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GEN 1.1. Introductory Note.

In the case of any conflicts between these policies and the terms and conditions of any applicable collective bargaining agreement, the collective bargaining agreement shall supercede and be controlling for those employees who are covered under that agreement.

GEN 1.2. Shared Principles to Guide Interactions Among Members of the University Community.

The purpose of this document is to provide a framework of beliefs to promote respectful relationships among all members of the University of Wisconsin Oshkosh community. Wherever possible, existing policies have been referenced to demonstrate translation of beliefs into practice.

(1) Preamble.

The University of Wisconsin Oshkosh is a community of scholars whose members include students, faculty, academic staff, classified staff and administrators. The mission of the University of Wisconsin Oshkosh is to discover and disseminate knowledge and to extend the application of knowledge beyond the University for the betterment of society; to develop in its members heightened intellectual, cultural, and humane sensitivity; to enhance its members' scientific, professional and technological expertise and capacity for critical judgment; and to inspire in its members a passion for learning and a sense of values and purpose. Each individual plays an integral role in this common enterprise, and, therefore, has a responsibility to ensure that the University of Wisconsin Oshkosh fulfills its mission of providing the best education possible.

Achievement of these goals requires that all members of the University of Wisconsin Oshkosh community understand and respect their mutual obligations. All members of the University have a responsibility to promote and a right to expect:

- (a) a shared commitment to education as a dynamic learning process;
- (b) a deep respect for the individuality of each member of the University community . . . and the

- 1 preservation of each member's dignity and privacy;
- 2 (c) the highest standards of personal integrity in all interactions within and beyond the University;
- 3 (d) the widest possible range of free inquiry and expression;
- 4 (e) an environment that is free of harassment and free of insulting and demeaning comments
- 5 and epithets based on race, ethnicity, gender, religion, sexual orientation, age, disability, mili-
- 6 tary status, socioeconomic status, family status, or political views; and
- 7 (f) consistent enforcement of federal, state, and university protections against discriminatory
- 8 treatment yet is free from any official speech codes.
- 9 (2) Shared Principles.
- 10 (a) A shared commitment to education as a dynamic learning process.
- 11 1. Powerful learning experiences require the commitment and involvement of both teachers
- 12 and students.
- 13 2. The chief mission of those who teach is to formulate and organize varied learning activi-
- 14 ties that will enable students to gain and apply new knowledge, to develop and refine
- 15 skills and abilities and to reflect upon their attitudes and values in varied ways.
- 16 3. These intended outcomes require students to participate actively in the learning process
- 17 rather than consume knowledge passively. Learning is not a spectator sport.
- 18 4. Course outlines/syllabi provide information about course objectives and activities with
- 19 clear statements of expectations for student involvement and performance.
- 20 5. Instructors and students alike prepare thoroughly for each class session in order to be
- 21 fully involved in the learning process. Instructors provide sufficient information and mate-
- 22 rials to enable students to prepare adequately for class. Students have the responsibility
- 23 to keep up with and complete all class assignments and requirements and to participate
- 24 fully in the learning process.
- 25 6. Those who teach and those who learn assume a mutual responsibility to explore and add
- 26 new dimensions to the learning process.
- 27 7. Students, in turn, evaluate instruction constructively and offer suggestions that instructors
- 28 consider for incorporation into the instructional strategies they use.
- 29 (b) A deep respect for the individuality of each member of the University community and the
- 30 preservation of each member's dignity and privacy.
- 31 1. Members of the University community demonstrate a deep respect for the individuality of
- 32 each other and for the feelings of others and their need for conditions that support their
- 33 work and development.
- 34 2. Members understand the need for each person to satisfy his/her particular interests,
- 35 teaching and learning styles within the University community, while the University itself
- 36 assumes an obligation to retain a neutral platform.
- 37 3. Members are encouraged to tap their own individual talents and experiences to benefit
- 38 the learning experiences of others.
- 39 4. Members respect individual dignity and privacy as required for a vibrant and nurturing
- 40 university.
- 41 5. Members respect and accommodate the views and needs of others in order to allow the
- 42 development of individual potential.
- 43 6. Members have the right to expect the University community to observe the legal restric-
- 44 tions governing the confidentiality of information about individuals.
- 45 (c) The highest standards of personal integrity in all interaction within and beyond the University.
- 46 1. Members of the University community recognize that the maintenance and enhancement
- 47 of their community requires unwavering adherence to norms of integrity in their interac-

- 1 tions with one another and with the world beyond the University.
- 2 2. Members evaluate one another's performances without regard to personal characteristics
3 or to beliefs that are unrelated to those performances. Evaluations are uncolored by mo-
4 tives of personal gain.
- 5 3. The University's established policies and procedures that concern sexual assault and
6 harassment, racist and other discriminatory conduct and consensual relationships are in-
7 tended to help ensure objectivity in performance evaluations.
- 8 4. Members are particularly careful to preserve the good name of the University by acting
9 with integrity in all relations with individuals and groups beyond the University. Dishon-
10 esty in such relations brings dishonor upon the University community.
- 11 5. All instructional members adhere to the code of ethics governing outside activities that is
12 found in Chapter UWS 8 of the *Wisconsin Administrative Code*.
- 13 6. Members have the right and duty to be fully informed about the University's rules con-
14 cerning academic dishonesty, including prohibitions against cheating on examinations,
15 false representation of work submitted for evaluation and plagiarism.
- 16 7. In addition to complying with the rules concerning academic dishonesty, members take
17 assertive action in regard to violations of those rules (*Wisconsin Administrative Code*, "Stu-
18 dent Academic Misconduct", Chapter UWS 14).
- 19 (d) The widest possible range of free inquiry and expression.
- 20 1. The University community provides opportunities for its members to listen and be heard.
- 21 2. Members endeavor to create an environment open and accessible to information, ex-
22 pression and inquiry.
- 23 3. Members express their concerns, opinions or beliefs both publicly and privately without
24 fear of recourse, intimidation or threat.
- 25 4. Members respect the rights of others when they express their concerns, opinions or be-
26 liefs.
- 27 5. Students are free to question the data, views or activities in a course on a moral, religious
28 or other basis and to reserve judgment about matters of opinion, yet they remain respon-
29 sible for meeting the learning objectives of any course in which they are enrolled.
- 30 (e) An environment that is free of harassment and free of insulting and demeaning comments
31 and epithets based on race, ethnicity, gender, religion, sexual orientation, age, disability, mili-
32 tary status, socioeconomic status, family status or political views; and consistently enforces
33 federal, state and university protections against discriminatory treatment yet is free from any
34 official speech codes.
- 35 1. Consistent with established rules and policies, all University community members en-
36 courage a sense of duty to address harassing, discriminating or demeaning comments or
37 behaviors.
- 38 2. Upon observing discriminatory behaviors or hearing offensive comments, every reason-
39 able effort is made to protect the victim(s) and witness(es) from further harassment.
- 40 3. All members act in ways that allow for a diversity of rights, opinions and cultural charac-
41 teristics both in and out of the classroom.
- 42 4. No University member misrepresents actual or suspected violations of this right for their
43 own personal gain, advancement or other ulterior motive.
- 44 5. Every University member is informed of applicable University policies and procedures,
45 pursues action against violators, and informs and protects victims and witnesses.
- 46 Encourage members to participate in periodic workshops, courses or programs coordinated by various
47 University groups, whose goals are to inform attendees about issues related to discrimination and har-
48 assment (*Student Handbook: Courses and Programs*).

1 **GEN 1.2.(1). Affirmative Action.**

2 University Policy Concerning Affirmative Action and Equal Employment Opportunity.

3 Equal Employment Opportunity and Affirmative Action are legal, social and economic responsibilities of the University. Accordingly, the University is subject to various federal and state laws and rules, including policies that are established by the University of Wisconsin System, relating to Affirmative Action and Equal Employment Opportunity. [Note: A partial listing of these laws includes the following: The Equal Pay Act of 1963, as amended; Title VI of the Civil Rights Act; Title VII of the Civil Rights Act of 1964; The Age Discrimination in Employment Act of 1967, as amended; Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; Executive Order 11246, as amended; Executive Order 28; Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974; Chapters 36 and 230 of the *Wisconsin Statutes*. Please note that Executive Orders from the Governor of the State of Wisconsin, directives from other state agencies, and other miscellaneous rules, policies, and guidelines of the Board of Regents of the University of Wisconsin System are also applicable.] The policies, practices, and procedures of the University, as implemented at all levels, ensures the active and positive implementation of federal and state Equal Employment Opportunity and Affirmative Action laws, executive orders, rules and regulations and policies and guidelines of the University of Wisconsin System.

18 The University is committed to, and reaffirms support for, Equal Employment Opportunity and Affirmative Action and to non-discrimination in employment policies, practices, and procedures. As evidence of this commitment, the University will periodically examine all employment policies, practices, and procedures for impermissible discrimination on the basis of age, ancestry, arrest or conviction record, color, creed, disability, marital status, national origin, political affiliation, race, relationship to other employees, religion, sex, sexual orientation, veteran's status, membership in the National Guard, or other protected class or status. If the employment policies, practices, and procedures can be improved or if discrimination is found to be present, the University will immediately take such remedial action as is necessary to: (1) strengthen the policies, practices and procedures; (2) remediate the effect of such discrimination; and (3) ensure that the discrimination does not recur in the future.

29 The University's commitment to the policy of Affirmative Action is intended to overcome the present effects of past discrimination and to balance the composition of the work force while providing Equal Employment Opportunities for all and Affirmative Action for members of groups that are, or have been formerly, underrepresented, consistent with the requirements and limitations of federal and state law and regulations. Affirmative Action in all employment policies, practices, and procedures is required to be taken for women, racial and ethnic minorities, and persons with disabilities in unclassified, classified, limited term employment and project positions with the University. Affirmative Action efforts are implemented in all employment policies, practices, and procedures including, but not limited to, the following: appointments to committees, certifications, classifications, compensations, discharges, evaluations, fringe benefits, interviewing, layoffs, nonrenewals, placements, promotions, recruiting, retentions, screenings, selections, terminations, testing, training, and transfers.

41 It is recognized that any form of retaliation in employment, including retaliation against any employee or applicant for employment on the basis that they have filed a complaint, assisted with an investigation, or instituted other proceedings, also constitutes a form of discrimination that is expressly prohibited.

45 The University will appoint a Director of Equity and Affirmative Action and continue to maintain and support an Office of Equity & Affirmative Action. The University Director of Equity and Affirmative Action will report directly to the Chancellor. The Director of Equity and Affirmative Action is responsible for monitoring and evaluating the implementation of the University's Affirmative Action Plan. The Director of Equity and Affirmative Action shall also serve as a resource and support person to institutional groups that are concerned with Affirmative Action as it relates to all employees, including unclassified and classified.

52 Annually, the Chancellor shall submit an Affirmative Action Plan outlining goals in compliance with the policies of the Board of Regents of the University of Wisconsin System.

