

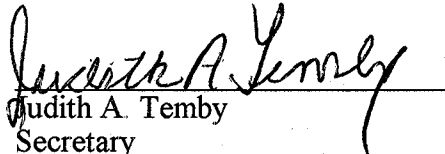
Clearinghouse Rule 97-149

STATE OF WISCONSIN)

BOARD OF REGENTS OF)
THE UNIVERSITY OF)
WISCONSIN SYSTEM)

I, Judith A. Temby, Secretary of the Board of Regents of the University of Wisconsin System and custodian of the official records, certify that the annexed rules, relating to conduct on university lands, were duly approved and adopted by the Board on March 6, 1998. I further certify that this copy has been compared by me with the original on file with the Board and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Regents of the University of Wisconsin System at 1860 Van Hise Hall, 1220 Linden Drive, in the city of Madison, this 28th day of May, 1998.


Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin System



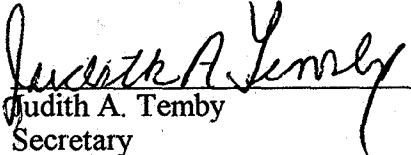
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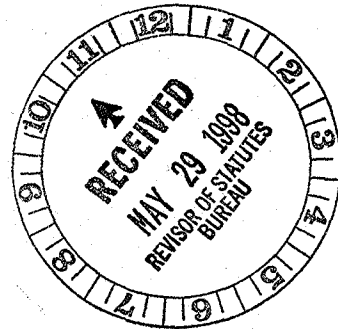
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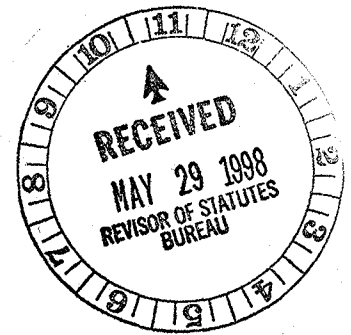
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Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin System



ORDER OF THE BOARD OF REGENTS OF
THE UNIVERSITY OF WISCONSIN SYSTEM
AMENDING, REPEALING AND RECREATING,
AND CREATING RULES



Agency contact persons: Patricia A. Brady (608/262-6497);
Judith A. Temby (608/262-2324)

[INTRODUCTORY CLAUSE]

The Board of Regents of the University of Wisconsin System proposes an order to amend UWS 18.06(14)(37) and (41); to repeal and recreate UWS 18.06(11)(34) and (35); and to create UWS 18.06(33)(d) to (f) and UWS 18.06(42) to (50), relating to conduct on university lands.

[PLAIN LANGUAGE ANALYSIS PREPARED BY THE UW SYSTEM]

Pursuant to ss. 36.11(1)(c) and 227.11, Wisconsin Statutes, the Board of Regents is authorized to promulgate rules governing conduct on university lands. The Board's rules in this area are set forth in Chapter UWS 18, Wisconsin Administrative Code. Campus law enforcement officers enforce the rules in this chapter through the citation process established in s. 778.25, Wisconsin Statutes. The citation procedure is similar to enforcement procedures used by municipalities to deal with local ordinance violations.

The last major revisions in Chapter UWS 18 were completed in 1991. The revisions currently proposed would consolidate some existing provisions, amend others to create consistency with state criminal statutes and municipal ordinances that have been modified since 1991, and create new provisions to address new law enforcement problems.

Modifications proposed in the existing rules include the consolidation of the fire safety provisions now found in s. UWS 18.06(11) and (35), into a new s. UWS 18.06(11). As modified, this section would also add new prohibitions on the use of fires on university lands and in university facilities; the negligent use of burning materials; and tampering with fire safety equipment. The general prohibition on camping on university lands, as set forth in s. UWS 18.06(13), has been amended to clarify what is included in the definition of "camping." The dollar values that define the offenses of petty theft and the issue of worthless checks in s. UWS 18.06(37) and (41) have been revised to reflect current statutory limits.

In addition, new provisions in s. 18:06(33)(d) to (f), (35) and (42) to (50) have been proposed to prohibit the possession of drug paraphernalia, resisting or obstructing police officers, abuses of telephones, assaultive behavior, the operation of motor vehicles off roadways, misuse of parking permits, damage to computers and related equipment, abuse of computer communication equipment, deposit of human waste, curfew violations by

minors, conduct at athletic events and theft of library materials. The inclusion of these new provisions in the rules will allow university police to process these kinds of violations in a manner parallel to the process provided for violations of similar municipal ordinances.

