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.

14.02: Definitions

1. “Academic misconduct” means an act described in 14.03 below.

2. “Student Misconduct Hearing Committee” means the committee or hearing
examiner appointed pursuant to 14.15 to conduct hearings under 14.08.

3. “Chancellor” means the Chancellor or designee.

4. “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.”

5. “Days” means calendar days.

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 at UW-Eau Claire only upon the condition that the student complies with specified standards of conduct for a specified period of time, not to exceed two semesters.


9. “Expulsion” means termination of student status with resultant loss of all student rights and privileges from all University of Wisconsin campuses.

10. “Hearing examiner” means an individual appointed by the Chancellor in accordance with 14.15 for the purpose of conducting a hearing under 14.08.

11. “Institution” means any University, center, or an organizational equivalent designated by the board.

12. “Instructor” means the faculty member or instructional academic staff member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.

13. “Investigating officer” means an individual, or his or her designee, appointed by the Chancellor to carry out certain responsibilities in the course of investigations of academic misconduct.

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 Code.

15. “Student” means any person who is registered for study at UW-Eau Claire for the
academic period in which the misconduct occurred.

16. “Student Affairs Officer” means the Vice Chancellor or Student Affairs Officer designated by the Chancellor to carry out duties described in this Code.

17. “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 from all University of Wisconsin campuses.

14.03: Academic Misconduct

Subject to Disciplinary Action

1. Academic Misconduct is an act in which a student:
   a. Seeks to claim credit for the work or efforts of another without authorization or citation;
   b. Uses unauthorized material or fabricated data in any academic exercise;
   c. Forges or falsifies academic documents or records;
   d. Intentionally impedes or damages the academic work of others;
   e. Engages in conduct aimed at making false representation of a student’s academic performance; or
   f. Assists other students in any of these acts.

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

14.04: Disciplinary Sanctions

1. The following are the disciplinary sanctions that may be imposed for academic misconduct in accordance with the procedures of 14.05, 14.06, or 14.07:
   a. An oral reprimand;
   b. A written reprimand presented only to the student;
   c. An assignment to repeat the work, to be graded on its merits;
   d. A lower or failing grade on the particular assignment or test;
   e. A lower grade in the course;
   f. A failing grade in the course;
   g. Removal of the student from the course in progress;
   h. A written reprimand to be included in the student's disciplinary file;
   i. Disciplinary probation; or
   j. Suspension or expulsion from the University.

2. One or more of the disciplinary sanctions listed above may be imposed for an incident of academic misconduct.

14.05: Disciplinary Sanction Imposed at the Discretion of the Instructor

1. Where an instructor concludes that a student enrolled in one of his or her courses has engaged in academic misconduct in the course, the instructor for that course may impose one or more of the following disciplinary sanctions:
   a. An oral reprimand;
   b. A written reprimand presented only to the student;
c. An assignment to repeat the work, to be graded on its merits.

2. No disciplinary sanction may be imposed under this section unless the instructor promptly offers to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the basis for his or her belief that the student engaged in academic misconduct, and to afford the student the opportunity to respond.

3. A student who receives a disciplinary sanction under this section has the right to a hearing before the Student Misconduct Hearing Committee under 14.08 to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both. If the student desires such a hearing, he or she must file a written request with the Dean of Students Office within ten days of imposition of the disciplinary sanction by the instructor.

14.06: Disciplinary Sanction Imposed Following a Report of Academic Misconduct by the Instructor

Where an instructor believes that a student enrolled in one of his or her courses has engaged in academic misconduct and the sanctions listed under 14.04 (1) (a) through (c) are inadequate or inappropriate, the instructor may proceed in accordance with this section to impose, subject to hearing rights in 14.08, one or more of the disciplinary sanctions listed under 14.04 (1) (d) through (h).

1. Conference With Student:
   When an instructor concludes that proceedings under this section are warranted, the instructor shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the instructor to review with the student the basis for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond. If the student does not respond to the investigating officer’s offer to discuss the matter, the investigating officer may
proceed to make a determination on the basis of the available information.