54 The University maintains an Affirmative Action plan for the recruitment, employment, and promo-

1 tion of women and minorities. Consistent with this plan, the University monitors hiring and termi-
2 nation decisions for women and minorities to ensure non-discrimination. Copies of the Affirmative
3 Action plan are kept on file in the campus library and in the University's Office of Equity & Affirma-
4 tive Action. Summaries of the Affirmative Action plan are available through campus publications
5 and are also available for distribution upon request. The University will prepare an Affirmative Ac-
6 tion Report at least once a year. The Report will include an analysis of the progress made toward
7 the attainment of Affirmative Action goals. The Report will also specify any corrective action(s)
8 that are necessary for the University to meet the Affirmative Action goals.

9 Equal Employment Opportunity and Affirmative Action are shared responsibilities of the entire
10 University community, including the administration, faculty, academic staff, classified staff, and
11 students. Position descriptions for, and performance evaluations of, University administrators
12 shall include an assessment of their attention to, and support for, Affirmative Action. Managers
13 and other supervisory personnel, who share the responsibility for the implementation of Equal
14 Employment Opportunity and Affirmative Action policies within the University, shall have these re-
15 sponsibilities included in their position description and shall be evaluated each year on the basis
16 of their performance with respect to Affirmative Action. Violations of the University's Equal Oppor-
17 tunity and Affirmative Action policy will result in appropriate disciplinary action, consistent with the
18 applicable disciplinary or personnel rules.

19 The University has established, and will maintain, a Council for Equity & Affirmative Action that is
20 composed of faculty, academic staff, classified employees and students. Individuals shall be se-
21 lected on the basis of a genuine interest in Affirmative Action and to represent the concerns of
22 women, minorities and disabled individuals. The committee shall advise the University of Affirma-
23 tive Action needs and concerns. The Council for Equity & Affirmative Action shall assist the Uni-
24 versity's Director of Equity and Affirmative Action in designing and implementing programs.

25 Harassment by supervisors or co-workers on the basis of age, ancestry, arrest or conviction re-
26 cord, color, creed, disability, marital status, national origin, political affiliation, race, relationship to
27 other employees, religion, sex, sexual orientation, veteran's status, or other protected class or
28 status is a form of discrimination that constitutes an unlawful employment practice that is ex-
29 pressly prohibited. Therefore, it shall be the goal of the University to present and eliminate all
30 forms of harassment within the University. As used above, "harassment" includes any verbal or
31 physical conduct which does any of the following: hinders access to employment; interferes with
32 an individual's performance at work; or which creates an intimidating, hostile, offensive, or de-
33 meaning environment at work.

34 The University is committed to conducting training and professional development programs to fur-
35 ther efforts to promote the career advancement of women, minorities and disabled individuals.
36 The University is committed to sponsorship of community outreach programs with the aim of in-
37 creasing educational and employment opportunities for women, minorities and disabled individu-
38 als.

39 The University ensures physical accessibility to work stations for disabled individuals. The Univer-
40 sity will provide reasonable accommodations for any persons with disabilities who submit a re-
41 quest to ensure equal access to employment. The University will provide reasonable accommoda-
42 tions for any persons who submit a request relating to religious observances and practices.

43 The University has established procedures for providing prompt and fair resolution of complaints
44 alleging discrimination or harassment. These procedures are outlined in the University's Affirma-
45 tive Action Plan which is included in employee handbooks and copies of which are available,
46 upon request, from the University's Director of Equity and Affirmative Action. Complaints by em-
47 ployees within a bargaining unit alleging discrimination or harassment are to be presented as a
48 complaint or grievance, as applicable, under the procedure that is specified in the appropriate un-
49 ion contract.

50 **GEN 1.2.(2). Disability Accommodation Policy and Procedures.**

51 (1) Statement of Purpose.

52 It is the policy of the University of Wisconsin Oshkosh to provide reasonable accommodations for
53 qualified disabled individuals who are employees or applicants for employment. The University of

1 Wisconsin Oshkosh will adhere to all applicable federal and state laws, regulations, and guide-
2 lines with respect to providing reasonable accommodations which are required to afford equal
3 employment opportunity to qualified disabled individuals. Reasonable accommodations will be
4 provided in a timely and cost-effective manner. Employment opportunities shall not be denied be-
5 cause of the need to make reasonable accommodations to an individual's disability. If you have
6 questions regarding this policy, contact the University of Wisconsin Oshkosh Director of Equity
7 and Affirmative Action.

8 (2) Definitions.

9 (a) "Disabled individual." Note: Both state and federal law provide definitions of "handicapped"
10 individuals. Since these laws were written, "disabled individuals" or "persons with a disability"
11 has become the preferred term. For purposes of this policy the term "disability" is used with
12 the understanding that it has the same meaning as "handicap" in state and federal law.

13 The Americans with Disabilities Act of 1990 in part states that all state agencies must comply
14 with Title I of the ADA and as such prohibits employment discrimination against "qualified in-
15 dividuals with disabilities." A qualified individual with a disability is:

16 An individual with a disability who meets the skill, experience, education, and other job-
17 related requirements of a position held or desired, and who, with or without reasonable ac-
18 commodation, can perform the essential functions of a job.

19 The ADA definition of individual with a disability is very specific. A person with a "disability" is
20 an individual who:

- 21 1. has a physical or mental impairment that substantially limits one or more of his/her major
22 life activities;
- 23 2. has a record of such an impairment; or
- 24 3. is regarded as having such an impairment.

25 (b) "Qualified disabled individual." A disabled individual whose experience, education and/or
26 training enable the person, with reasonable accommodation, to perform the essential func-
27 tions of the job.

28 (c) "Reasonable accommodation" is defined as any modification or adjustment to a job, an em-
29 ployment practice, or the work environment that makes it possible for an individual with a dis-
30 ability to enjoy an equal employment opportunity.

31 (d) According to the ADA regulations an undue hardship is defined as "an action that requires
32 'significant difficulty or expense' in relation to the size of the employer, the resources avail-
33 able, and the nature of the operation."

34 In general undue hardship includes any action that is: (1) unduly costly; (2) extensive; (3)
35 substantial; (4) disruptive; or (5) that would fundamentally alter the nature or operation of the
36 business.

37 (3) Informing Individuals About Requesting Accommodations.

38 (a) Applicants for Employment.

- 39 1. All applicants who are invited for interviews will be informed of the University policy to
40 provide reasonable accommodation for applicants and employees with disabilities. They
41 will be informed that they can request accommodation for interviews and be informed
42 how to make the requests.

43 The following paragraph will be added if a letter is used as part of the interview schedul-
44 ing process:

45 "It is the policy of the University of Wisconsin Oshkosh to provide reasonable accommo-
46 dations for qualified persons with disabilities who are employees or applicants for em-
47 ployment. If you need assistance or accommodations to interview because of a disability,
48 please call the Human Resources Office. Employment opportunities will not be denied to
49 anyone because of the need to make reasonable accommodation to a person's disabil-

1 ity."

2 If all interview arrangements are made by phone, this information will be given as part of
3 the phone conversation.

4 2. If applicants are asked questions regarding their ability to perform required job duties, all
5 applicants should be asked the same questions. This question may be prefaced with a
6 statement regarding the University's willingness to provide reasonable accommodations.
7 Note: Applicants may not be asked whether or not they have a disability.

8 3. If an applicant indicates during the interview process that he or she has a disability, fol-
9 low-up questions regarding possible accommodations may be pursued.

10 4. Qualified applicants cannot be denied employment solely on the basis of a need to pro-
11 vide a reasonable accommodation. However, if an applicant who receives a tentative job
12 offer cannot reasonably be accommodated, the offer must be rescinded.

13 5. Applicants who have received job offers will make accommodation requests using the
14 Disability Accommodation Request Form (DER-DAA-10)

15 (b) Employees.

16 1. Employees will be told about their right to request reasonable accommodations: (1) Dur-
17 ing the orientation for all new employees. (2) At the time of the biennial survey to allow
18 employees to self-identify as persons with disabilities. (3) In the *UW Oshkosh Faculty and*
19 *Academic Staff Handbook*.

20 In addition, if a supervisor becomes aware of a potential need for an accommodation be-
21 cause of a performance issue, the supervisor may meet with the employee to discuss
22 whether or not an accommodation request might be appropriate.

23 2. All requests for reasonable accommodations must be in writing using the Disability Ac-
24 commodation Request Form (DER-DAA-10).

25 (4) The Decision-Making Process.

26 (a) The Process.

27 1. An employee who wants to request an accommodation fills out the Disability Accommo-
28 dation Request Form (DER-DAA-10) and gives it to his or her supervisor.

29 2. The supervisor reviews the request and discusses it with the ADA Coordinator or desig-
30 nee. If the request is straightforward and does not involve significant issues or expenses,
31 the ADA Coordinator or designee will approve the request. If the request involves issues
32 which are more complex or involve a major budget commitment, the ADA Coordinator or
33 designee may do any or all of the following: (1) Meet with the employee and the supervi-
34 sor to get more information concerning the request. (2) Consult with the supervisor and
35 human resources specialist to determine the essential functions of the job. (3) Consult
36 with University budget and purchasing specialists. (4) Consult with the reasonable ac-
37 commodation specialist in the State Division of Affirmative Action. (5) With the em-
38 ployee's permission, consult with any medical or rehabilitation specialists who may be
39 working with the individual.

40 3. The employee will be informed of the University's decision regarding the accommodation
41 request within 20 working days. If the 20-day limit cannot be met, the ADA Coordinator
42 will meet with the employee to agree on a reasonable time limit. The employee will be in-
43 formed of the decision regarding the accommodation request in writing, using the Disabil-
44 ity Accommodation Request Form.

45 4. Distribution of the request form is: (1) original to the employee; (2) Copy 1 to the em-
46 ployee personnel file; (3) Copy 2 to the agency AAO confidential file; (4) Copy 3 to the
47 State Division of Affirmative Action. Note: The employee's name, signature and job title
48 will be deleted from the copy that is sent to the Division of Affirmative Action.

49 (b) Policies and Guidelines.

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1. Employees may be asked to provide verification of their disability. Factors to be considered when deciding whether or not to request verification includes the following. (1) Is the employee known to have a disability? (2) Does the applicant or employee have an observable disability? (3) Does the request expand on an existing accommodation or previously provided accommodation for which a verification was required? Example: an employee with a seizure disorder who needs a driver due to recurring seizures which had been under control. (4) Does the request appear inappropriate?

The verification must be provided by an appropriate medical or rehabilitation professional.

The employee must bear the initial cost of verification. (Note: This will usually be covered by health insurance.) If the University requests additional verification of the disability, or the disability's impact on job requirements, the University will bear the cost.
 2. The University of Wisconsin Oshkosh will provide a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would impose an undue hardship.

This obligation to provide a reasonable accommodation applies to all aspects of employment. This duty is ongoing and may arise any time that a person's disability or job changes.

The University of Wisconsin Oshkosh will not deny an employment opportunity to a qualified applicant or employee because of the need to provide reasonable accommodation, unless it would cause an undue hardship.

University of Wisconsin Oshkosh does not have to make an accommodation for an individual who is not otherwise qualified for a position.

It is the obligation of an individual with a disability to request a reasonable accommodation.

A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, s/he may not be qualified for the job.

If the cost of an accommodation would impose an undue hardship on the University of Wisconsin Oshkosh, the individual with a disability will be given the option of providing the accommodation or paying that portion of the cost which would constitute an undue hardship.
 3. Factors which should be considered when determining reasonableness include the following. (1) Are the job functions for which the accommodation is required essential to the overall performance of the job? (2) Is the applicant or employee otherwise qualified to perform the essential job functions? (3) Does the accommodation accomplish the desired result, i.e., allowing the individual to effectively perform the essential functions of the job? (4) Will the accommodation adversely affect the productivity or work environment of other employees in the work unit? (5) Is the cost of the accommodation feasible within the University's budget? If not, can approval be obtained from the Department of Administration (DOA) to use funds which are statutorily reserved for reasonable accommodation? (6) Are there other more cost-effective options which will allow the individual to perform the essential functions of the job?

The University of Wisconsin Oshkosh is not required to make a reasonable accommodation if it would impose an undue hardship on the operation. Accordingly, whether a particular accommodation will impose an undue hardship, will be determined on a case-by-case basis.
 4. As a general rule, the University will purchase equipment only if it is determined that the use of the equipment is necessary in transaction of its official business. The equipment may not be of a personal nature (for example: eyeglasses, hearing aids, etc.) which the employee can reasonably be expected to provide. In determining whether the purchase of a device should be authorized, consideration will be given to how well the employee

1 could perform the job without the equipment and whether the principal benefit will be bet-
2 ter job performance by the employee.

- 3 5. The employee or applicant will always be the primary person consulted with when deter-
4 mining the most appropriate accommodation.

5 Employees will be given an opportunity to provide, or arrange for, their own accommoda-
6 tions; for example, using volunteer drivers or readers, or providing their own adaptive
7 equipment. However, the procedures in these policies and guidelines must be followed
8 (written request, approval, etc.) even if employees provide or arrange for their own ac-
9 commodated. This gives documentation of accommodations and ensures that the ac-
10 commodated are not disruptive to the workplace.

- 11 6. If an employee acquires a disability and the University is not able to make reasonable
12 accommodations which will allow the individual to continue in his or her current position,
13 the University will explore possibilities for placement in other positions within the Univer-
14 sity. The movement to another position may be a transfer, a demotion, or change to part-
15 time employment, and must be made in accordance with applicable collective bargaining
16 agreements, Chapter 230 of the state statutes, and Administrative Rules for Chapter 230.

17 While no legal responsibility exists for alternative placement outside the University, em-
18 ployees will be counseled regarding their rights to other positions in state employment
19 through the University's Human Resources Office or the Office of Equity and Affirmative
20 Action.

21 Note: Under the Federal Rehabilitation Act, accommodation is only required to permit an
22 individual to perform his or her particular job. The responsibility to look for alternative po-
23 sitions is clear in s. 230.37 (2), Stats.: "When an employee becomes physically or men-
24 tally incapable of or unfit for the efficient and effective performance of the duties of his [or
25 her] position by reason in infirmities due to age, disabilities, or otherwise, the appointing
26 authority shall either transfer the employee to a position which requires less arduous du-
27 ties, if necessary demote the employee, place the employee on a part-time service basis
28 and at a part-time rate of pay or, as a last resort, dismiss the employee from the service.
29 The appointing authority may require the employee to submit a medical or physical ex-
30 amination to determine fitness to continue in service...."

- 31 7. After accommodations are provided, the employee and his/her supervisor need to evalu-
32 ate the effectiveness of the accommodation. The Office of Equity & Affirmative Action will
33 also be involved in this process. If modifications to the accommodation are needed, they
34 should be requested using the procedures outlined in this policy.

35 (c) The Appeal Process.

- 36 1. If a current employee disagrees with a decision regarding an accommodation request for
37 employment, he/she has a right to appeal the decision using the following procedure.
38 Applicants do not have access to this procedure. They have the option to follow the usual
39 discrimination complaint procedure (Personnel Commission, EEOC, etc.)
- 40 2. When an accommodation request is denied, an employee may, within 30 calendar days,
41 appeal the decision to the Office of Equity & Affirmative Action. The appeal must be in
42 writing, stating the reason for the disagreement. The Office of Equity & Affirmative Action
43 will reevaluate the decision, considering any additional information from medical or voca-
44 tional rehabilitation experts. The Office of Equity & Affirmative Action may consult with
45 staff from outside agencies such as OSER/DAA, DHSS/DVR or DOA 504 coordinator in
46 the appeal process--taking care to provide confidentiality for the employee. The Office of
47 Equity & Affirmative Action then discusses all information regarding the appeal with the
48 Chancellor. The Chancellor makes the final decision regarding the appeal. The employee
49 receives the final decision regarding the appeal in writing within 30 calendar days after
50 the appeal was filed.

51 **GEN 1.2.(3). Communicable Diseases and Life-Threatening Medical Conditions.**

- 52 (1) The University of Wisconsin Oshkosh endorses the State of Wisconsin's policy on the subject of

1 communicable diseases and life-threatening medical conditions. (Reference: State of Wisconsin,
2 Department of Employment Relations, January 13, 1989.)

3 (a) Toward that end, the University is committed to employment practices which encourage peo-
4 ple with disabilities, regardless of the nature of the disability, to maintain productive status in
5 the state workforce. The University recognizes:

6 1. that it is important for employees with life-threatening medical conditions (including but
7 not limited to cancer, heart disease, hepatitis and AIDS/HIV) to continue to participate in
8 as many of their normal activities as their condition will allow, including work;

9 2. that employment may be therapeutically important in the remission or recovery process
10 and may help to prolong and improve the quality of the employees' lives [Note: As long
11 as employees meet acceptable performance standards, and medical evidence indicates
12 their conditions pose no risk to themselves or others in the workplace, managers shall be
13 sensitive to their conditions and ensure that they are treated with dignity and respect
14 consistent with the treatment of other state employees.]; and

15 3. that the University is obligated to provide a safe work environment for its employees and
16 the public it serves.

17 (b) Given the foregoing, the University will ensure to the best of its ability that an employee's
18 health condition does not present a significant health and/or safety risk to other employees or
19 the public.

20 (c) The University recognizes the need to maintain an open and informed environment for its
21 employees; therefore, our employees shall have access to education resources on health is-
22 sues to eliminate prejudice and unwarranted fear about diseases in the workplace.

23 (d) The University further recognizes that an employee's medical condition is personal and confi-
24 dential and not subject to disclosure to others without consent unless otherwise provided by
25 law. The University hereby assures its employees of complete confidentiality when seeking
26 counseling or medical referral assistance. (The right to confidentiality is subject to the em-
27 ployer's responsibility to protect other employees and the public from contracting or being ex-
28 posed to a contagious disease.)

29 (e) Finally, the University recognizes that state law prohibits AIDS testing as a condition of em-
30 ployment. The University also accepts the responsibility of the Secretary of the Department of
31 Employment Relations, pursuant to Sec. 230.04, Stats., to ensure that employees who have
32 communicable diseases and/or life-threatening medical conditions do not suffer discrimination
33 in employment.

34 (2) The University will operate consistent with the policy of the State of Wisconsin to continue the
35 employment of employees and to provide employment opportunities to qualified applicants who
36 have communicable diseases and/or life-threatening medical conditions so long as such persons
37 remain able to perform their assigned duties safely and efficiently and the employee's health con-
38 dition does not present a significant health and/or safety risk to other employees, clients served,
39 or the public.

40 (3) The University agrees to provide reasonable accommodation in accordance with federal and state
41 laws and policies. Discussions of accommodation requests must include the Director of Equity
42 and Affirmative Action.

43 (4) Supervisors must consider requests from employees for accommodation. Employee's who recog-
44 nize a need for accommodation are encouraged to report their medical conditions to their supervi-
45 sors so that their requests for accommodations can be appropriately considered. [Note: Refer-
46 ences to "supervisors" or "managers" in this document are based on the state policy document.
47 These phrases should be interpreted to refer to corresponding positions at the University, recog-
48 nizing the rights and status of classified employees, academic staff, faculty, and persons serving
49 in limited appointments.]

50 (5) Supervisors must counsel employees who feel threatened by a co-worker's illness concerning
51 matters involving their employment. There is no requirement to provide alternate accommoda-
52 tions.

- 1 (6) The following procedures shall be followed by managers and supervisors when they are made
2 aware that an employee has a communicable disease and/or a life-threatening medical condition.
- 3 (a) The University shall periodically provide updated information on communicable diseases
4 and/or life-threatening medical conditions in the workplace.
- 5 (b) In addition to the publication of this statement in the Faculty and *Faculty and Academic Staff*
6 *Handbook*, employees, managers and supervisors may, as necessary, receive training on
7 this policy and other relevant information on specific conditions.
- 8 (c) All actions taken under this policy shall be consistent with the goal of the policy which is con-
9 tinued employment for employees who are able to work. Toward this end, managers and su-
10 pervisors may make appropriate referrals to:
- 11 1. the Employee Assistance Program;
- 12 2. the Human Resources Office (for information and assistance on benefits including sick
13 leave, life and health insurance, alternative work patterns, disability leave and other
14 benefits); and
- 15 3. community medical, education and support resources (as necessary and appropriate)
- 16 (d) All matters pertaining to an employee's medical condition are personal and confidential. Rea-
17 sonable precautions must be taken to protect from disclosure unauthorized information re-
18 garding employees' health conditions. Managers and supervisors must not discuss an em-
19 ployee's condition without her/his authorization except as required to administer this policy. A
20 written consent should be obtained.
- 21 (e) The Director of the Employee Assistance Program is available for consultation when manag-
22 ing a situation that involves an employee with a communicable disease and/or a life-
23 threatening medical condition.
- 24 (f) Decision on accommodation requests may require consultation with the Director of Equity
25 and Affirmative Action and the Director of the Employee Assistance Program.
- 26 (g) When a manager or supervisor is informed or becomes aware that other employees believe
27 that an employee has a communicable disease and/or life-threatening medical condition, the
28 concerned employee should be informed and consulted regarding steps to be taken.
- 29 (h) Managers and supervisors should be sensitive to co-workers' concerns. They should empha-
30 size employee education and make arrangements to provide it in consultation with the Direc-
31 tor of the Employee Assistance Program. The Health Place, a service program sponsored by
32 the College of Nursing, may also provide help and assistance with the educational outreach
33 activities. However, no special consideration need be given beyond normal transfer requests
34 to employees who feel threatened by a co-worker's communicable disease and/or life-
35 threatening medical condition.
- 36 (i) Employees with communicable diseases and/or life-threatening medical conditions will be en-
37 couraged to seek referral and information assistance from the Director of the Employee As-
38 sistance Program.
- 39 (j) If any problems or issues arise relating to the implementation of these policies or procedures,
40 the Chancellor may convene an ad hoc task force that shall include the following among its
41 members: the Director of the Employee Assistance Program, the Director of Equity and Af-
42 firmative Action, the Director of Human Services, and other appropriate administrators.
- 43 (k) All complaints alleging violation of this policy or these procedures shall be presented in writ-
44 ing to the Director of Equity and Affirmative Action and will be investigated in accordance with
45 the applicable complaint procedures.
- 46 (7) List of references supporting this policy.
- 47 The Wisconsin Fair Employment Law; (2) Section 504 of the Rehabilitation Act of 1973, as
48 amended; (3) State of Wisconsin Reasonable Accommodations Policy; (4) United States Depart-
49 ment of Justice, Office of Legal Counsel, Memorandum on the Application of Section 504 of the
50 Rehabilitation Act to HIV-Infected Person (September 27, 1988); and (5) Standards Issued by the

1 Federal Center for Disease Control.

2 **GEN 1.2.(4). Racist and Discriminatory Conduct.**

3 (1) Statement of Policy and Commitment.

4 The University of Wisconsin Oshkosh subscribes to the policy of the Board of Regents of the Uni-
5 versity of Wisconsin System that racist and other discriminatory conduct toward students, em-
6 ployees, officials, and guests at the University of Wisconsin Oshkosh is conduct which will not be
7 tolerated.

8 (a) Discrimination, discriminatory attitudes, and expressions that reflect discrimination are incon-
9 sistent with the efforts of the University of Wisconsin Oshkosh to foster an environment of re-
10 spect for the dignity and worth of all members of the University community and to eliminate all
11 manifestations of discrimination within the University.

12 (b) Toward this end, the University of Wisconsin Oshkosh, is therefore committed to the elimina-
13 tion of racist and other discriminatory conduct.

14 (c) Faculty, academic staff, classified staff, students, student organizations, academic depart-
15 ments, colleges, governance organizations, and other University offices, are encouraged to
16 undertake educational programs and other efforts consistent with this policy.

17 (2) Definition.

18 "Racist and other discriminatory conduct" means intentional conduct, either verbal or physical,
19 that explicitly demeans the race, sex, religion, color, creed, disability, sexual orientation, national
20 origin, ancestry, or age of an individual or individuals, and that either: (1) has the purpose or effect
21 of interfering with education, University-related work, or other University-authorized activity of a
22 University student, employee, official or guest; or (2) creates an intimidating, hostile or demeaning
23 environment for education, University-related work, or other University-authorized activity.

24 In order to enhance understanding of the conduct prohibited under this policy, the following spe-
25 cific examples of racist and other discriminatory conduct are provided:

26 (a) Physical contact or attacks for racial reasons;

27 (b) Intimidation through the threat of force or violence on a person's body, possessions or resi-
28 dence;

29 (c) Verbal assaults based on ethnicity, such as name calling, racial slurs, or "jokes" that demean
30 a victim's color, culture or history.

31 (3) Review of Allegations.

32 Allegations of violations of this policy shall be reviewed in accordance with the following require-
33 ments.

34 (a) All allegations of racist and other discriminatory conduct must be reviewed in light of all of the
35 relevant facts and circumstances, with due consideration being given to the essential rights to
36 academic freedom, equality, fairness, and freedom of expression.

37 (b) Even though an individual may exercise poor personal judgment or otherwise act in a manner
38 inconsistent with the intent of this policy, not every offensive, repugnant, or inappropriate act
39 or incident constitutes discrimination or harassment that is prohibited under this policy.
40 Whether a specific incident constitutes harassment under this policy will be decided on a
41 case-by-case basis in accordance with the appropriate complaint procedure.

42 (4) Procedures

43 (a) Informal Complaint Procedure. Informal complaints or expressions of concern about possible
44 racist and other discriminatory conduct (or questions concerning the scope or application of
45 this policy) may be addressed to the University's Director of Equity and Affirmative Action.
46 The Director of Equity and Affirmative Action may work with other offices (e.g., the Chancel-
47 lor, Provost and Vice Chancellor, Dean of Students, employee assistance, etc.) to informally
48 review these matters and reach a resolution acceptable and satisfactory to all concerned par-
49 ties.

1 (b) Formal Complaint Procedure. Formal complaints pertaining to possible racist and other dis-
2 criminatory conduct may be pursued consistent with other University rules and procedures,
3 as noted below:

- 4 1. Students. [Refer to UWS 17.03(8).]
- 5 2. Faculty. Formal complaints concerning the conduct or expression of members of the fac-
6 ulty may be presented to the Chancellor under the complaint procedures set forth in the
7 faculty personnel rules that were developed consistent with section UWS 6.01.
- 8 3. Academic Staff. Formal complaints concerning the conduct or expression of members of
9 the academic staff may be presented to the Chancellor under the complaint procedures
10 set forth in the academic staff personnel rules that were developed consistent with sec-
11 tion UWS 13.01.
- 12 4. Classified Staff. Formal complaints concerning the conduct or expression of members of
13 the classified staff who are represented by a union may be presented to the University's
14 Director of Human Resources consistent with the terms and conditions of the appropriate
15 collective bargaining agreement. Formal complaints concerning the conduct or expres-
16 sion of members of the classified staff who are not represented by a union may be pre-
17 sented to the Chancellor.

18 (5) Additional Prohibitions.

19 It is also a violation of this policy to coerce, discriminate against, harass, intimidate, retaliate
20 against, or otherwise threaten any individual who complains under this policy, or who partici-
21 pates in the investigation of such a complaint.

22 Explanatory Notes: (a) This policy was written to implement the October 1988 UW System Policy State-
23 ment and Guidelines on "Racist and Other Discriminatory Conduct." The policy incorporates standards of
24 conduct and other conditions required under the scope and substance of the System policy. Given the
25 conditions and circumstances under which this policy was written, it is noted here that this policy does not
26 include all of the divergent policies and views of the governance groups that reviewed and approved this
27 statement. (b) In order for discipline to be imposed for a violation of this policy, the racist or discriminatory
28 conduct must have been intentional. Intent may be found if it is determined that the individual had the pur-
29 pose to engage in the racist or other discriminatory conduct. Intent may also be found if it is determined
30 that the individual was aware that his or her conduct was practically certain to constitute racist or other
31 discriminatory conduct. The determination of intent under this policy requires a very careful review of all of
32 the conditions and circumstances that were present at the time of the incident. The review must include
33 the following: (1) what the person said or did; (2) what other persons observed or heard; (3) the impact or
34 significance of the conduct on the complaining individual and on the environment for education, University-
35 related work, or other University-authorized activity; and (4) any other available information or evidence
36 that helps to explain the context in which the incident took place. In an easy case, the required intent can
37 be found on the basis of the admission of the individual whose conduct is under review. In other, more
38 difficult cases, the finding of intent is complicated by several factors (i.e., there may be a difference be-
39 tween what a person intended and what actually happened; a person may act with two or more inten-
40 tions). Therefore, in difficult cases, the determination of intent may be aided by the assumption that per-
41 sons intend the natural and probable consequences of their actions. However, if this assumption is made,
42 it may be rebutted by a careful and systematic review of other evidence or findings.

43 **GEN 1.2.(5). Relationship Violence Policy.**

44 (1) Introduction.

45 Sexual assault, sexual harassment, domestic or dating violence and stalking are related phenom-
46 ena and are referred to in this policy under the general title of relationship violence. However,
47 each has unique characteristics and the University of Wisconsin Oshkosh chooses to address
48 each in separate sections of this policy in order to enhance understanding and access to re-
49 sources.

50 (2) Policy Statement.

51 As a matter of policy, relationship violence, including all forms of sexual assault, sexual harass-
52 ment, domestic or dating violence, and stalking will not be tolerated in the University community.

1 The University of Wisconsin Oshkosh is an educational community bound by common standards
2 of conduct and a commitment to its educational mission. Relationship violence is a particularly
3 troubling violation of our community standards because it interferes with the educational mission
4 by:

- 5 • Endangering the physical and emotional safety of community members;
- 6 • Damaging trust and security of community members;
- 7 • Offending the dignity and violating the autonomy of community members; and
- 8 • Disrupting the academic progress of victims at the time of the violation and during any subse-
9 quent attempt at recovery.

10 Portions of this policy may parallel legal statutes, but are in no way intended to substitute or sup-
11 plant those laws. As members of the University community, employees are expected to comply
12 with and abide by the University policies and guidelines, in addition to federal, state, and local
13 laws whether they are on or off campus. The use of alcohol and other drugs in conjunction with
14 an incident of relationship violence does not diminish accountability for committing these acts or
15 lessen the seriousness of the offense.

16 University policy specifically prohibits any form of retaliation or reprisal against persons who re-
17 port sexual harassment, sexual assault, domestic/dating violence, or stalking and who prevent the
18 recurrence of such crimes. Forms of retaliation that are prohibited include, but are not limited to,
19 the following:

20 threats; bribes; unfair treatment; down-grading evaluations in employment or academic are-
21 nas; further harassment such as ridicule, pranks, harassment, taunting, bullying, and organ-
22 ized ostracism.

23 In order to provide for the needs of victims, as well as to enforce standards of conduct critical to
24 our mission, it is vital that all violations of this policy are reported to appropriate authorities. Em-
25 ployees experiencing relationship violence or who have questions about their experiences are en-
26 couraged to use services provided by the Office of Equity & Affirmative Action, Campus Victim
27 Advocates, Counseling Center, Employee Assistant Program, University Police, and other support
28 services on campus.

29 Procedures for on-campus disciplinary action to be taken when a student is accused are covered
30 in UWS Chapter 17 as found herein. Copies of the Student Discipline Code are available in the
31 Dean of Students Office. In cases of alleged relationship violence, (1) the accuser and the ac-
32 cused shall be provided an opportunity to be represented during the course of disciplinary hearing
33 and (2) both the accuser and the accused shall be informed of the outcome of any campus disci-
34 plinary proceedings concerning alleged relationship violence under parameters of federal and
35 state law, and University policy.

36 **GEN 1.2.(6). Sexual Harassment Policy.**

37 (1) Introduction.

38 The University of Wisconsin Oshkosh is committed to providing and maintaining an environment
39 that respects and protects the rights of all its members. This commitment is reflected in the follow-
40 ing Sexual Harassment Policy. In approving this policy statement, the University community ex-
41 presses its commitment to inform the campus community of this policy, to provide appropriate
42 training and to follow through on all concerns that are presented relating to the environment for
43 learning, working, and studying that is to be established and maintained at the University of Wis-
44 consin Oshkosh.

45 Sexual harassment deprives its victims of rights guaranteed under Title VII of the Civil Rights Act
46 of 1964. Sexual harassment has no place in the educational community and will not be tolerated
47 at the University of Wisconsin Oshkosh.

48 (2) Definition.

49 Sexual harassment is defined by the University of Wisconsin Oshkosh as follows: Sexual har-
50 assment is a form of sex discrimination. It occurs in a variety of situations which share a common
51 element: the inappropriate introduction of sexual activities or comments into the work, learning or
52 living situation. Often, sexual harassment involves relationships of unequal power, and contains

1 elements of coercion--as when compliance with requests for sexual favors becomes criterion for
2 granting work, study, grading or other benefits. However, sexual harassment may also involve re-
3 lationships among equals, as when repeated sexual advances or demeaning verbal behavior
4 have a harmful effect on a person's ability to study or work in the academic setting. Unwelcome
5 sexual advances, requests for sexual favors, and other physical conduct and expressive behavior
6 of a sexual nature constitute sexual harassment when:

- 7 (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an in-
8 dividual's employment or education;
- 9 (b) Submission to or rejection of such conduct by an individual is used as the basis for academic
10 or employment decisions affecting that individual; or
- 11 (c) Such conduct has the purpose or effect of substantially interfering with an individual's aca-
12 demic or professional performance or creating an intimidating, hostile or demeaning employ-
13 ment or educational environment.

14 (3) Overview.

15 In keeping with this policy, the University of Wisconsin Oshkosh will make a concerted effort: (1)
16 to prevent sexual harassment from taking place; (2) to protect employees and students from all
17 forms of sexual harassment as defined; and (3) to rid the University of any such offensive con-
18 duct. Toward these ends, any form of sexual harassment (as defined above) provides an immedi-
19 ate basis for the review of those actions and may also provide grounds for the imposition of ap-
20 propriate disciplinary action, up to and including suspension or termination. In addition to this for-
21 mal policy, it is important to note that there may be other approaches to solving sexual harass-
22 ment complaints than those listed in this policy.

23 University policy specifically prohibits any form of retaliation or reprisal against persons who re-
24 port sexual assault, domestic/dating violence, or stalking and who prevent the recurrence of such
25 crimes. Forms of retaliation that are prohibited include, but are not limited to, the following:
26 threats; bribes; unfair treatment; down-grading evaluations in employment of academic arenas;
27 further harassment such as ridicule, pranks, harassment, taunting, bullying, and organized ostra-
28 cism.

29 (4) Procedures.

30 All allegations of sexual harassment will be taken seriously, with careful attention given to the
31 rights and protection of both the accused and the accuser. Any person who believes that sexual
32 harassment has occurred may make an inquiry or complaint by utilizing the procedures described
33 in this document. Individuals presenting an allegation of sexual harassment to the University,
34 whether formal or informal, should realize that they may be called upon to provide additional in-
35 formation at a later date to complete the review.

36 Inquiries or complaints about sexual harassment and all associated records related to any inves-
37 tigation and resolution of a claim are to be kept confidential throughout the process to the maxi-
38 mum extent allowed under state and federal law. It should be noted that under established Wis-
39 consin law, there is a stated presumption of public access to all public records, including those
40 held by the University of Wisconsin Oshkosh.

41 This presumption of public access means that any member of the public (including the media)
42 may request copies of documents and records held by the University. Once a request is received,
43 the University has the legal obligation to complete a review of that request and provide a re-
44 sponse that can be reviewed in court. In order to deny access to such a request, the custodian of
45 the record must make a determination that there is a legal basis to deny the request, which in-
46 cludes a determination that the public interest in not releasing the record is outweighed by the
47 clear statutory presumption in favor of disclosure and public access.

48 In some cases, complainants may ask to remain anonymous. In instances where anonymity is re-
49 quested, it should be understood that doing so may limit the options that are available. Although
50 we will strive to ensure anonymity will be maintained when it is requested, there may be some
51 situations where providing it may not be possible.

52 An individual wishing to make an inquiry regarding sexual harassment will be informed of options

1 available and the responsibilities associated with the resolution process. Inquiries may be ad-
2 dressed to the following persons: Director of Equity and Affirmative Action, members of the Sex-
3 ual Harassment Resource Group, the Dean of Students, department chairs, and deans. The Di-
4 rector of Equity and Affirmative Action shall ensure that these individuals receive appropriate
5 training and orientation to this policy and to the requirements for reviewing and processing com-
6 plaints under this framework.

7 Further, individuals designated as Resource Persons are also available to assist and serve in an
8 inquiry regarding sexual harassment.

9 There are two ways in which a complaint of sexual harassment can be handled, an informal pro-
10 cedure and a formal procedure. The essential difference between the two procedures is the na-
11 ture of the outcome being sought by the complainant.

12 (a) Informal Procedure.

13 The informal procedure typically seeks acceptable mediation or resolution of the complaint
14 between the parties involved, usually without any kind of sanction or penalty imposed against
15 the accused. In some cases, educational efforts may help an alleged harasser to understand
16 why specific actions or conduct may be wrong or inappropriate. In these instances, an infor-
17 mal mechanism may help to accomplish important behavioral goals. Different approaches to
18 the problem will be discussed and a course of action decided upon.

19 During the informal discussion and investigation of such a complaint, emphasis is placed on
20 the resolution of the matter as quickly as possible, at the lowest level possible involving the
21 fewest number of people. Resolution sought will be after consultation with the complainant. If
22 there are any records associated with the complaint, these documents will be filed in the of-
23 fice of the Director of Equity and Affirmative Action.

24 (b) Formal Procedure.

25 The formal procedure engages a more structured process in seeking resolution and requires
26 a written complaint be filed with the Director of Equity and Affirmative Action. Upon receipt of
27 a formal written complaint, the Director of Equity and Affirmative Action shall immediately
28 confer with the Chancellor and the complaint itself shall be referred to the Chancellor for re-
29 view and processing as required under the applicable complaint procedure. If a sexual har-
30 assment complaint is filed directly with the Chancellor, without involvement from the Director
31 of Equity and Affirmative Action, the Chancellor shall confer with the Director of Equity and
32 Affirmative Action before beginning the formal review of that complaint. This procedure may
33 evolve from the informal process described earlier or it may be selected as the initial course
34 of action.

35 When pursuing a formal complaint, the complainant has the implied responsibility to provide
36 factual information and any other evidence that either supports the allegations under review
37 or substantiates the substance of the complaint. This commitment includes a willingness to
38 cooperate with the University and to support the investigative process as the formal review
39 continues. In cases that may involve the formal imposition of disciplinary sanction(s), the
40 complainant may also be called upon to appear as a witness in a formal University hearing on
41 the matter.

42 As noted in the following sections, the formal procedure utilizes existing administrative or per-
43 sonnel rules in seeking a sanction, penalty or other action against the accused:

- 44 1. Academic Staff: Complaint procedure as outlined in *The University of Wisconsin Oshkosh*
45 *Faculty and Academic Staff Handbook*, Chapter 16, "Complaints," and Chapter 15,
46 "Grievances."
- 47 2. Classified Staff: Complaint procedure as established and implemented by the Human
48 Resources Office.
- 49 3. Faculty: Complaint procedure as outlined in *The University of Wisconsin Oshkosh Faculty*
50 *and Academic Staff Handbook*, Chapter 9, Part B, "Faculty Complaints."
- 51 4. Students: Complaint procedure as outlined in Chapter 17 of the *Wisconsin Administrative*

1 Code administered by the Dean of Students Office.

2 Resolution will be sought only after consultation with the complainant. The complainant shall
3 be informed of the actions taken or outcomes reached as a result of the complaint process.

4 The complainant may, at any time during the formal process, choose to withdraw the com-
5 plaint, or to pursue resolution of the complaint through the informal process set forth above.

6 Records of all complaints, investigations and resolutions will be filed in the Office of the Direc-
7 tor of Equity and Affirmative Action. Additional records may also be filed according to the ad-
8 ministrative or personnel rules utilized in the resolution process.

9 (5) Resource Persons.

10 In order to provide assistance with the implementation of this policy, the University has estab-
11 lished a Council for Equity and Affirmative Action. Appointments will be made by the Senate of
12 Academic Staff (Academic Staff), Human Resources Office (Classified Staff), Faculty Senate
13 (Faculty) and Oshkosh Student Association (Students). The appointment of the person with coun-
14 seling and/or student personnel experience will be made by the Director of Equity and Affirmative
15 Action.

16 Resource Persons should be available to assist those with a sexual harassment concern in any of
17 the following manners: (1) As a resource for information and referral. (2) As support in meetings
18 with the Director of Equity and Affirmative Action or other representatives of the University, as re-
19 quested by the individual. (3) To assist in the resolution process as requested by the individual.

20 Those individuals who agree to serve as Resource Persons will receive training on the issue of
21 sexual harassment, including appropriate listening, response and resolution strategies. Resource
22 Persons will maintain confidentiality of information in a sexual harassment allegation to the extent
23 permitted by state and federal law.

24 **GEN 1.2(7). Consensual Relationships.**

25 It is in the interest of the University of Wisconsin Oshkosh to provide clear direction and educational op-
26 portunities to the University community about the potential ethical implications and professional risks as-
27 sociated with consensual romantic and/or sexual relationships where a definite power differential between
28 the parties exists. According to the UW System Statement on Consensual Relationships, these relation-
29 ships are of concern for two primary reasons:

30 (1) Conflict of Interest.

31 "Conflicts of interest may arise in connection with consensual romantic and/or sexual relation-
32 ships between faculty or other instructional staff and students, or between supervisors and subor-
33 dinates. University policy and more general ethical principles preclude individuals from evaluating
34 the work or academic performance of others with whom they have intimate familial relationships,
35 or from making hiring, salary or similar financial decisions concerning such persons. The same
36 principles apply to consensual romantic and/or sexual relationships, and require, at a minimum,
37 that appropriate arrangements be made for objective decision-making with regard to the student,
38 subordinate or prospective employee."

39 (2) Abuse of Power Differential.

40 "Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual rela-
41 tionship involving a power differential the potential for serious consequences remains. Individuals
42 entering into such relationships must recognize that:

43 (a) the reasons for entering such a relationship may be a function of the power differential [and
44 may be exploitative in nature];

45 (b) where power differentials exist, even in a seemingly consensual relationship, there are limited
46 after-the-fact defenses against charges of sexual harassment; and

47 (c) the individual with the power in the relationship will bear the burden of accountability."

48 **GEN 1.2(8). Workplace Violence Prevention Policy.**

49 The University of Wisconsin Oshkosh is committed to providing a safe environment that is free from fear of

1 violence, acts of intimidation or threats, and violent behavior. The University's goal is to provide an atmos-
2 phere where different viewpoints can be heard, challenged and defended. To this end it becomes the obli-
3 gation of those associated with the University to share in the responsibility of maintaining a sense of mu-
4 tual respect and civility. This statement is the product of a cooperative effort involving administrators, fac-
5 ulty, staff, and students.

6 (1) Policy Statement.

7 The University will not tolerate violence, threats of violence, harassment and inappropriate behav-
8 ior intended to intimidate or frighten others in the workplace. The purpose of this policy is to deal
9 with workplace violence proactively, through education, mediation, and consultation before it es-
10 calates to the formal level of disciplinary action. Violation of this policy will be addressed by appli-
11 cable policies and procedures, contracts, and statutes.

