History: [CR 08-099](#): cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.16 Effect of discipline within the institution. A respondent who, at the time of commencement, is subject to a continuing disciplinary sanction under s. [UWS 17.10 \(1\)](#) or unresolved disciplinary charges as a result of a report under s. [UWS 17.11](#), shall not be awarded

a degree during the pendency of the sanction or disciplinary proceeding.

History: [CR 08-099](#): cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.17 Effect of suspension or expulsion within the university system.

- (1) Suspension or expulsion shall be systemwide in effect and shall be noted on an individual's transcript, with suspension noted only for the duration of the suspension period.
- (2) An individual who is suspended from one institution in the University of Wisconsin System may not enroll in another institution in the system until the suspension has expired by its own terms, except as provided in s. [UWS 17.18](#).
- (3) An individual 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. [UWS 17.18](#).
- (4) An individual 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.
- (5) Upon completion of a suspension period, an individual 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.

History: [CR 08-099](#): cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.18 Petition for restoration of rights after suspension or expulsion. A respondent who has been suspended may petition to have his or her student status, rights, and privileges restored before the suspension has expired by its own terms under s. [UWS 17.17 \(2\)](#). A respondent who has been expelled may petition for the right to apply for readmission. The petition shall be in writing and directed to the chief administrative officer of the institution from which the respondent was suspended or expelled or of a different University of Wisconsin institution to which the respondent seeks admission. The chief administrative officer shall make the readmission decision.

History: [CR 08-099](#): cr. [Register August 2009 No. 644](#), eff. 9-1-09.

UWS 17.19 Emergency suspension.

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

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

(a) The investigating officer has made a reasonable attempt to offer the respondent the opportunity for discussion, either in person or by telephone.

(b) The investigating officer recommends a sanction of suspension or expulsion.

(c) The chief administrative officer concludes, based on the available information, that the misconduct occurred and that the respondent's continued presence on campus meets one or more of the following conditions:

1. Would constitute a potential for serious harm to the respondent.

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.

4. Would constitute a potential for serious damage to university facilities or property.

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

(4) Where an emergency suspension is imposed, the hearing on the underlying allegations of misconduct shall be held, either on or outside of university lands, within 21 days of the imposition of the emergency suspension, unless the respondent agrees to a later date.

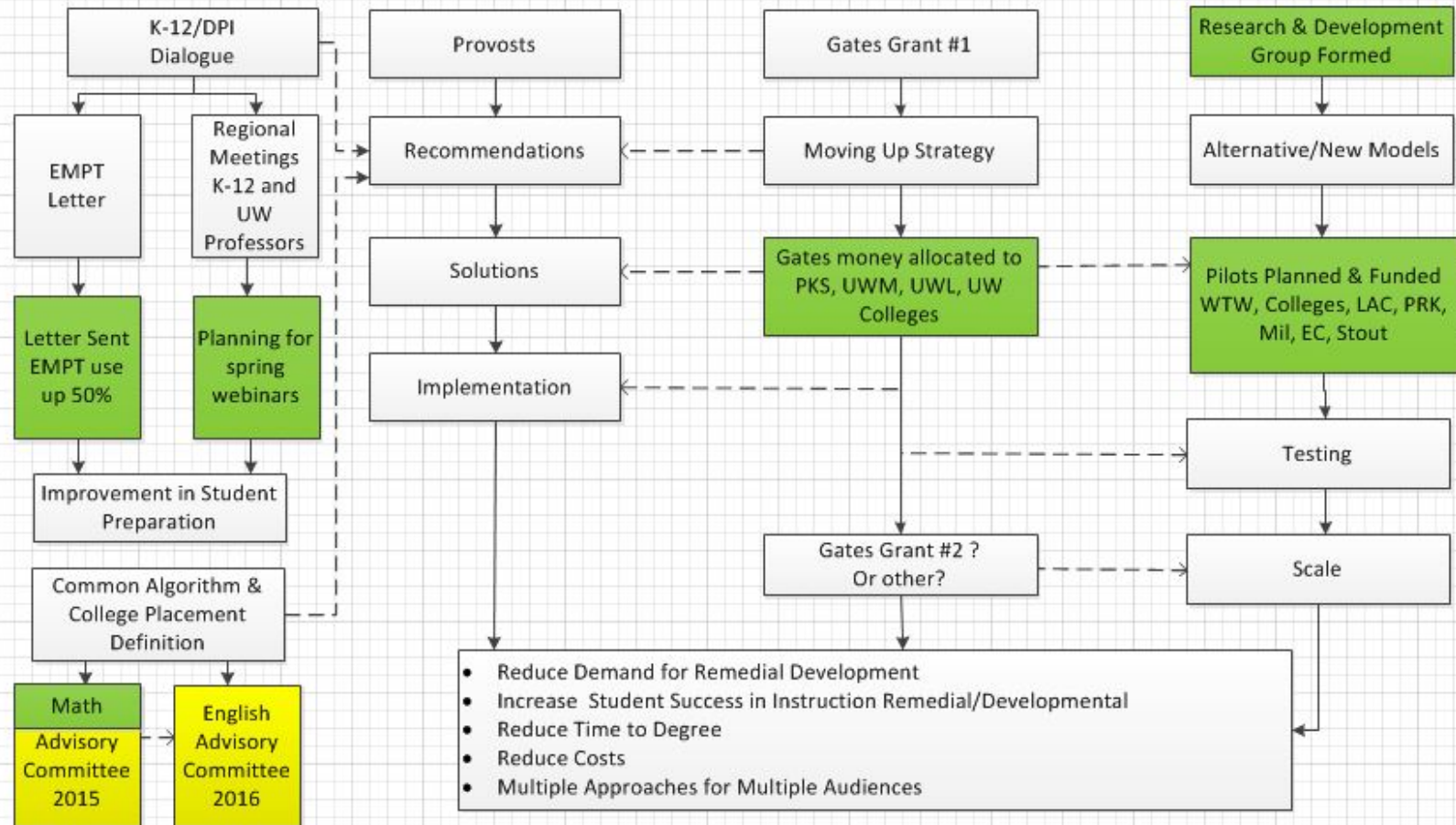
(5) An emergency suspension imposed in accordance with this section shall be in effect until the decision in the hearing on the underlying charges pursuant to s. UWS 17.12 is rendered or the chief administrative officer rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the respondent agrees to a longer period.



(6) If the chief administrative officer determines that none of the conditions specified in sub. (2) (c) are present, but that misconduct may have occurred, the case shall proceed in accordance with s. UWS 17.12.

History: CR 08-099: cr. Register August 2009 No. 644, eff. 9-1-09.

Remedial/Developmental Education Strategy

Working Group Report



 = Completed
 = In Planning