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I. Background and Purpose:

Under state law, the Board of Regents of the University of Wisconsin System promulgates rules governing student academic conduct and procedures for the administration of violations. The Board’s rules are found in Wisconsin Administrative Code Chapter 14, commonly referred to as “UWS 14”. UWS 14 requires each Chancellor to promote academic honesty and integrity and to adopt policies and develop procedures to deal effectively with instances of academic dishonesty, UWS 14.01, UWS 14.18

This document describes UW-Madison’s policies and procedures as required by or otherwise authorized under UWS 14. The document supplements UWS 14 and, in combination with UWS 14, describes student academic misconduct policies and procedures at the UW-Madison. For convenience, references to specific sections of UWS 14 appear at the end of statements in these procedures where relevant.

II. Staffing the Academic Misconduct Process:

Student Affairs Officer: The Chancellor has appointed the Dean of Students as the “Student Affairs Officer” responsible for carrying out the student academic misconduct process under UWS 14 and these procedures at UW-Madison.

Day-to-Day Management of Misconduct Processes: The Dean of Students may delegate authority for day-to-day management of student academic misconduct processes at UW-Madison.

Investigating Officers: The Chancellor, through the Dean of Students, has appointed Office of the Dean of Students staff to serve as “Investigating Officers” to carry out certain responsibilities in investigating and making misconduct determinations under UWS 14. Upon the request of the Dean of a School or College, the Chancellor, or his or her designee, may appoint additional Investigating Officers to carry out those responsibilities for academic misconduct in the specific School or College.

Official Address: Correspondence relating to an academic misconduct hearing matter should be addressed as follows:

    Academic Misconduct Hearing Panel
    c/o Office of the Dean of Students
    UW-Madison

    75 Bascom Hall, 500 Lincoln Drive
    Madison, WI 53706

    For further information, the Dean of Students Office can be reached as follows:
    Telephone: 608 263-5700

Information on academic misconduct, including this document, can be found at: http://www.wisc.edu/students/conduct.htm

III. Academic Misconduct Hearing Panel, Committee, and Hearing Examiners:

Appointment of Hearing Committee, and Hearing Examiner at UW-Madison: Under these procedures, a matter to be considered in hearing is heard before a hearing committee or hearing examiner. UW-Madison appoints hearing panel and committee members, and a hearing examiner or examiners consistent with the following procedures:

    Academic Misconduct Hearing Committee: UWS 14.15 provides in part that "The chancellor of each institution, in consultation with faculty, academic staff, and student representatives, shall adopt policies providing for the establishment of a student academic misconduct hearing committee or designation of a hearing examiner to fulfill the responsibilities of the academic misconduct hearing committee..."

    Academic Misconduct Hearing Panel: The Academic Misconduct Hearing Panel is a pool of fifteen persons trained and able to hear academic misconduct cases. Consistent with these rules, the University Committee shall appoint five faculty members to serve on the Academic Misconduct Hearing Panel; the Academic Staff Executive Committee shall appoint five academic staff members to serve on the Panel; and the Associated Students of Madison shall appoint five student members to the Panel. The hearing committee for a particular case (a sub-set of the panel) is assigned by the Chair of the panel.

Appointments to the panel may be made for any length of time and typically are made for periods of one to four years for faculty, staff and students. Appointments may be made on a staggered basis to allow for a balance of experienced and new members in a given year.
Chair of the Panel: The chancellor appoints the panel's Chair from among the members, from time-to-time as required or desired.

Hearing Committee: The chancellor has delegated authority to the panel's chair to assign a hearing committee from the hearing panel's membership to hear a given matter. Such hearing committees operate with full authority as the "hearing committee" under misconduct rules.

UWS 14 requires that the misconduct hearing committee "...shall consist of at least 3 persons, including a student or students, and the presiding officer. The chancellor delegates the authority to appoint the presiding officer for a specific hearing committee to the Chair of the Hearing Panel. The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice." UWS 14.15(1) No committee may be composed of a majority of student members.

Hearing Examiner: UWS 14.15(2) provides for the chancellor to appoint a hearing examiner or examiners from among the institution's faculty and academic staff. Selections for the chancellor's appointment are made by the Academic Staff Executive committee for academic staff members and by the University Committee of the Faculty Senate for faculty members. Hearing examiners may or may not also be current members of the hearing panel.

