

STATEMENT OF SCOPE

Board of Regents of the University of Wisconsin System

Rule No.: Chapter UWS 17

Relating to: Nonacademic Student Misconduct

Rule Type: Permanent

Finding/nature of emergency (Emergency Rule only):

N/A

Detailed description of the objective of the proposed rule:

The Board of Regents of the University of Wisconsin System (Board) has been a leader in its support of academic freedom and the freedom of expression. On October 6, 2017, the Board approved Regent Policy Document 4-21 on *Commitment to Academic Freedom and Freedom of Expression*, setting forth the expectations of the Board regarding academic freedom and freedom of expression, and the consequences for those who violate the free expression of others.

The portion of the policy document that addresses student discipline requires that Chapter UWS 17 be modified to state when a formal investigation and hearing is required and the instances in which the disciplinary sanctions of suspension and expulsion must be invoked. Therefore, the Board seeks to modify Chapter UWS 17 regarding Student Nonacademic Misconduct, consistent with the Board's action on October 6, 2017 in approving the Regent Policy Document on Commitment to Academic Freedom and Freedom of Expression.

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

Chapter UWS 17 currently provides discretion to the investigating officer and provides a list of optional disciplinary sanctions for nonacademic misconduct. It does not specify when a formal investigation and disciplinary hearing is required, nor does it state mandatory sanctions for students found responsible for misconduct that materially and substantially disrupted the free expression of others.

The Board's Commitment to Academic Freedom and Freedom of Expression policy states that a formal investigation and disciplinary hearing is required the second time a formal complaint alleges a student has engaged in violent or other disorderly misconduct that materially and substantially disrupted the free expression of others. The policy also requires that any student who has twice been found responsible for misconduct that materially and substantially disrupted the free expression of others at any time during the student's enrollment shall be suspended for a minimum of one semester. Finally, the policy requires that any student who has three times been found responsible for misconduct that materially and substantially disrupted the free expression of others at any time during the student's enrollment shall be expelled. The Board policy states that these measures would

be effective upon amendment of Chapter UWS 17 under Chapter 227 of the Wisconsin Statutes to include a parallel provision.

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

Wisconsin Statute § 36.35 states: "The board shall promulgate rules under ch. 227 governing student conduct and procedures for the administration of violations."

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

50 hours

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

All University of Wisconsin institutions and the students thereof.

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

N/A

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

There is no anticipated economic impact of the proposed rule.

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