12 (2) Definition and Examples.

13 Workplace violence is any act, behavior, or communication that is abusive and could cause an-
14 other person physical, emotional, or psychological harm, or which damages or threatens to dam-
15 age personal or University property, or which disrupts the work, or sense of safety of any em-
16 ployee on campus.

17 Some examples of threatening behavior include, but are not restricted to, the following:

- 18 (a) brandishing a weapon or an object that can be construed to be a weapon;
- 19 (b) shoving, slapping, punching, or any physical assault of a person;
- 20 (c) threats of physical harm to a person or the person's family;
- 21 (d) threatening phone calls or electronic messages;
- 22 (e) domestic conflicts that extend into the workplace;
- 23 (f) striking or throwing objects;
- 24 (g) touching someone in an unwelcome manner;
- 25 (h) stalking or aggravated behavior that may result in violence;
- 26 (i) sabotaging equipment or intentionally damaging property;
- 27 (j) suggestive or obscene language and gestures;
- 28 (k) comments that a reasonable person can interpret as ethnic, religious, or sexual slurs.

29 **GEN 1.3. Computing and Data Policies.**

30 **GEN 1.3.(1). Acceptable Use of Computing Resources Policy. (Effective April 15, 1996)**

31 The University values openness and promotes access to a wide range of information. Campus information
32 systems have been designed to be as open as possible, and as such the University insists on responsible
33 use of these systems.

34 The use of computers, electronic information and computer networks is essential for research, instruction
35 and administration within the academic community. Because the electronic environment is easily disrupted
36 and electronic information is readily reproduced, respect for the work and rights of others is especially im-
37 portant.

38 Users of the University's facilities are expected to adhere to this policy and, by accessing the system, the
39 user agrees to comply with and be subject to this policy. These policy statements are intended to aug-
40 ment, not supersede, any additional contractual agreements of conduct or confidentiality to which a user
41 may be subject. The University reserves the right to amend this policy at any time with or without notice.
42 Questions or comments regarding this document should be addressed to the Director of Information Sys-
43 tems and Technologies.

44 (1) User Responsibilities.

45 Access to University computing and networking resources is a privilege which is available to all
46 members of the academic community. Certain responsibilities accompany that privilege. Under-

1 standing them is important for all computer users. The framework of responsible, considerate, and
2 ethical behavior expected by the University extends to coverage of the use of all campus com-
3 puters, campus network resources, and networks throughout the world to which the University
4 provides computer access.

5 The user is responsible for the correct use of the tools each computer system provides for main-
6 taining the security of stored information. A summary of the security procedures relevant to this
7 end is given below:

8 (a) Computer accounts, passwords, lab access cards, and other types of authorization are as-
9 signed to individual users and should not be shared with others unless specifically authorized
10 by proper University officials. The person to whom an authorization is assigned will be held
11 accountable for any activity originating from that account.

12 (b) The user should select an obscure password and change it frequently.

13 (c) The user should seek to understand the level of protection each computer system automati-
14 cally applies to files and supplement that protection, if necessary, for sensitive information.

15 (d) It is incumbent upon every user to adhere to security policies and procedures and to call to
16 the attention of Information Systems and Technologies those whom they feel are violating
17 these procedures. Every effort will be made to ensure total anonymity.

18 (e) If a user should encounter or observe a flaw in system or network security, this discrepancy
19 must be reported to Information Systems and Technologies. Individuals must refrain from ex-
20 ploiting any such lapse in security.

21 (f) The computer user should be aware of computer viruses and other destructive computer pro-
22 grams, and take steps to avoid being either their victim or propagator.

23 (2) Confidentiality.

24 In general, information stored on computers is considered confidential, whether protected by the
25 computer system or not, unless the owner intentionally makes that information available to other
26 groups or individuals. The University of Wisconsin Oshkosh takes the position that computer us-
27 ers wish the information they store on central and campus shared computing resources to remain
28 confidential.

29 Users should be aware that data (including e-mail) may, due to software or hardware failure, be-
30 come accessible to those who are not explicitly authorized for that access. Systems management
31 personnel may also on occasion have access to such data while performing routine operations or
32 pursuing apparent systems or user problems. Systems personnel are required to report apparent
33 improper or illegal activities so discovered. No guarantee of complete privacy is made or implied
34 by this policy.

35 Requests for the disclosure of confidential information will be governed by the provisions of the
36 Family Educational Rights and Privacy Act of 1974 (FERPA) and the Wisconsin Open Records
37 Statutes (Chapter 19, ss. 19.31 - 19.39, Laws of 1992). All such requests will be honored only
38 when approved by University officials who are the legal custodians of the information requested,
39 or when required by state or federal law, or court order. Users found to be copying, modifying, or
40 otherwise accessing information for which they have not been granted permission will be liable to
41 disciplinary action.

42 The University also reserves the right to access, monitor, and/or appropriate an individual's work-
43 station or user account(s) for content when there are urgent and compelling circumstances such
44 as the following:

45 (a) a court order

46 (b) a request for discovery in the course of litigation

47 (c) a public record request for files which are deemed public records under public records laws

48 (d) investigating University policy violations or illegal activities

49 (e) sudden death or incapacity of the employee

1 Supervisors must report urgent/compelling circumstances that warrant exceptional actions
2 through their Director, Assistant/Associate Vice Chancellor, or Dean to their Division Vice Chan-
3 cellor. The Division Vice Chancellor will consult with the Director of Human Resources and the
4 Chief Information Officer to determine an appropriate and feasible course of action. If the course
5 of action involves accessing, monitoring, or appropriating an individual's workstation or use ac-
6 count(s), a good faith effort will be made to inform the individual unless the University is bound by
7 legal authority not to inform the individual.

8 (3) Inappropriate Usage.

9 Users must be sensitive to the public nature of shared facilities. Behavior reflects both upon the
10 individual and the University. Computing and networking resources should be used only in accor-
11 dance with this policy. Any intentional behavior with respect to the electronic environment that in-
12 terferes with the missions or activities of the University or members of the University community
13 will be regarded as unethical and may lead to disciplinary action under standard University rules
14 for misconduct and existing judicial, disciplinary or personnel processes. The University complies
15 with the Digital Millennium Copyright Act (1998). The University may terminate network access or
16 take other disciplinary measures deemed appropriate against those who repeatedly infringe the
17 copyright of others. Examples of inappropriate and unacceptable use of computing and network-
18 ing resources include, but are not limited to, the following:

- 19 (a) Destruction of, unauthorized removal of, or damage to equipment, software, or data belong-
20 ing to the University of Wisconsin Oshkosh or other users.
- 21 (b) Disruption or unauthorized monitoring of electronic communications. Tampering, modification,
22 or additions to network software, hardware, or wiring.
- 23 (c) Generation of excessive network traffic exceeding levels which create errors or performance
24 problems for all users. Applications or computer hardware found to cause such problems may
25 be moved to a different location or removed from the network, at the discretion of the network
26 management staff.
- 27 (d) Willful violations of computer system security.
- 28 (e) Use of e-mail or messaging services to harass, intimidate, or otherwise annoy another per-
29 son, for example, by broadcasting unsolicited messages or sending unwanted mail. Some
30 mass mailings may be authorized by appropriate University authority. This would also apply
31 to material originating from this campus but sent to other sites or persons on the Internet.
- 32 (f) Use of computer accounts, access codes, or network identification numbers other than those
33 assigned to you. Disguising or falsifying sources of electronic mail and other electronic com-
34 munications with the intent of misleading, defrauding, or harassing others.
- 35 (g) Use of computer and/or network facilities in ways that impede the computing activities of oth-
36 ers (for example, randomly initiating interactive electronic communications or e-mail ex-
37 changes, overuse of interactive network utilities, playing games on shared resources, or the
38 overuse of network-accessible discussion lists or file-transfer sites).
- 39 (h) Setting up network servers or network services (such as naming and/or address servers,
40 Web servers, dial-in access, file servers, etc.) without the prior authorization of the network
41 management staff. Unauthorized activity of this type may be detrimental to the overall opera-
42 tion of the network and is not allowed.
- 43 (i) Intentionally creating, displaying, printing or transmitting information which violates the Uni-
44 versity's sexual harassment policy.
- 45 (j) Use of computing facilities for financial gain or commercial purposes unrelated to the mission
46 of the University.
- 47 (k) Violation of software copyrights and usage licensing agreements. Violation of other copy-
48 righted items such as icons, images, music, programs, text, etc.
- 49 (l) Failure to properly attribute legitimately copied material.
- 50 (m) Violation of the usage policies and regulations of the networks of which the University of Wis-

1 consin Oshkosh is a member or has authority to use.

2 (n) Academic dishonesty (for example, plagiarism or cheating).

3 (4) Sanction and Appeal Process.

4 Violation of the policies described herein for use of computing resources will be dealt with seri-
5 ously. Violators are subject to disciplinary procedures of the University, may lose computing privi-
6 leges or account and network access, and may also be subject to prosecution by state and fed-
7 eral authorities under laws including, but not limited to: The Privacy and Protection Act of 1974;
8 *Wisconsin Statutes* 1992-93, (41st Edition) (Chapter 19, Public Records and Property, ss. 19.31 -
9 19.39; Chapter 939, Crimes - General Provisions, ss. 939.32(2), 939.50(3), 939.51(3), 939.66(4),
10 939.72(3); Chapter 943, Crimes Against Property, ss. 943.70); The Wisconsin Computer Crimes
11 Act; The 1986 Electronic Communications Privacy Act; The Computer Fraud and Abuse Act of
12 1989. The sanction and appeal process will vary, depending upon the classification of the of-
13 fender within the University community. Suggested courses of action are described by, but are not
14 limited to:

15 (a) Student - *Wisconsin Administrative Code*, Section UWS 14 and UWS 17. These regulations
16 are also maintained in a separate document entitled *Student Discipline Code*, which is avail-
17 able in the Dean of Student's Office.

18 (b) Classified Staff - Administered by the Human Resources Office, pursuant to the current Uni-
19 versity of Wisconsin System Classified Employees Work Rules; Chapter 230.34(1) of *Wis-*
20 *consin Statutes*; Section Pers 24 of *Wisconsin Administrative Code*; and existing collective
21 bargaining agreements.

22 (c) Academic Staff / Faculty - The *University of Wisconsin Oshkosh Faculty and Academic Staff*
23 *Handbook* and specific departmental procedures, as warranted.

24 (d) Other - Subject to the procedures of the organization or group with which they are affiliated,
25 revocation of computing privileges, and possible state and federal prosecution.

26 (5) Web Policy and Procedures

27 What is the World Wide Web? The Web or World Wide Web (WWW) is an information system
28 running over the Internet. It provides information electronically through the use of hypertext. A va-
29 riety of multimedia techniques make it easy to roam, browse, and contribute to the Web.

30 (a) Information placed on the Web is formatted using HyperText Markup Language (HTML). The
31 approved UW Oshkosh standard is HTML 3.2 or greater, defined in
32 <http://www.w3.org/TR/REC-html32.html> HTML documents have an extension of *.html* or *.htm*.

33 (b) Graphics included in Web pages are usually in a Graphics Image Format (*.gif*) or Joint Pho-
34 tographic Experts Group (*.jpg*).

35 (c) HTML documents will look different depending on what browser is used to access the Web.
36 Browsers are the software programs that allow people to view Web documents. Common
37 browsers are Netscape, Internet Explorer, and Lynx (a text-only browser).

38 (d) Universal Resource Locators (URLs) are the detailed names used to access information. For
39 example, <http://www.uwosh.edu/> is the URL for the University of Wisconsin Oshkosh home
40 page.

41 Types of Browsers

42 The University recognizes that external Web users seeking to access the University's Web pages
43 may be using other browsers. Web page authors are urged to keep this fact in mind when creat-
44 ing Web pages. Likewise, users creating PDF (Portable Document Format) files should consider
45 creating duplicate versions in a Web standard format (such as *.txt*, *.html*, or *.htm*) for readers who
46 are incapable of reading PDF files.

47 Acceptable Use Policy

48 Access to University computing and networking resources is a privilege available to all members
49 of the University community. Certain responsibilities accompany that privilege. The University of

1 Wisconsin Oshkosh Statement of Acceptable Use of Computing Resources can be viewed at
2 <http://www.acs.uwosh.edu/documentation/acceptable-use.html>

3 Definitions

4 (a) Official Page - An official page speaks for the University of Wisconsin Oshkosh and its pro-
5 grams and departments. Official pages represent colleges, departments and other University
6 offices and programs. They include information such as University and department policies,
7 forms, course information, institutional statistics, financial aid information, and recruitment in-
8 formation.

9 (b) Personal Page - A personal page is one created by individual faculty, staff and students. Per-
10 sonal pages can be linked from departmental and program pages, but only with the approval
11 of those in charge of those pages.

12 Standards for Web Pages

13 (a) All web publishers, whether they are publishing official or personal (see definitions above)
14 pages, are responsible for the contents of their pages. They must adhere to the Acceptable
15 Use Policy. University resources may not be used to distribute Web pages for personal busi-
16 ness or gain.

17 (b) UW Oshkosh will not edit or review personal home pages. The University does not accept re-
18 sponsibility for the contents of these pages; page-authors are responsible for the contents.
19 However, if a violation of University policies on personal pages linked from the UW Oshkosh
20 Web is discovered, the University will remove the link. Those responsible for department and
21 program home pages on the UW Oshkosh Web must make sure that personal and other
22 pages they link to do not violate University policies and local, state and federal laws.

23 (c) The Acceptable Use Policy and laws regarding publishing and copyright apply to all pages.

24 (d) All official pages must be approved by University Relations or an individual designated by that
25 division.

26 (e) There will be no effort to curtail the creative and experimental efforts of departments and pro-
27 grams that publish an official Web page. Any review is intended to ensure that all official in-
28 formation is accurate, is consistent with University policies and local, state and federal laws,
29 and supports the University's goals in education, research and community service. This in-
30 cludes links to other pages. An official page may be considered in violation if it contains links
31 to a page that violates this policy.

32 (f) Institutional departments and offices are encouraged to develop distinctive and creative Web
33 pages. The image and reputation of UW Oshkosh will in part be determined by our presence
34 on the Web, and that presence should embody the elements of our University. Review of offi-
35 cial pages by University Relations will seek to ensure that factual information is presented in
36 a way that is easily accessible. University Relations will encourage publishers to develop UW
37 Oshkosh pages that are visually appealing and well written.

38 Minimum Standards for Web Pages

39 The following minimum standards apply to all pages:

40 (a) Documents and graphics should be clear. Page designs should emphasize brevity and judi-
41 cious use of graphics in order to encourage the use of UW Oshkosh web pages and help
42 people find the information they are seeking.

43 1. Loading of the page should be completed in a reasonable amount of time. A delay can
44 discourage viewing of the page.

45 2. Large graphics delay viewing and should be avoided.

46 3. Each page should be written so that it can be understood out of context.

47 (b) All documents must be accurate. Departments and offices displaying official information on
48 such things as enrollments and courses must link to data provided by offices that are respon-
49 sible for keeping such information. They should not create new documents with the same in-

- 1 formation.
- 2 (c) All documents should have correct grammar and punctuation.
- 3 (d) Acronyms should not be used as a first reference.
- 4 (e) All references to institutional units, departments, buildings should use the names found in the
- 5 University phone book.
- 6 (f) The name of the department/program must appear at the top of each page.
- 7 (g) Official University pages should have a direct reference to UW Oshkosh.
- 8 (h) Each page must provide a way of contacting the person responsible for maintaining the page
- 9 (for example, phone number or e-mail address) and the date of the last revision. All files
- 10 should be updated regularly, where appropriate. Outdated information should be replaced or
- 11 removed.
- 12 (i) Page publishers must obtain the express written permission of those owning an image or
- 13 photo, and all those pictured in an image or photo, used in a page.
- 14 (j) Publishers must obtain the express written permission of the person or organization that
- 15 owns a trademark that is used on a page. Publishers must also obtain the express written
- 16 permission of persons or organizations owning the copyright of any material that is used on a
- 17 page.
- 18 (k) Each page must have a link back to the UW Oshkosh Home Page (<http://www.uwosh.edu>).
- 19 (l) All pages must meet the W3C (World Wide Web Consortium) Content Accessibility Guide-
- 20 lines, Priority 1 Levels (<http://www.w3.org/TR/WCAG/>)

21 CGI Scripts

22 CGI (Common Gateway Interface) scripts allow the author of a web page to receive input from a

23 viewer of the page, manipulate the data passed in, and pass back a customized response. Exam-

24 ples of some applications driven by CGI scripts are counters, feedback forms, guestbooks, data-

25 base queries, clickable image maps, and mail list maintenance.

26 CGI scripts must be approved and will be installed in a system directory. Departmental, personal,

27 and organizational directories will not be allowed to act as CGI directories. To add a new script to

28 the server, source code must be provided, and the technical and/or security administrator will

29 evaluate the source, compile and install the script.

30 Approvals

31 All official University of Wisconsin Oshkosh Web pages must be reviewed and approved by Uni-

32 versity Relations or someone designated by that division. Specific information that is published on

33 Web pages must be reviewed and approved by the department responsible for that data. For ex-

34 ample, financial aid information must be reviewed by the Financial Aid office and registration in-

35 formation would need to be reviewed by the Registrar's office

36 Steps for Submitting

- 37 (a) Submitter must have the page already loaded on the server.
- 38 (b) Submitter should follow instructions to scan their Web page.
- 39 (c) Once the page adheres to this policy, submitter should send an e-mail message to [webmas-](mailto:webmaster@uwosh.edu)
- 40 ter@uwosh.edu requesting that a link be made to the page.
- 41 (d) University Relations will review the page. The submitter will then receive notification that the
- 42 link has been made or an explanation of what needs to be changed before a link will be
- 43 made.

44 Other Servers

45 Approval from the Information Technology Division is required for departments to set up their own

46 Web servers. Those departments interested in setting up departmental Web servers should con-

47 tact the Director of Academic Computing. The UW Oshkosh home page will maintain links to offi-

1 cial pages only.

2 Disk Space

3 Standard amounts of disk space will be allocated to official pages and personal pages. Depart-
4 ments requiring large amounts of disk space may be required to purchase their own Web server.

5 *Revised April 5, 1999*

6 *Revised May 23, 2001*

7 *Revised Spring 2007*

8 **GEN 1.3.(2). Data Access and Data Security Policy.**

9 (1) Policy.

10 This policy secures and protects operational data (defined below) stored on and accessible by
11 University-owned computing systems and used by University employees and students in support
12 of the educational mission of the University. In so doing, it ensures that:

13 (a) The University is able to meet its record-keeping and reporting obligations as required by
14 state and federal law, the Board of Regents, and UW System Administration;

15 (b) The University is able to comply with the Family Educational Rights and Privacy Act of 1974
16 (FERPA, or the Buckley Amendment) and other statutes and policies protecting the rights of
17 individuals;

18 (c) The University is able to comply with the Wisconsin Public Records Statutes and other laws
19 and policies providing for access to data;

20 (d) University data integrity and accuracy are consistently maintained;

21 (e) Authorized individuals are assured of timely and reliable access to necessary data; and

22 (f) Unauthorized individuals are denied access to computing resources or other means to re-
23 trieve, modify or transfer data.

24 This policy also addresses the issue of the rights and responsibilities of authorized persons in the
25 handling, security and protection of University data. In view of the fact that security measures may
26 introduce additional overhead in terms of time and effort, the objective of this policy is to ensure
27 secure data while minimizing impediments to their access.

28 The Chief Information Officer for Information Technology (IT) is responsible for the implementa-
29 tion of this policy.

30 (2) Scope.

31 The policies and guidelines established herein govern the management and accessibility of Uni-
32 versity operational data regardless of the environment in which they reside. The term 'operational
33 data' is meant to encompass only those data which are necessary for the daily execution of the
34 University's mission. This may include, but is not restricted to, administrative data, student and
35 payroll records, personnel records, and accounting information. The environment in which these
36 data are found may include, but are not limited to, the central mainframe, campus network serv-
37 ers, personal computers, and any other medium (printouts, screen dumps, microfiche, etc.).

38 This policy applies to all employees of the University, students, alumni, and authorized persons
39 with interests in specialized segments of the University, such as Institutional Research, University
40 Facilities, Employee/Student/Alumni data, or Education/Instruction.

41 (3) Data Ownership and Accountability.

42 (a) The University of Wisconsin Oshkosh.

43 The University of Wisconsin Oshkosh retains the exclusive right and use of all computer as-
44 sets, including data. Within this context, it is considered the Legal Custodian of all University
45 data.

46 (b) Specific Roles.

47 A list of current appointees to those positions referenced in the following sections are avail-

1 able online or from the IT Office.

2 1. Legal Custodian.

3 An administrative officer within the University, given responsibility by the Chancellor, ac-
4 cording to state statutes, for managing specific information resources within a functional
5 area.

6 Pursuant to c. 19.33(4), *Wisconsin Statutes*, and in accordance with the Wisconsin Public
7 Records Statutes, the Chancellor must designate Legal Custodians of specific records.
8 These individuals perform in a supervisory or managerial capacity and are responsible
9 for the data residing in a designated system.

10 In addition to those duties defined by the relevant statutes, additional University respon-
11 sibilities of the Legal Custodian may include:

- 12 a. Overseeing the creation and disposition of the data records for which he/she has
13 been assigned responsibility;
- 14 b. Determining what data are appropriate for distribution and update;
- 15 c. Determining the validity of all requests for access to, and update capability for, area-
16 specific data or applications;
- 17 d. Periodically reviewing the current set of access capabilities granted to all individuals
18 on the system to ensure that the status is current and accurate; and
- 19 e. Overseeing the activities of all Data Stewards assigned to their functional area.