IV. Hearings:

After investigation and a finding of misconduct leading to a disciplinary sanction or sanctions, certain misconduct matters are reviewed in hearing by a hearing committee or a hearing examiner. Procedures for the hearing committee and the hearing examiner are as follows:

Right to Hearing: UWS 14 provides students the right to a hearing "...to contest the determination that academic misconduct occurred, or the disciplinary sanction imposed, or both." UWS 14.05(3)
A hearing is available to any student wishing to challenge the finding of misconduct or the discipline imposed. However, procedures leading to the hearing vary depending on the severity of the discipline imposed:

1. Hearing by Student Request If Disciplinary Sanction Imposed At The Discretion Of The Instructor: If the disciplinary sanction sought against the student is at the discretion of the instructor (that is, UWS 14.04 (1) (a) through (c):), oral reprimand, a written reprimand presented only to the students, an assignment to repeat the work, graded on its own merits, the student must file a request in writing with the UW-Madison Dean of Students for a hearing within 10 calendar days of imposition of the sanction by the instructor. UWS 14.05(3)

2. Hearing by Student Request Following A Report From An Instructor. If the instructor has been required to prepare a written report because the disciplinary sanction sought involves formal discipline, that is UWS 14.04 (1) (d) through (h): lower or failing grade on the particular assignment or test; a lower grade in the course; a failing grade in the course; removal of the students from a course in progress; a written reprimand for inclusion in the student's disciplinary file; or disciplinary probation, the student must file a request with the UW-Madison Dean of Students Office within 10 calendar days of personal delivery or mailing of the instructor's written report. UWS 14.06 (3)(c)

3. Automatic Hearing Unless Waived by Student if Suspended/Expelled: If the disciplinary sanction sought is disciplinary probation, suspension or expulsion UWS 14.04 (1)(l) or (l),

"...the student affairs office shall, upon receipt of the written report under par. (b), proceed under UWS 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." UWS 14.07(5)(c)(2)

A request for a hearing or waiver of a right to hearing is made in writing to:
Dean of Students
75 Bascom Hall, 500 Lincoln Drive
Madison, WI 53706

V. Conducting Hearings:

Procedures for the conduct of hearings are described
The Dean of Students Office will work closely with the student, instructor, and committee to see that the hearing can take place as quickly as possible, taking into account the need to coordinate the schedules of all involved parties and the committee members.

Pre-hearing Conferences: The presiding officer/acting presiding officer of a hearing committee or the hearing examiner may request a pre-hearing conference with the parties. The pre-hearing conference is intended to consider “housekeeping” matters such as calendar planning for the hearing, an agreed-upon statement of the relevant issue or issues to be considered, stipulations of fact, if any, document production, witness lists, and the manner, length, and format of submissions or presentations to the committee/examiner.

Student's Choice of Hearing by Committee or Examiner: Whether the hearing is at the student’s request or is automatically scheduled, if the proposed sanction is suspension or expulsion, the student has the right to decide if the hearing will be conducted by the hearing committee or by a hearing examiner.

Should the student not inform the Dean of Students of his/her choice for the hearing body within a reasonable time, the Dean of Students Office will make the decision.

Distribution of Investigating Officer's Written Report: “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 UWS 14 to the student”. UWS 14.08(2)

The Hearing Itself: UWS 14.08 describes requirements for the conduct of hearings. “Committee” means academic misconduct hearing committee or hearing examiner. UWS 14.02(9)

Hearings are informal, non-adversarial proceedings for the purpose of ascertaining relevant facts regarding a student’s alleged misconduct. The presiding officer of the Hearing Committee or the Hearing Examiner reserves the right to intervene if questioning or testimony becomes unduly repetitious, disrespectful, hostile, or harassing, and has the authority to take appropriate steps to maintain decorum.

Closed Hearing: Meetings of the committee and hearings are subject to the provisions of the Federal Educational Rights and Privacy Act of 1974 (FERPA). FERPA requires that the University not release any student record information without the written authorization from the student or students involved. Therefore, hearings to receive evidence or hear argument shall be closed to the public.

When a hearing is in closed session, only those with current, official purpose in the proceeding may be present. This includes the parties, their official representative, the hearing examiner/hearing committee members, and authorized staff, if required, e.g., to operate recording equipment. Witnesses who are not parties to the matter are to be present only when testifying at the hearing.