2. **Determination By The Instructor That No Academic Misconduct Occurred:**
   If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

3. **Process Following Determination By The Instructor That Academic Misconduct Occurred:**
   a. If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that one or more of the disciplinary sanctions listed under 14.04 (1)(d) through (h) should be recommended, the instructor shall prepare a written report so informing the student, which shall contain the following:
      1. A description of the misconduct;
      2. Specification of the sanction recommended;
      3. Notice of the student’s right to request a hearing before the Academic Misconduct Hearing Committee; and
      4. A copy of or link to the institutional procedures adopted to implement this section.
   b. The written report shall be delivered personally to the student or be mailed to the student by regular first class United States mail or her current address, as maintained at the institution, or by electronic mail. In addition, copies of the report shall be provided to the institution’s student affairs officer and to others authorized by institutional procedures.
   c. A student who receives a written report under this section has the right to a hearing before the Student Misconduct Hearing Committee under 14.08 to contest the determination that academic misconduct occurred, or the choice of disciplinary sanction, or both. If the student desires the hearing before the academic misconduct hearing committee, the student must file a written request with the Dean of Students Office within ten days of personal delivery.
or mailing of the written report. If the student does not request a hearing within this period, the determination of academic misconduct shall be regarded as final, and the disciplinary sanction recommended shall be imposed.

4. **Process Following Determination By The Instructor That Disciplinary Probation, Suspension, or Expulsion May Be Warranted:**
   a. If, as a result of a discussion under sub. (1), the instructor determines that academic misconduct did occur and that disciplinary probation, suspension, or expulsion under 14.04 (1) (i) through (j) should be recommended, the instructor shall provide a written report to the investigating officer, which shall contain the following:
      1. A description of the misconduct; and
      2. Specification of the sanction recommended.
   b. Upon receipt of a report under this subsection, the investigating officer may proceed, in accordance with 14.07 to impose a disciplinary sanction.

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**14.07: Disciplinary Sanction Imposed Following a Report of Academic Misconduct by the Investigating Officer**

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

1. **Authority of Investigating Officer:**
   The investigating officer may proceed in accordance with this section when he or she received information that a student at the institution has engaged in alleged academic misconduct and:
   a. Some or all of the alleged academic misconduct occurred outside the scope
of any course for which the involved student is currently registered;
b. The involved student has previously engaged in academic misconduct subject to the disciplinary sanctions listed in 14.04 (1)(d) through (j);
c. The alleged misconduct would, if proved to have occurred, warrant a sanction of disciplinary probation, suspension or expulsion; or
d. The instructor in the course is unable to proceed.

2. **Conference With Student:**
   When the investigating officer concludes that proceedings under this section are warranted, he or she shall promptly offer to discuss the matter with the student. The purpose of this discussion is to permit the investigating officer to review with the student the basis for his or her belief that the student engaged in academic misconduct, and to afford the student an opportunity to respond. If the student does not respond to the investigating officer’s offer to discuss the matter, the investigating officer may proceed to make a determination on the basis of the available information.

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

4. **Determination By The Investigating Officer That No Academic Misconduct Occurred:**
   If, as a result of discussions under subs. (2) and (3), the investigating officer determines that academic misconduct did not in fact occur or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action or a written report.

5. **Process Following Determination By The Investigating Officer That Academic Misconduct Occurred:**
   a. If, as a result of discussions under subs. (2) and (3), the investigating officer
determines that academic misconduct did occur and that one or more of the
disciplinary sanctions listed under 14.04 (1) (g) through (j) should be
recommended, the investigating officer shall prepare a written reports
informing the student, which shall contain the following:

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

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

c. A student who receives a written report under this section has the right to a
   hearing before the Student Misconduct Hearing Committee under 14.08 to
   contest the determination that academic misconduct occurred, or the choice
   of disciplinary sanction, or both.

1. Except in cases where the disciplinary sanction recommended is
disciplinary probation, suspension, or expulsion, if the student desires
the hearing before the Student Misconduct Hearing Committee, the
student must file a written request with the Dean of Students Office
within ten days of personal delivery or mailing of the written report. If
the student does not request a hearing within this period, the
determination of academic misconduct shall be regarded as final, and
the disciplinary sanction recommended shall be imposed.

2. In cases where the disciplinary sanction recommended is disciplinary
probation, suspension, or expulsion, the Dean of Students Office shall
upon receipt of the written report under Par. (b) proceed under 14.08
to schedule a hearing on the matter. The purpose of the hearing shall be to review the determination that academic misconduct occurred and the disciplinary sanction recommended. A hearing will be conducted unless the student waives, in writing, the right to such a hearing.

14.08: Hearing

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

2. Reasonably in advance of the hearing, the committee shall obtain from the instructor or investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide a copy of this Code to the student.

3. The hearing before the Student Misconduct Hearing Committee shall be conducted in accordance with the following requirements:
   a. The student shall have the right to question adverse witnesses, the right to present evidence and witnesses, and to be heard in his or her own behalf, and the right to be accompanied by a representative of his or her choice.
   b. The hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges.
   c. The hearing committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. Any party to the hearing may obtain copies of the record at his or her own expense. Upon a showing of
indigence and legal need, a party may be provided a copy of the verbatim
record of the testimony without charge.

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

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

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

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

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

14.09: Appeal to the Chancellor

1. Where the sanction prescribed by the hearing committee is suspension or
expulsion, the student may appeal to the Chancellor to review the decision of the
hearing committee on the record. The appeal must be submitted in writing to the
Chancellor within ten days of the receipt of the outcome of the hearing
committee’s decision. In such a case, the Chancellor shall sustain the decision of
the Student Misconduct Hearing Committee unless the Chancellor finds:

   a. The evidence of record does not support the findings and recommendations
      of the hearing committee;

   b. Established procedures were not followed by the Student Misconduct
      Hearing Committee and material prejudice to the student resulted; or
c. The decision was based on factors proscribed by state or federal law regarding equal educational opportunities.

2. If the Chancellor makes a finding under sub. (1), the Chancellor may remand the matter for consideration by a different hearing committee, or, in the alternative, may invoke an appropriate remedy of his or her own.

14.10: Discretionary Appeal to the Board of Regents

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

14.11: Settlement

The procedures set forth in this Code do not preclude a student from agreeing that academic misconduct occurred and to the imposition of a sanction, after proper notice has been given. Required written reports, however, may not be waived.

14.12: Effect of Discipline Within the University System

Suspension or expulsion shall be system wide in effect.

1. A student who is suspended or expelled from one institution in the University of Wisconsin System may not enroll in another institution in the system unless the suspension has expired by its own terms or one year has elapsed after the student has been suspended or expelled.

2. Upon completion of a suspension period, a student may re-enroll at UW-Eau Claire by applying for readmission through the Admissions Office.

14.13: Right to Petition for
Readmission

A student who has been expelled under this section may petition for readmission, and a student who has been suspended under this section may petition for readmission prior to the expiration of the suspension period. The petition may not be filed before the expiration of one year from the date of the final determination in expulsion cases, or before the expiration of one-half of the suspension period in suspension cases. The petition shall be submitted in writing to the Dean of Students Office. The Dean of Students representative shall review the circumstances of the case and advise the Chancellor in writing with a copy to the petitioner. Within ten calendar days after receiving the results of the investigating officer’s review, the petitioner may request that the Chancellor seek additional advice from a three person readmission tribunal. The tribunal shall consist of one student appointed by the President of the UW-Eau Claire Student Senate, a representative of the Dean of the college in which the petitioner was last enrolled, and another student, faculty, or staff member appointed at the discretion of the Chancellor.

The readmission tribunal shall proceed informally and shall provide the petitioner and the investigation officer with an opportunity to present their positions in person or in writing. The tribunal shall submit its advice to the Chancellor in writing with a copy to the petitioner and to the investigating officer. The Chancellor’s decision to grant or deny the petition shall be final.

Among others, the following factors may be considered in readmission proceedings: The severity of the original offense and the likelihood that the misconduct which resulted in suspension or expulsion will not be repeated or that other serious misconduct in violation of the this Code will not occur.

14.14: Investigating Officer

The Chancellor, in consultation with faculty, academic staff, and student representatives, shall designate an investigating officer or officers for student academic misconduct. The investigating officer shall have responsibility for investigating student academic misconduct and initiating procedures for academic misconduct under 14.07. An investigating officer may also serve on the Student Misconduct Hearing Committee for a case, if he or she has not otherwise been involved in the matter.
14.15: Student Misconduct Hearing Committee

The Chancellor, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a Student Misconduct Hearing Committee or designation of a hearing examiner to fulfill responsibilities of the Student Misconduct Hearing Committee in this section.

The Student Misconduct Hearing Committee will consist of the following members:

1. Not fewer than three members from the faculty, appointed by the Chancellor.
2. Not fewer than three members from the staff, appointed by the Chancellor.
3. Not fewer than three student members, appointed by the President of the Student Senate.
4. An investigating officer may serve as an ex-officio, non-voting member of the committee.

Cases will be heard by a hearing panel of the committee or a hearing examiner. A hearing panel will consist of at least three members, but no more than six members of the Student Misconduct Hearing Committee, one of whom must chair the hearing and one of whom must be a student. To the extent possible, students, faculty and staff will be represented equally on hearing panels. However, no panel shall be constituted with a majority of members who are students.

Hearing examiners shall be selected by the Chancellor from the faculty and staff of the institution. The student shall be informed in writing of his/her right to choose the type of hearing option: a hearing examiner alone or a panel of the Student Misconduct Hearing Committee.

14.16: Notice to Students

Each institution shall publish and make freely available to students copies of this Code and any institutional policies implementing this Code.
14.17: Notice to Instructors

Each institution shall adopt procedures to ensure that instructors are familiar with these policies. Each institution shall provide instructors with copies of this Code and any institutional policies implementing this Code upon employment with the University, and each department chair shall be provided such copies upon assuming the duties of the chair.

14.18: Consistent Institutional Policies

Each institution is authorized to adopt policies consistent with this Code. A copy of such policies shall be filed with the Board of Regents and the University of Wisconsin System Office of Academic Affairs.

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.

17.02: Definitions

1. “Chief administrative officer” means the chancellor or dean of a campus or their designees.
2. “Clear and convincing evidence” means information that would persuade a
reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than “preponderance of the evidence.”

3. “Days” means calendar days.

4. “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.

5. “Disciplinary file” means the record maintained by the student affairs officer responsible for student discipline.

6. “Disciplinary probation” means a status in which a student may remain enrolled in the University only upon the condition that the student complies with specified standards of conduct or other requirements or restrictions on privileges, for a specified period of time, not to exceed two years.

7. “Disciplinary sanction” means any action listed in 17.10 (1) taken in response to student non-academic misconduct.

8. “Expulsion” means termination of student status with resultant loss of all student rights and privileges from all University of Wisconsin campuses.

9. “Hearing examiner” means an individual, other than the investigating officer, appointed by the chief administrative officer in accordance with 17.06 (2) for the purpose of conducting a hearing under 17.12.

10. “Institution” means any University, or an organizational equivalent designated by the board, and the University of Wisconsin colleges.

11. “Investigating officer” means an individual, or his or her designee, appointed by the chief administrative officer of each institution, to conduct investigations of non-academic misconduct under this Code.

12. “Student Misconduct Hearing Committee” or “committee” means the committee appointed pursuant to 17.07 to conduct hearings under 17.12.

13. “Preponderance of the evidence” means information that would persuade a reasonable person that a proposition is more probably true than not true. It is a
lower standard of proof than “clear and convincing evidence” and is the minimum standard for a finding of responsibility under this Code.

14. “Student” means any person who is registered for study in an institution for the academic period in which the misconduct occurred, or between academic periods, for continuing students.

15. “Student affairs officer” means the dean of students or student affairs officer designated by the chief administrative officer to coordinate disciplinary hearings and carry out duties described in this Code.

16. “Suspension” means a loss of student status for a specified length of time, not to exceed two years, with resultant loss of all student rights and privileges from all University of Wisconsin campuses.

17. “University lands” means all real property owned by, leased by, or otherwise subject to the control of the board of regents of the University of Wisconsin System.

17.03: Consistent Institutional Policies

Each institution is authorized to adopt policies consistent with this Code. A copy of such policies shall be filed with the board of regents and the University of Wisconsin System office of academic affairs.

17.04: Notice to Students

Each institution shall publish this Code on its website and shall make this Code and any institutional policies implementing this Code freely available to students through the website or other means.

17.05: Designation of Investigating Officer
The chief administrative officer of each institution shall designate an investigating officer or officers for allegations of student non-academic misconduct. The investigating officer shall investigate student non-academic misconduct and initiate procedures for non-academic misconduct under 17.11.

17.06: Non-academic 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 non-academic misconduct hearing examiner to fulfill the responsibilities of the non-academic misconduct hearing examiner in this Code.

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).

17.07: Student Misconduct Hearing Committee

The Chancellor, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a Student Misconduct Hearing Committee or designation of a hearing examiner to fulfill responsibilities of the Student Misconduct Hearing Committee in this section. The Student Misconduct Hearing Committee will consist of the following members:

1. Not fewer than three members from the faculty, appointed by the Chancellor.
2. Not fewer than three members from the staff, appointed by the Chancellor.
3. Not fewer than three student members, appointed by the President of the Student Senate.
4. An investigating officer may serve as an ex-officio, non-voting member of the committee.

Cases will be heard by a hearing panel of the committee or a hearing examiner. A hearing panel will consist of at least three members, but no more than six members of the Student Misconduct Hearing Committee, one of whom must chair the hearing and
one of whom must be a student. To the extent possible, students, faculty and staff will be represented equally on hearing panels. However, no panel shall be constituted with a majority of members who are students.

Hearing examiners shall be selected by the Chancellor from the faculty and staff of the institution. The student shall be informed in writing of his/her right to choose the type of hearing option: a hearing examiner alone or a panel of the Student Misconduct Hearing Committee.

17.08: Non-academic Misconduct Occurring On or Outside of University Lands

1. Misconduct on University Lands.

   Except as provided in 17.08 (2), the provisions contained in this Code shall apply to the student conduct described in 17.09 that occurs on University lands or at University−sponsored events.

2. Misconduct Outside of University Lands.

   The provisions contained in this Code may apply to the student conduct described in 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.
This section is intended only to provide guidance for the exercise of discretion by the University in invoking its jurisdiction over conduct that occurs off campus. It may not be relied upon by any student charged under this section to create any rights, substantive or procedural, or as a basis for a challenge to the exercise of the University’s jurisdiction.

17.09: Conduct Subject to Disciplinary Action

State statutes listed in this Code may be updated from time-to-time by the state legislature. Though the University will attempt to include all updated statutes in this Code, it is the responsibility of the student to be aware of all changes in state law.

In accordance with 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 non-academic misconduct:

1. **Dangerous Conduct.**
   Conduct that endangers or threatens the health or safety of oneself or another person.

2. **Sexual Assault.**
   A. **SEXUAL ASSAULT.** s. 940.225, Stats.
      1. First degree sexual assault. Whoever does any of the following is guilty of a Class B felony:
         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.
         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.
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.

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

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

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.

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.

(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.

d. Has sexual contact or sexual intercourse with a person who the
defendant knows is unconscious.

e. 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.

f. 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.

g. 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.

h. 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.

i. 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.

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.

(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.
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): (b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.  

c. A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

5. Definitions. In this section:

- (abm) "Client" means an individual who receives direct care or treatment services from an entity.
- (acm) "Correctional institution" means a jail or correctional facility, as defined in s. 961.01 (12m), a juvenile correctional facility, as defined in s. 938.02 (10p), or a juvenile detention facility, as defined in s. 938.02 (10r).
- (ad) "Correctional staff member" means an individual who works at a correctional institution, including a volunteer.
- (ag) "Inpatient facility" has the meaning designated in s. 51.01 (10).
- (ai) "Intoxicant" means any alcohol beverage, controlled substance, controlled substance analog, or other drug or any combination thereof.
- (ak) "Non-client resident" means an individual who resides, or is expected to reside, at an entity, who is not a client of the entity, and who has, or is expected to have, regular, direct contact with the clients of the entity.
- (am) "Patient" means any person who does any of the following:
  1. Receives care or treatment from a facility or program under s. 940.295 (2) (b), (c), (h) or (k), from an employee of a
facility or program or from a person providing services under contract with a facility or program.

2. Arrives at a facility or program under s. 940.295 (2) (b), (c), (h) or (k) for the purpose of receiving care or treatment from a facility or program under s. 940.295 (2) (b), (c), (h) or (k), from an employee of a facility or program unders. 940.295 (2) (b), (c), (h) or (k), or from a person providing services under contract with a facility or program under s. 940.295 (2) (b), (c), (h) or (k).

- (ar) "Resident" means any person who resides in a facility under s. 940.295 (2)(b), (c), (h) or (k).
- (b) "Sexual contact" means any of the following:
  1. Any of the following types of intentional touching, whether direct or through clothing, if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1):
     a. Intentional touching by the defendant or, upon the defendant's instruction, by another person, by the use of any body part or object, of the complainant's intimate parts.
     b. Intentional touching by the complainant, by the use of any body part or object, of the defendant's intimate parts or, if done upon the defendant's instructions, the intimate parts of another person.
  2. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant or, upon the defendant's instruction, by another person upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually
humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant.

3. For the purpose of sexually degrading or humiliating the complainant or sexually arousing or gratifying the defendant, intentionally causing the complainant to ejaculate or emit urine or feces on any part of the defendant's body, whether clothed or unclothed.

- (c) "Sexual intercourse" includes the meaning assigned under s. 939.22 (36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

- (d) "State treatment facility" has the meaning designated in s. 51.01 (15).

6. Marriage not a bar to prosecution. A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

7. Death of victim. This section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.

3. **Stalking. s. 940.32, Stats.**

   1. In this section:

      a. "Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

         1. Maintaining a visual or physical proximity to the victim.
         2. Approaching or confronting the victim.
         3. Appearing at the victim’s workplace or contacting the victim’s employer or coworkers.
         4. Appearing at the victim’s home or contacting the victim’s
neighbors.

5. Entering property owned, leased, or occupied by the victim.

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.

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.

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.

8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.

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.

10. Causing a person to engage in any of the acts described in subds. 1. to 9.

- (am) "Domestic abuse" has the meaning given in s. 813.12 (1) (am).
- (ap) "Domestic abuse offense" means an act of domestic abuse that constitutes a crime.
- (c) "Labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the
association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

- (cb) "Member of a family" means a spouse, parent, child, sibling, or any other person who is related by blood or adoption to another.
- (cd) "Member of a household" means a person who regularly resides in the household of another or who within the previous 6 months regularly resided in the household of another.
- (cg) " Personally identifiable information" has the meaning given in s. 19.62 (5).
- (cr) "Record" has the meaning given in s. 19.32 (2).
- (d) "Suffer serious emotional distress" means to feel terrified, intimidated, threatened, harassed, or tormented.

2. Whoever meets all of the following criteria is guilty of a Class I felony:
   a. The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household.
   b. The actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.
   c. (c) The actor's acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or

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2e. Whoever meets all of the following criteria is guilty of a Class I felony:

a. After having been convicted of sexual assault under s. 940.225, 948.02, 948.025, or 948.085 or a domestic abuse offense, the actor engages in any of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic abuse offense.

b. The actor knows or should know that the act will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

c. The actor's act causes the specific person to suffer serious emotional distress or induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

2m. Whoever violates sub. (2) is guilty of a Class H felony if any of the following applies:

a. The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v), or (1x).

b. The actor has a previous conviction for a crime, the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

c. The actor intentionally gains access or causes another person to gain access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation.

d. The person violates s. 968.31 (1) or 968.34 (1) in order to facilitate the
violation.

e. The victim is under the age of 18 years at the time of the violation.

3. Whoever violates sub. (2) is guilty of a Class F felony if any of the following applies:

   a. The act results in bodily harm to the victim or a member of the victim's family or household.

   b. The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v) or (1x), the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

   c. The actor uses a dangerous weapon in carrying out any of the acts listed in sub. (1) (a) 1. to 9.

3m. A prosecutor need not show that a victim received or will receive treatment from a mental health professional in order to prove that the victim suffered serious emotional distress under sub. (2) (c) or (2e) (c).

4.

   a. This section does not apply to conduct that is or acts that are protected by the person's right to freedom of speech or to peaceably assemble with others under the state and U.S. constitutions, including, but not limited to, any of the following:

      1. Giving publicity to and obtaining or communicating information regarding any subject, whether by advertising, speaking or patrolling any public street or any place where any person or persons may lawfully be.
      2. Assembling peaceably.
      3. Peaceful picketing or patrolling.

   b. Paragraph (a) does not limit the activities that may be considered to serve a legitimate purpose under this section.
5. This section does not apply to conduct arising out of or in connection with a labor dispute.

6. The provisions of this statute are severable. If any provision of this statute is invalid or if any application thereof is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.


1. In this section:
   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.
   b. "Credible threat" means a threat made with the intent and apparent ability to carry out the threat.
      c. "Personally identifiable information" has the meaning given in s. 19.62 (5).
      d. "Record" has the meaning given in s. 19.32 (2).
   c. (1m) Whoever, with intent to harass or intimidate another person, does any of the following is subject to a Class B forfeiture:
      a. Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.
      b. Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
   d. (1r) Whoever violates sub. (1m) under all of the following circumstances is guilty of a Class A misdemeanor:
      a. The act is accompanied by a credible threat that places the victim in reasonable fear of death or great bodily harm.
      b. The act occurs while the actor is subject to an order or injunction under s. 813.12, 813.122 or 813.125 that prohibits or limits his or
her contact with the victim.

e. (1t) Whoever violates sub. (1r) is guilty of a Class I felony if the person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation occurs within 7 years of the prior conviction.

f. (1v) Whoever violates sub. (1r) is guilty of a Class H felony if he or she intentionally gains access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation under sub. (1r).

g. (1x) Whoever violates sub. (1r) under all of the following circumstances is guilty of a Class H felony:
   a. The person has a prior conviction under sub. (1r), (1t) or (1v) or this subsection or s. 940.32 (2), (2e), (2m), or (3).
   b. The person intentionally gains access to a record in order to facilitate the current violation under sub. (1r).

2. This section does not prohibit any person from participating in lawful conduct in labor disputes under s. 103.53.

5. **Hazing.** s. 948.51, Stats.

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.

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.

3. Whoever violates sub. (2) is guilty of:
a. A Class A misdemeanor if the act results in or is likely to result in bodily harm to another.
b. A Class H felony if the act results in great bodily harm to another.
c. A Class G felony if the act results in the death of another.

6. **Illegal Use, Possession, Manufacture, or Distribution of Alcohol or Controlled Substances.**

Use, possession, manufacture, or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law or University policy.

7. **Unauthorized use of or Damage to Property.**

Unauthorized possession of, use of, moving of, tampering with, damage to, or destruction of University property or the property of others.

8. **Disruption of University-Authorized Activities.**

Conduct that obstructs or impairs University-run or University-authorized activities, or that interferes with or impedes the ability of a person to participate in University-run or University-authorized activities.

9. **Forgery or Falsification.**

Unauthorized possession of or fraudulent creation, alteration, or misuse of any University or other governmental document, record, key, electronic device, or identification.

10. **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.

11. **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.

12. **Violation of Criminal Law.**
   Conduct that constitutes a criminal offense as defined by state or federal law.

13. **Serious and Repeated Violations of Municipal Law.**
   Serious and repeated off-campus violations of municipal law.

14. **Violation of CH. UWS 18.**
   Conduct that violates ch. UWS 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.

15. **Violation of University Rules.**
   Conduct that violates any published University rules, regulations, or policies, including provisions contained in University contracts with students.

16. **Noncompliance with Disciplinary Sanctions.**
   Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.

**17.10: Disciplinary Sanctions**

1. The disciplinary sanctions that may be imposed for non-academic misconduct, in
accordance with the procedures of 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 above may be imposed for an incident of non-academic 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.

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 17.10 (1).

2. Conference With Student

   When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the student in person, by telephone, or by electronic mail to offer to discuss the matter with the student.
The purpose of this discussion is to permit the investigating officer to review with the student the basis for his or her belief that the student engaged in non-academic misconduct, and to afford the student an opportunity to respond. If the student does not respond to the investigating officer’s offer to discuss the matter, the investigating officer may proceed to make a determination on the basis of the available information.

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 non-academic misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action.

4. **Process Following Determination By The Investigating Officer That Non-Academic Misconduct Occurred**

   a. If, as a result of a discussion under sub. (2) or review of available information, the investigating officer determines that non-academic misconduct did occur and that one or more of the disciplinary sanctions listed under 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 student upon request, except as may be precluded by applicable state or federal law.
   4. Notice of the student’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 student.

c. A student who receives a written report under this section has the right to a hearing under s. 17.12 to contest the determination that non-academic misconduct occurred, the choice of disciplinary sanctions, or both.

1. Where the disciplinary sanction sought is one of those listed in 17.10 (1) (a) to (g), and if the student desires a hearing, the student shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the student. If the student does not request a hearing within this period, the determination of non-academic 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 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 17.12 to schedule a hearing on the matter. A hearing shall be conducted unless the student waives, in writing, the right to such a hearing. A hearing waiver form is available from the Dean of Students Office.

17.12: Hearing

1. A student who requests a hearing, or for whom a hearing is scheduled under 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.

2. If a student requests a hearing under 17.11 (4)(c)1., or a hearing is required to be scheduled under 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 student 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
student with access to or copies of the investigating officer’s explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information of the type described in 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 non-academic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure, except as expressly provided in this Code.

b. The student shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be accompanied by an advisor of the student’s choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified in 17.10 (1) (a) to (h), the advisor may counsel the student, but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the student except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in 17.10 (1) (i) or (j), or where the student 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 student. In accordance with the educational purposes of the hearing, the student is expected to respond on his or her own behalf to questions asked of him or her during the hearing.

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 student is 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 student charged with misconduct may access the record, upon the student’s request.

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 non-academic 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 17.10 (1) (h) to (j).