[TEXT OF RULE]

SECTION 1. UWS 18.06(14)(37) and (41) are amended to read:

(14) No person may picnic or camp on university lands, except in those areas specifically designated as picnic or camping grounds, or as authorized by the chief administrative officer. No person may violate any rules and regulations for picnicking or camping established and posted by the chief administrative officer. For purposes of this regulation subsection, camping shall include the pitching of tents or the overnight use of sleeping bags, blankets, makeshift shelters, motor homes, campers or camp trailers.

(37) *Issue of Worthless Check.* (a) No person may issue any check or other order for the payment of money less than ~~\$500~~ \$1000 which, at the time of issuance, he or she intends shall not be paid.

(b) In this subsection, prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid, has the meaning and includes the items of proof set forth in ~~s. 943.23, Stats.~~ s. 943.24, Stats.

(c) This subsection does not apply to a postdated check or to a check given for past consideration, except a payroll check.

(41) *Petty Theft under \$100 Theft.* (a) No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another

with a value of under \$100, without consent and with the intent to deprive the owner permanently of such property.

(b) No person may intentionally take and carry away, use, transfer, conceal, or retain possession of movable property of another with a value of at least \$100 but not more than \$500, without consent and with the intent to deprive the owner permanently of such property.

SECTION 2. UWS 18.06(11)(34) and (35) are repealed and recreated to read:

(11) *Fire Safety.* (a) No person may light, build or use, or cause another to light, build or use, any fires, including but not limited to burning candles, burning incense or gas or charcoal cooking appliances, on university lands or in university facilities except in such places as are established for these purposes and designated by the chief administrative officer.

(b) No person may handle burning material in a highly negligent manner. In this subsection, burning material is handled in a highly negligent manner if it is handled under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.

(c) No person may throw away any cigarette, cigar, pipe ash or other burning material without first extinguishing it.

(d) No person may interfere with, tamper with or remove, without authorization, any smoke detector, fire extinguisher, fire hose or other fire fighting equipment.

(e) No person may intentionally give a false fire alarm, whether by means of a fire alarm system or otherwise.

(f) No person may deface, remove, tamper with or obstruct from view any sign which has been posted to provide directions for fire or emergency exits from university facilities.

(g) No person may remain in any university facility or on university lands when an audible or visual fire alarm has been activated or upon being notified by fire fighting, law enforcement or security personnel to evacuate.

(34) *Resisting or Obstructing Peace Officers.* (a) No person may knowingly resist or obstruct a university peace officer while that officer is doing any act in an official capacity and with lawful authority.

(b) In this subsection, "obstruct" includes without limitation knowingly giving false information or knowingly placing physical evidence with the intent to mislead a university peace officer in the performance of his or her duty.

(35) *Possession of Drug Paraphernalia.* (a) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of ch. 961, Stats.

(b) In this subsection, the term "drug paraphernalia" has the meaning specified in s. 961.571(1), Stats.; the term "controlled substance" has the meaning specified in s. 961.01(4), Stats.; and the term "controlled substance analog" has the meaning specified in s. 961.01(4m), Stats.

(c) In determining whether an object is drug paraphernalia under this subsection, the factors listed in s. 961.572, Stats., and all other legally relevant factors, shall be considered.

SECTION 3. UWS 18.06(33)(d) to (f) and UWS 18.06(42) to (50) are created to read:

(33) (d) No person, with the intent to harass or offend, may telephone another and use any obscene, lewd or profane language or suggest any lewd or lascivious act.

(e) No person, with the intent to harass any person at the called number, may make a telephone call, whether or not conversation ensues, without disclosing his or her identity.

(f) No person may knowingly permit any telephone under his or her control to be used for any purpose prohibited by this subsection.

(42) *Assaultive Behavior.* (a) No person may intentionally strike, shove, hit, punch, kick or otherwise subject another person to physical contact or cause bodily harm without the consent of the person.

(b) This subsection shall not be applicable if the individuals involved have a relationship, as defined in s. 968.075(1)(a), Stats., which requires a law enforcement officer to investigate the matter as a domestic abuse incident.

(43) *Operation of a Motor Vehicle off Roadways.* No person shall operate a motor vehicle off designated roadways, paved or unpaved, on university lands, in a manner that may cause damage to property or endanger the safety of any person.