Quorum: “The presiding officer and at least one other member shall constitute a quorum at any hearing held pursuant to due notice.” UWS 14.15(1)

Recusal: A hearing committee member or hearing examiner may recuse her/himself from participation in a hearing if she/he has reason to believe that doing so is in the best interest of any party to the matter. For example, a committee member or examiner may wish to recuse her/himself because of prior personal involvement in the case or because she or he has a relationship with a party to the case that may interfere with her or his ability to remain impartial and fulfill the responsibilities of a hearing officer. Should a hearing examiner or committee member recuse herself/himself from hearing the matter, a new hearing examiner or committee member will be appointed.

Legal Representation: The hearing committee may be advised by legal counsel assigned from UW-
Witnesses, Evidence, Representation: 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." UWS 14.08 (3)(a)

Rules of Evidence, Value of Evidence: "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.” UWS 14.08(3)(b)

Instructor or Witness Unavailable to Appear: If a person with direct evidence of the offense is not available to appear at the hearing, he or she may request to provide written materials or be available by telephone. If a person with direct evidence of the offense chooses not to appear or cannot be located, the hearing shall proceed and the examiner or committee shall base the decision on the witnesses and materials presented. The weight or credibility of materials presented in the absence of live testimony may be a factor considered by the committee.

Failure of a Student to Appear: If a student cannot attend the hearing in person, he or she may request to provide written materials or be available by telephone. If a student fails to appear without providing such notice, the hearing shall proceed and the hearing examiner or committee will base its decision upon the record provided by the parties.

Recording Hearing: "The 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.” UWS 14.08(3)(c)

Written Findings and Decision: “The committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.” UWS 14.08(3)(d)

Burden of Proof: “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.” UWS 14.08(3)(e)

Range of Options in Imposing Discipline: “The committee may impose a disciplinary sanction that differs from the recommendations of the instructor or investigating officer.” UWS 14.08(3)(f)

Presentation of Case by UW/Representation of UW in Hearing: “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.” UWS 14.08(3)(g)

Decision, Delivery of, and Finality of: "The decision of the hearing committee shall be served upon the student either by personal delivery or by first class United States mail to his or her current address as maintained by the institution. The decision shall become final within 10 calendar days of personal delivery or mailing, unless an appeal is taken under UWS 14.09.” UWS 14.08(3)(h)

Note that deliberations constitute a part of/extension of the hearing. From time-to-time, the committee/examiner may call for a recess in the matter.

The Decision: In a matter before a hearing committee, the committee's findings and the imposition of discipline, if any, are made on the basis of a vote. Any finding or disciplinary sanction will be based on the vote of a simple majority of members of the hearing committee who participated in the matter. In the event of a tie vote, the finding of the hearing committee shall be in favor of the student.

Settlement Not Prohibited: Neither UWS 14 nor these procedures preclude a student from agreeing that academic misconduct occurred and to the imposition of a sanction, or to other terms and conditions, after proper notice has been given. “Required written reports, however may not be waived.” UWS 14.11 Any such agreement shall be reduced to writing which, when signed by the student, shall conclude the case.
Final Decision/Appeals:
1. **Discipline imposed by Hearing Committee/Examiner that does not include suspension or expulsion.** The hearing committee’s or examiner’s decision is final upon its issuance, except as noted below under Board of Regents Appeal.
2. **Discipline imposed by Hearing Committee/Examiner includes suspension or expulsion:** In matters “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. In such a case, the chancellor shall sustain the decision of the academic misconduct hearing committee unless the chancellor finds (a) The evidence of record does not support the findings or recommendations of the hearing committee; (b) Established procedures were not followed by the academic 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.” UWS 14.09(1)

The committee’s/examiner’s decision is final in cases where the chancellor sustains the original decision under these rules. If, under a UWS 14.09 appeal, the chancellor does not sustain the committee’s/examiner’s decision, “…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.” UWS 14.09(2)

3. **Board of Regents Appeal:** In all cases, “Institutional decisions ... shall be final, except that the board of regents may, at its discretion, grant a review upon the record.” UWS 14.10

*Adapted by the Chancellor September 1, 1998.*
*Revised and reviewed October 1, 2002.*

**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 must accept the consequences of their actions.**

*History: Cr. Register, February, 1989, No. 398, eff. 3–1–89.*

**UWS 14.02 Definitions.**

In this chapter: