

Policies: Blugold Student Conduct Code

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I. Introduction

The UW-Eau Claire Blugold Code has been developed to create and maintain a safe, supportive, and inclusive campus community that engages students in order to foster their academic success, personal growth and responsible citizenship. As developing adults, students are capable of making their own decisions and must be prepared to accept the consequences for those decisions. The student conduct process has been established to respond to incidents involving allegations of inappropriate behavior within our community. This process provides educational opportunities which encourage students to evaluate their own actions, consider their own decision making, and acquire new skills to improve their choices in the future.

Students are members of both society and the academic community with attendant rights and responsibilities. Students are expected to make themselves aware of and comply with the law, and with University policies and regulations. While many of UW-Eau Claire's policies and regulations parallel federal, state and local laws, UW-Eau Claire standards may be set higher. To that end, we believe these values to be of paramount importance:

- Respect for Self;
- Respect for Others;
- Respect for Truth; and
- Respect for Honesty.

Chapter UWS 14 (Student Academic Disciplinary Procedures) and Chapter UWS 17 (Student Non-academic Disciplinary Procedures) have been incorporated into the UW-Eau Claire Blugold Code either by adapting or inserting verbatim the language of these statutes. Chapter UWS 14 can be found online at: https://docs.legis.wisconsin.gov/Code/admin_Code/uws/14.pdf. Chapter UWS 17 can be found online at: http://docs.legis.wisconsin.gov/Code/admin_Code/uws/17.pdf. In the event of conflict between this Code and either Chapter UWS 14 or Chapter UWS 17, the Chapters will supersede this Code. The Dean of Students Office maintains and updates the Blugold Code. Questions regarding the Code should be directed to the office, located in 240 Schofield Hall, phone (715) 836-5626, fax (715) 836-5911, email deanofstudents@uwec.edu.

II. Student Academic Misconduct

The University and its faculty, staff, and students believe that academic honesty and integrity are fundamental to the mission of higher education and of the University. The University's reputation for academic excellence and institutional integrity is among our most valued assets; as such, academic integrity is of paramount importance to our institution and it is vital that the institution do all within our power to maintain these standards. The University has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others' academic endeavors. Students who violate these standards must be confronted and appropriate action must be taken to hold students accountable for their actions and maintain the integrity of the institution.

[View Chapter UWS 14 Code](#)

III. Student Non-Academic Misconduct

The mission of the University can only be realized 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 non-academic conduct; this responsibility is separate from and independent of any civil or criminal action resulting from a student's conduct. This Code defines non-academic conduct, provides University procedures for effectively addressing conduct, and offers educational responses to conduct. The University is committed to respecting students' constitutional rights. Nothing in this Code is intended to restrict students' constitutional rights, including rights of freedom of speech or to peaceably assemble with others.

See FAQs regarding the student non-academic misconduct process.

[View Chapter UWS 17 Code](#)

IV. Other Conduct

A. Student-Athlete Handbook

Though student-athletes are responsible for complying with all University policy and regulations, expectations of behavior may be set higher for Blugold student-athletes. Student-Athletes are strongly encouraged to review the Student-Athlete Handbook, available online at blugolds.com/information/sa-handbook. In addition to the rules and policies outlined in the handbook, each team may have specific rules that pertain to its members.

B. Drug and Alcohol Policy

The University of Wisconsin System and UW-Eau Claire prohibit the unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs and alcohol by students on University property or as part of University activities. For a comprehensive review of the standards of conduct and University sanctions concerning illicit drugs and alcohol, visit <https://www.uwec.edu/kb/article/alcohol-and-other-drug-policies/>.

C. Parking Rules and Regulations

Parking policies and regulations at UW-Eau Claire are aimed at easing the parking crunch on campus and in the neighborhoods adjacent to the campus. To keep your parking experience positive, please pay attention to the posted signs at the entrance to each parking lot. For more information on the rules and regulations governing parking at UW-Eau Claire, visit the Parking & Transportation website: <https://www.uwec.edu/Parking/information/RulesandRegulations.htm>.

D. Facilities Management Policies

For a comprehensive review of Facilities Management Policies, visit <http://www.uwec.edu/Facmgt/policies.htm>.

E. Computer and Network Usage Guidelines

Access to computing and networking resources is a privilege to which all University faculty, staff, and students are entitled. Accompanying that privilege is an obligation, on the part of users, to understand and abide by the responsibilities and regulations that govern the computing environment at the University of Wisconsin-Eau Claire. Students should carefully review all policy documents regarding computer and network usage: <https://www.uwec.edu/kb/article/policies-computer-and-network-usage-guidelines/>.

F. Residence Hall Judicial Code

The Office of Housing and Residence Life has established guidelines, policies and procedures to define standards of behavior and to help residents learn to live together. The Community Conduct System aims to assist residents in their educational and personal development and to foster a sense of community in which everyone prospers. The full Residence Hall Judicial Code is available online: <http://www.uwec.edu/Housing/programs/jboard.htm>.

G. Chapter UWS 18: Conduct on University Lands

Wisconsin Administrative Code/Chapter UWS 18, is similar to municipal ordinance violations. The chapter includes prohibited conduct on Wisconsin University Lands as listed under Chapter UWS 18. A complete list of prohibited conduct can be found online: http://docs.legis.wisconsin.gov/Code/admin_Code/uws/18.pdf.

H. UW-Eau Claire File Sharing, Patent, and Copyright Policies

The University of Wisconsin-Eau Claire recognizes and respects intellectual property rights. As part of our mission to maintain the highest standards for ethical conduct, we are committed to fulfilling our moral and legal obligations with respect to the use of copyright-protected works. We are equally committed to the proper fair use of copyright-protected works, balancing the interests of ownership and access. Policies relating to file sharing, patent protection, and copyright are available online: <https://www.uwec.edu/copyright/>.

I. Handbook for Student Organizations

The Student Organizations Handbook is a resource to help students and advisors navigate the ins and outs of forming and maintaining a student organization, understand the roles and responsibilities of organizations, and learn about student organization policies, procedures and risk reduction. Staff advisors will find information about their roles and responsibilities, and suggestions for more successful advising. The handbook is found online: <http://www.uwec.edu/Activities/handbook/index.htm>.

J. Discrimination, Harassment, and Retaliation Policy/Procedure

It is the policy of the UW-Eau Claire to maintain an academic and work environment free of discrimination, discriminatory harassment, and retaliation for all students and employees. This policy applies to all programs and activities, and employment practices and operations; including the conduct of all students and employees arising out of their employment, educational or academic status, as well as to the conduct of all guests, visitors, vendors, contractors, subcontractors and others who do business with UW-Eau Claire.

K. Sexual Harassment Policy

It is the policy of the Board of Regents of the University of Wisconsin System, and the University of Wisconsin-Eau Claire, consistent with efforts to foster an environment of respect for the dignity and worth of all members of the University community, that sexual harassment of students and employees is unacceptable and impermissible conduct which will not be tolerated.

L. Threats and Violence Policy

<http://www.uwec.edu/DOS/policies/yrtk/violence.htm>

M. Grievance and Complaints

Student Academic Grievance Procedures

Affirmative Action Complaint Procedure

Formal Hearing Procedure

Disability Accommodation Policy and Procedure

V. Additional Documents and Information

A. Student Legal Services

The Student Senate and the Student Services Commission, collaborates with a licensed attorney to offer subsidized legal services to students. The attorney is on campus once a week and can help students on a very broad range of common student legal needs including traffic issues, small claims, personal injury, landlord disputes, alcohol issues and employer/employee disputes.

A \$10.00 first-time fee is charged, with a \$5.00 fee for each subsequent appointment concerning the same subject matter. Appointments must be made in person at the Student Senate Office, Davies 132 beforehand. For more information, contact the Student Senate Office at (715) 836-4646 or visit the

Student Legal Services website: <http://www.uwec.edu/StudentSenate/>.

B. Attorney Guide to the Student Conduct Process

The University's student conduct system emphasizes the development of each individual's acceptance of his or her own personal and social responsibilities. A compassionate and supportive approach to student conduct is employed whenever possible. Severe disciplinary action against a student, such as separation, is considered and invoked when other remedies fail to meet the needs of the University's mission or when the violation is so egregious that it warrants removal.

The student conduct process is not bound by rules of evidence or process as seen in criminal or civil proceedings in a court of law. Therefore the role of attorneys in the student conduct process may be different. Though legal counsel may be beneficial to the student during the process, without fully considering the role of the student conduct process in student development, attorneys may inadvertently pose more harm to the student than benefit. Attorneys assisting students as they navigate the student conduct process are encouraged to familiarize themselves with the Blugold Code. Additionally, the Dean of Students Office has developed a guide to assist attorneys in understanding the student conduct process. The guide is available online at: <http://www.uwec.edu/DOS/policies/Conduct.htm>.

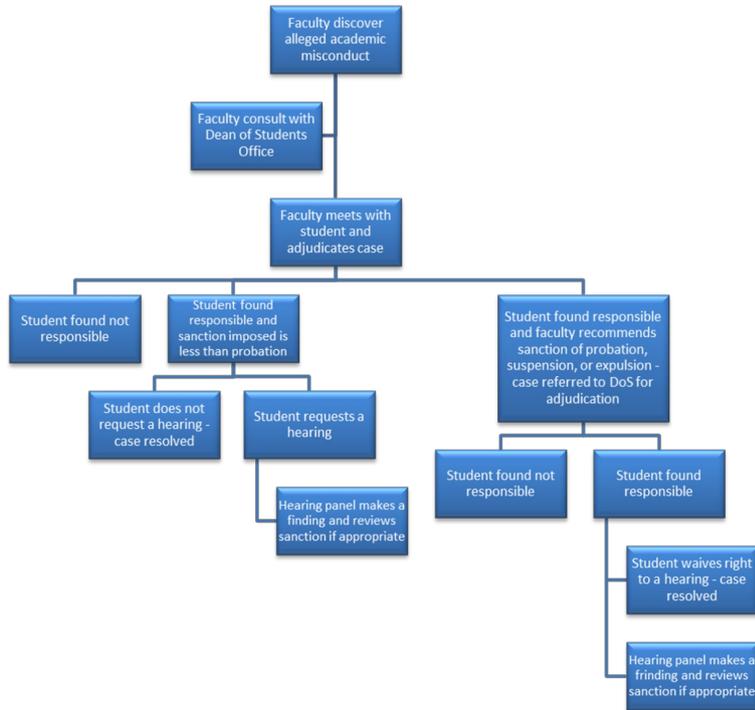
C. Parent Guide to the Student Conduct Process

Parents are often confused and concerned when they discover their student has been charged with violating University policies or regulations. The Dean of Students Office wants to work with parents in understanding University expectations regarding behavior. Though the office cannot discuss specifics regarding your student's case without written consent from the student, office staff members can assist parents by answering questions about the process. For a comprehensive guide to our process, refer to the Parent Guide online: <http://www.uwec.edu/DOS/policies/Conduct.htm>

D. Academic Misconduct Flowchart

ACADEMIC MISCONDUCT FLOWCHART

This flowchart is a simple snapshot of the conduct process. For the most detailed information regarding the process, please refer to the Blugold Code.

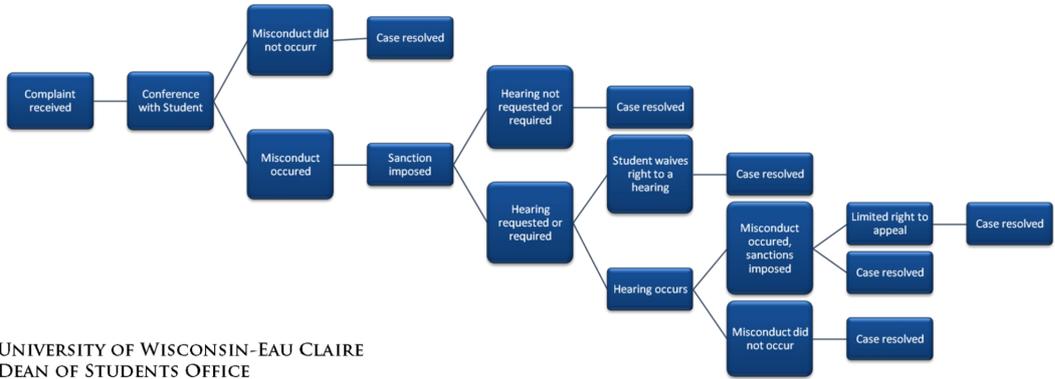


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E. Non-Academic Misconduct Flowchart

STUDENT CONDUCT FLOWCHART

This flowchart is a simple snapshot of the conduct process. For the most detailed information regarding the process, please refer to the Blugold Code.



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Appendix 1 - 940.225 Sexual Assault

940.225(1)(1) First degree sexual assault. Whoever does any of the following is guilty of a Class B felony:

940.225(1)(a) (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

940.225(1)(b) (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.