(44) *Misuse of Parking Services.* (a) No person may falsify, alter or duplicate or request the unauthorized falsification, alteration or duplication of any type of university parking permit.

(b) No person may knowingly display on a vehicle, or knowingly allow another person to display on a vehicle, a falsified, altered, duplicated, stolen, lost or found parking permit.

(c) No person may knowingly provide false information to any university employee or agent with the intent to obtain a valid university parking permit.

(45) *Computer Data, Programs, Equipment or Supplies.* No person may willfully, knowingly and without authorization do or attempt to do any of the following:

(a) Modify, destroy, access, take possession of or copy data, computer programs or supporting documentation;

(b) Disclose restricted access codes or other restricted access information to a person not authorized to possess such codes or information;

(c) Modify, destroy, use, take or damage a computer, computer system or computer network;

(d) Modify, destroy, use, take or damage any equipment or supplies used, or intended to be used, in a computer, computer system or computer network.

(46) *Computer Use.* (a) No person may, with intent to harass, annoy or offend another person, send a message to the person on an electronic mail or other computerized communication system and in that message use any obscene, lewd or profane language or suggest any lewd or lascivious act.

(b) No person may, with intent to harass, annoy or offend another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message use any obscene, lewd or profane language or suggest any lewd or lascivious act.

(c) No person may, with intent solely to harass another person, send repeated messages to the person on an electronic mail or other computerized communication system.

(d) No person may, with intent solely to harass another person, send repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.

(e) No person may, with intent to harass or annoy another person, send a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) No person may, while intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass or annoy another person, send a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(g) No person may knowingly permit or direct another person to send a message prohibited by this subsection from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

(47) *Deposit of Human Waste Products.* No person may deposit human waste products upon, nor urinate or defecate upon, any university lands or facilities other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system.

(48) *Loitering.* (a) No minor person may loiter, idle, wander or play, either on foot or in or on any vehicle of any nature, on university lands between the hours of 11:00 p.m. and 5:00 a.m. on Sunday through Thursday, and the hours of midnight through 5:00 a.m. on Friday and Saturday, unless accompanied by a parent, guardian, or other adult person having care and custody of the minor.

(b) This subsection shall not apply to minors returning home from functions authorized by any public or parochial school or church and carrying proof of identification on their persons, or to currently enrolled university students.

(49) *Athletic Events.* (a) No person may enter onto the playing surface of an officially sanctioned athletic event while the event is in progress without prior authorization from the chief administrative officer. An event is in progress from the time when teams, officials, trainers, support staff, or bands first reach the playing surface until the time when they have left.

(b) As used in this subsection, "playing surface" means that area on which the event is contested, together with the contiguous area used by teams, officials, trainers, and support staff.

(50) *Library Materials.* (a) No person may intentionally take, carry away, transfer, conceal or retain possession of any library material without the consent of a library official, agent or employee and with the intent to deprive the library of possession of the material.

(b) The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance


with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

Note: Nothing in these rules precludes campus law enforcement officers from pursuing informal educational resolutions in lieu of prosecuting a citation in appropriate circumstances.

[EFFECTIVE DATE]

It is proposed that this rule shall take effect September 1, 1998.

Dated: May 28, 1998


Judith A. Temby
Secretary
Board of Regents of the
University of Wisconsin System



Board of Regents of The University of Wisconsin System

Office of the Secretary
1860 Van Hise Hall, 1220 Linden Drive
Madison, Wisconsin 53706
(608) 262-2324

May 28, 1998

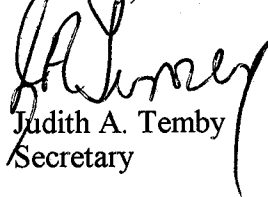
Gary Poulson
Revisor of Statutes
131 West Wilson Street
Room 800
Madison, WI 53703-3233

Dear Mr. Poulson:

Enclosed for filing with your office are one certified copy and one uncertified copy of revisions in Chapter UWS 18, Wisconsin Administrative Code, concerning conduct on university lands. Also enclosed is a disk in Word 6.0 format containing a copy of the rules. The rules were approved by the Board of Regents on March 6, 1998, and submitted to both houses of the legislature for review on March 19, 1998. The legislative review period has now expired without legislative action, and publication of the rules is therefore appropriate.

Thank you for your assistance in this matter.

Sincerely,


Judith A. Temby
Secretary

Enclosures

cc: President Lyall
Vice Presidents
Attorney Brady