2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in 17.10 (1) (a) to (g).

3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment and sexual assault.

g. The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in 17.10 (1) (a) to (g) that differs from the recommendation of the investigating officer. Sanctions under 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 student 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 student. The decision shall become final within 14 days of the date on the written decision, unless an appeal is taken under 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, find that the student committed the misconduct alleged.

k. Disciplinary hearings are subject to the Wisconsin open meetings law and may be closed if the student whose case is being heard requests a closed hearing or if the hearing examiner or committee determines that it is necessary to hold a closed hearing, as permitted under the Wisconsin open meetings law. Deliberations of the committee shall be held in closed session, in accordance with s. 19.85, Stats. As such, proper notice and other applicable rules shall be followed.

17.13: Appeal to the Chancellor

1. Where the sanction prescribed by the hearing examiner or committee is one of those listed in 17.10 (1) (h) to (j), the student may appeal to the chief administrative officer within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record. In such a case, the chief administrative officer has 30 days from receipt of the student’s appeal to respond and shall sustain the decision of the non-academic misconduct hearing examiner or committee unless the chief administrative officer finds any of the following:

   a. The information in the record does not support the findings or decision of the hearing examiner or committee.

   b. Appropriate procedures were not followed by the non-academic misconduct hearing examiner or committee and material prejudice to the student resulted.

   c. The decision was based on factors proscribed by state or federal law.

2. If the chancellor makes a finding under sub. (1), the chancellor may return the matter for consideration by a different hearing examiner or committee, or may
invoke an appropriate remedy of his or her own.

17.14: Discretionary Appeal to the Board of Regents

Institutional decisions under 17.11 to 17.13 shall be final, except that the board of regents may, at its discretion, grant a review upon the record.

17.15: Settlement

The procedures set forth in this chapter allow the University and a student to enter into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the student and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the student.

17.16: Effect of Discipline Within the Institution

A student who, at the time of commencement, is subject to a continuing disciplinary sanction under 17.10 (1) or unresolved disciplinary charges as a result of a report under 17.11, shall not be awarded a degree during the pendency of the sanction or disciplinary proceeding.

17.17: Effect of Suspension or Expulsion Within the University System

1. Suspension or expulsion shall be system-wide in effect and shall be noted on an individual's transcript, with suspension noted only for the duration of the suspension period.

2. A student who is suspended from one institution in the University of Wisconsin...
System may not enroll in another institution in the system until the suspension has expired by its own terms, except as provided in 17.18.

3. A student who is expelled from one institution in the University of Wisconsin System may not enroll in another institution in the system, except as provided in 17.18.

4. A person who is in a state of suspension or expulsion from the University under this chapter, or who leaves or withdraws from the University while under non-academic 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, a student who is academically eligible may re-enroll in the institution which suspended him or her, provided all conditions from previous disciplinary sanctions have been met.

17.18: Petition For Restoration of Rights After Suspension or Expulsion

A student who has been suspended may petition to have his or her student status, rights, and privileges restored before the suspension has expired by its own terms under 17.17 (2). A student 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 student was suspended or expelled or of a different University of Wisconsin institution to which the student seeks admission. The chief administrative officer shall make the readmission decision.

17.19: Emergency Suspension

1. The chief administrative officer may impose an emergency suspension on a student, pending final institutional action on a report of non-academic misconduct, in accordance with the procedures of this section.

2. The chief administrative officer of each institution may impose an emergency
suspension on a student when all of the following conditions are met:

a. The investigating officer has made a reasonable attempt to offer the student 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 student’s continued presence on campus meets one or more of the following conditions:

1. Would constitute a potential for serious harm to the student.

2. Would constitute a potential for serious harm to others.

3. Would pose a threat of serious disruption of University-run or University-authorized activities.

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 student. The chief administrative officer’s decision to impose an emergency suspension shall be effective immediately when delivered to the student 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 student 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 17.12 is rendered or the chief administrative officer rescinds the emergency suspension. In no case shall an emergency suspension remain in effect for longer than 30 days, unless the student agrees to a longer period.

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 17.12
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 http://www.uwec.edu/DOS/policies/yrtk/alcohol.htm.

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

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: http://www.uwec.edu/acadaff/policies/usage.htm.

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: http://www.uwec.edu/Copyright/policies/index.htm.

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
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
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 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
E. Non-Academic Misconduct Flowchart
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 nonclient 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 subds. 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.