940.225(1)(c) (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

940.225(2) (2) Second degree sexual assault. Whoever does any of the following is guilty of a Class C felony:

940.225(2)(a) (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

940.225(2)(b) (b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

940.225(2)(c) (c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

[940.225\(2\)\(cm\)](#) (cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.

[940.225\(2\)\(d\)](#) (d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

[940.225\(2\)\(f\)](#) (f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

[940.225\(2\)\(g\)](#) (g) Is an employee of a facility or program under s. [940.295 \(2\) \(b\), \(c\), \(h\) or \(k\)](#) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.

[940.225\(2\)\(h\)](#) (h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

[940.225\(2\)\(i\)](#) (i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

[940.225\(2\)\(j\)](#) (j) Is a licensee, employee, or non client resident of an entity, as defined in s. [48.685 \(1\) \(b\)](#) or [50.065 \(1\) \(c\)](#), and has sexual contact or sexual intercourse with a client of the entity.

[940.225\(3\)](#) (3) Third degree sexual assault. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. [\(5\) \(b\) 2.](#) or [3.](#) with a person without the consent of that person is guilty of a Class G felony.

[940.225\(3m\)](#) (3m) Fourth degree sexual assault. Except as provided in sub. [\(3\)](#), whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

[940.225\(4\)](#) (4) Consent. "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. [\(2\) \(c\), \(cm\), \(d\), \(g\), \(h\), and \(i\)](#). The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. [972.11 \(2\)](#):

[940.225\(4\)\(b\)](#) (b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.

[940.225\(4\)\(c\)](#) (c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

Appendix 2 - 940.32 Stalking

940.32(1)(1) In this section:

940.32(1)(a) (a) "Course of conduct" means a series of two or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

940.32(1)(a)1. **1.** Maintaining a visual or physical proximity to the victim.

940.32(1)(a)2. **2.** Approaching or confronting the victim.

940.32(1)(a)3. **3.** Appearing at the victim's workplace or contacting the victim's employer or coworkers.

940.32(1)(a)4. **4.** Appearing at the victim's home or contacting the victim's neighbors.

940.32(1)(a)5. **5.** Entering property owned, leased, or occupied by the victim.

940.32(1)(a)6. **6.** Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.

940.32(1)(a)6m. **6m.** Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.

940.32(1)(a)7. **7.** Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.

940.32(1)(a)8. **8.** Placing an object on or delivering an object to property owned, leased, or occupied by the victim.

940.32(1)(a)9. **9.** Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.

940.32(1)(a)10. **10.** Causing a person to engage in any of the acts described in subs. 1. to 9.

Appendix 3 - 947.013 Harassment

947.013(1)(1) In this section:

947.013(1)(a) (a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

947.013(1)(b) (b) "Credible threat" means a threat made with the intent and apparent ability to carry out the threat.

947.013(1)(c) **(c)** "Personally identifiable information" has the meaning given in s. 19.62 (5).

947.013(1)(d) **(d)** "Record" has the meaning given in s. 19.32 (2).

947.013(1m) **(1m)** Whoever, with intent to harass or intimidate another person, does any of the following is subject to a Class B forfeiture:

947.013(1m)(a) **(a)** Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

947.013(1m)(b) **(b)** Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

Appendix 4 - 948.51 Hazing

948.51(1)**(1)** In this section "forced activity" means any activity which is a condition of initiation or admission into or affiliation with an organization, regardless of a student's willingness to participate in the activity.

948.51(2) **(2)** No person may intentionally or recklessly engage in acts which endanger the physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating in connection with a school, college or university. Under those circumstances, prohibited acts may include any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, forced confinement or any other forced activity which endangers the physical health or safety of the student.

Appendix 5 - 813.12 Domestic Abuse Restraining Orders and Injunctions

813.12(1)**(1)** Definitions. In this section:

813.12(1)(ad) **(ad)** "Caregiver" means an individual who is a provider of in-home or community care to an individual through regular and direct contact.

813.12(1)(ag) **(ag)** "Dating relationship" means a romantic or intimate social relationship between two adult individuals but "dating relationship" does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.

813.12(1)(am) **(am)** "Domestic abuse" means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver's care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a

dating relationship, or by an adult against an adult with whom the person has a child in common:

Appendix 6 - Sexual Harassment

111.32 Definitions. When used in this subchapter:

(13) "Sexual harassment" means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Sexual harassment" includes conduct directed by a person at another person of the same or opposite gender. "Unwelcome verbal or physical conduct of a sexual nature" includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment.