20 2. Data Steward.

21 An individual appointed by a Legal Custodian to manage a subset of the data designated
22 as being within the area of responsibility of that Custodian. A Data Steward is the person
23 primarily responsible for the accuracy, privacy, and integrity of University data. All Uni-
24 versity data must have an identified Data Steward.

25 In support of the Legal Custodian, responsibility for managing specific categories of data
26 is assigned to Data Stewards. With regard to data access and security, these Data Stew-
27 ards have the authority and responsibility to:

- 28 a. Assist the Legal Custodian with evaluation and approval of requests for access to re-
29 cords, in accordance with the Wisconsin Public Records Law and the Buckley
30 Amendment;
- 31 b. Define and approve the degree and nature of access to their data;
- 32 c. Coordinate with the IT Office for adequate backup of data; and
- 33 d. Coordinate the creation and purging of data in a manner consistent with current re-
34 cord-keeping policies and regulations.

35 3. Data Security Officer.

36 The Data Security Officer has responsibility for implementing, monitoring, and coordinat-
37 ing the standards, procedures, and guidelines necessary to administer access to Univer-
38 sity data.

39 Specifically, the Security Officer has the responsibilities to:

- 40 a. Install, maintain, and operate data security software;
- 41 b. Maintain records indicating the identity of each Data Steward who has the responsi-
42 bility for granting user access to data and the scope of his/her granting authority;
- 43 c. Implement the control of user access to University data, as determined by Data
44 Stewards or Legal Custodians;
- 45 d. Review data security procedures within individual units as needed, disseminating in-
46 formation regarding access requests, security awareness, passwords, virus protec-

- 1 tion, and the reporting of security violations;
- 2 e. Create and maintain policy regarding the responsible usage of computing resources
3 and outline the proper conduct expected of all data users;
- 4 f. Maintain current data access authorization records. This will entail the creation of
5 new records in response to valid requests for data access, the removal of records for
6 users transferring to another functional unit or leaving the University, and the modifi-
7 cation of existing records to accommodate a name change or additional job require-
8 ments;
- 9 g. Establish and monitor system activity accounting and audit trail records in a manner
10 consistent with University and Internet guidelines; and
- 11 h. Serve as de facto Data Steward for data items not assigned to other stewards, until
12 such time as an individual can be permanently designated.
- 13 4. Database Administrator.
- 14 The Database Administrator (DBA) has responsibility for the management of and imple-
15 mentation of access to all data contained within the University database management
16 system. The DBA is to act as the administrator of the information resource in accordance
17 with established policies and procedures, but will in no sense dictate the usage of Uni-
18 versity data, nor determine individual access rights to data elements, records, or files
19 contained within the database. This will remain the responsibility of the Data Stewards.
- 20 5. Data User.
- 21 A Data User is any individual requiring access to University data in the course of meeting
22 the requirements of his/her position or an educational curriculum. All departmental units
23 and individuals have the responsibility to ensure the following:
- 24 a. Privacy and confidentiality of data are maintained in a manner consistent with the
25 laws and regulations relating to those data;
- 26 b. Every effort is made to assure and maintain the accuracy of data;
- 27 c. Data are correctly and appropriately used as defined by, but not limited to, applicable
28 state and federal law. Sanctions for the inappropriate use of data are also defined by
29 these regulations;
- 30 d. Data security is not compromised by the sharing of user access IDs or passwords;
- 31 e. Proper records management disposal methods are used when data are considered
32 no longer valid or useful; and
- 33 f. Online conduct and utilization of computing resources is consistent with the guide-
34 lines set forth in the University of Wisconsin Oshkosh Acceptable Use of Computing
35 Resources Policy.
- 36 Several departments operate turnkey, third-party, in-house-developed systems on indi-
37 vidual PCs, local area networks or other hardware. The departments have complete re-
38 sponsibility for these systems, to include the above plus:
- 39 a. Securing computing resources, computer rooms, department office areas, and other
40 work areas; and
- 41 b. Establishing policies, procedures, and standards for security and maintenance of
42 software and data, such as backup policies and procedures.
- 43 (4) Proper Management of Data.
- 44 (a) Data Capture.
- 45 1. The Legal Custodian is responsible for complete, accurate, valid, and timely data cap-
46 ture. These responsibilities may be delegated to Data Stewards.
- 47 2. Electronic data should be captured at or near their creation points, as identified by the

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Legal Custodian.

(b) Data Storage.

1. An official data storage location for each data element should be identified by the Legal Custodian.
2. Data element names, formats, and values should be consistent with University standards.
3. Archiving requirements and strategies for storing historical data should be determined by the Legal Custodian, in coordination with the IT Office.

(c) Data Validation and Correction.

1. The accuracy of any data element may be questioned by any authorized data user. The data user has the responsibility to help correct the perceived problem by supplying as much detailed information regarding correct usage of the data as is possible.
2. The Legal Custodian or delegated Data Steward is responsible for responding to questions and correcting verified inconsistencies in data elements.
3. Upon written identification and notification of erroneous data, corrective measures should be taken as soon as possible to correct the cause of the error; correct the data in the official data storage location, and notify users who have received or accessed erroneous data, of the changes.

(d) Data Accessibility.

Legal Custodians are responsible for providing accessible, meaningful, and timely University data. This activity may be assigned to Data Stewards or other University officials, within the confines of predefined authorization guidelines.

Accessibility to University data may be considered any of the following:

1. Hard copy reports issued by various administrative offices;
2. Access through the University communications infrastructure; and
3. Data downloaded and accessed from a unit/departmental computer or downloaded to an individual user's personal computer. If University data are downloaded to a college or department, the responsibility for implementing, monitoring, and enforcing University data access and resource usage policies shall reside with the College Dean or Departmental Chair authorized to receive the data.

(e) Data Security.

1. All University data should be secured, with access granted to a data user on a "need-to-know" basis, and within the confines of predefined access guidelines and security requirements. The Legal Custodian, through the Data Stewards, has the ultimate responsibility for determining security requirements and access authorization.
2. All users of University data must be cognizant of the level of access they have been provided, and of their responsibility to maintain the inherent privacy and integrity of those data. Effective data security is not possible without the cooperation of users who understand the reasons for data security and comply with established security measures.

(f) Data Disposal.

1. The Legal Custodian is responsible for determining what data within the functional area are to be retained and for how long. This authority may be delegated to a Data Steward.
2. At the point at which data are considered no longer useful or legally required, they must be removed from general access in a manner consistent with their content and medium. Disk-based datasets may be archived to tape and moved off-site or deleted. Tapes may be erased and reused or permanently archived. Reports and printouts may be recycled as is, or shredded prior to disposal, depending on legal or institutional requirements.

1 3. Users are responsible for the proper disposal of data residing on individual personal
2 computers.

3 (g) Data Documentation.

4 Documentation of data elements is the ultimate responsibility of the Legal Custodian. This in-
5 formation should be provided to the IT Office, which will oversee its archival and general
6 availability. All data documentation so gathered will be maintained in machine-readable for-
7 mat in a University Data Dictionary. In essence, IT is the Data Steward for the University Data
8 Dictionary.

9 (h) Data Disputes.

10 Due to the common occurrence of some data elements within several University systems,
11 questions may arise as to the precedence of ownership or responsibility for those data ele-
12 ments. A typical example might be a social security number, which is frequently used by En-
13 rollment Management, Human Resources, Financial Aids, and others. In this instance, the
14 data element may be considered to have more than one Data Steward. If the Data Stewards
15 are unable to arrive at a consensus as to the appropriate use of a data element, a meeting of
16 the responsible parties will be convened by a designated representative of the IT Office in an
17 effort to resolve the data dispute.

18 (5) Procedures.

19 In the course of creating and administering controlled access to University data, various proce-
20 dures must be defined and formalized. These procedures, listed below, with an accompanying
21 explanatory cover page and their relevant forms, are available from the IT Office.

22 (a) Requesting Authorization for Data Access.

23 (b) Modifying Existing Data Access Authorization.

24 (c) Managing Systems for Employee Turnover.

25 (d) Reporting Breaches of Data Security.

26 (e) Requesting Computer System Activity Information.

27 (f) Providing sanctions for Unauthorized Data Access or Disclosure.

28 **GEN 1.3.(3). Student Email Policy.**

29 (1) Introduction.

30 Email is considered an official method for communicating with University of Wisconsin Oshkosh
31 students because it delivers information in a convenient, timely, cost effective, and environmen-
32 tally aware manner. The University expects that email communications will be received and read
33 by students in a timely fashion.

34 This policy establishes the University's expectation that faculty and other University staff may rou-
35 tinely communicate important information to students using the University's established email sys-
36 tem.

37 (2) University Use of Email.

38 Email is an official method for communication at UW Oshkosh. The University may send commu-
39 nications to students via email. Students are responsible for the consequences of not reading in
40 a timely fashion University-related communications sent to their official UW Oshkosh student
41 email account.

42 (3) Student Email Accounts.

43 All students at UW Oshkosh are provided with an official UW Oshkosh student email account.
44 This email account is the official email address to which the University will send email communi-
45 cations. This official email address will be recorded in the University's electronic directories and
46 records for that student.

47 (4) Expectations Regarding Student Use of Email.

1 Students are expected to check their UW Oshkosh official email account on a frequent and con-
2 sistent basis in order to remain informed of University-related communications. The University
3 recommends checking email at least twice per week. "I didn't check my email," errors in forward-
4 ing email, or email returned to the University with "mailbox full" or "user unknown" are not accept-
5 able reasons for missing official University communications via email.

6 (5) Faculty/Instructional Academic Staff Expectations and Educational Uses of Class Email Lists.

7 Since faculty and instructional academic staff determine how email is used in their classes, they
8 can require students to check their email on a specific or more frequent basis. Faculty and in-
9 structional academic staff messages sent to class email lists, including class lists in course man-
10 agement systems, are also considered official communication.

11 (6) Appropriate Use of Student Email.

12 In general, email is not appropriate for transmitting sensitive or confidential information unless it is
13 matched by an appropriate level of security or permission.

14 All use of email will be consistent with other University policies, including the UW Oshkosh Ac-
15 ceptable Use of Computing Resources Policy. All use of email will also be consistent with local,
16 state, and federal law, including the Family Educational Rights and Privacy Act (FERPA).

17 (7) Redirecting Email.

18 Students may elect to redirect (autoforward) messages sent to their UW Oshkosh official student
19 email account to a non-University account. Students who redirect email from their official account
20 to a non-University account (such as AOL, Yahoo, Hotmail), however, do so at their own risk.
21 Having email lost as a result of redirection does not absolve a student from the responsibilities
22 associated with communication sent to her or his official email account. The University is not re-
23 sponsible for the handling of email by outside vendors or unofficial servers.

24 The University provides a WebMail system, through which students from off campus can access
25 their official UW Oshkosh email account. Instructions for the use of WebMail are available at the
26 UW Oshkosh web site.

27 Questions or comments about this policy should be directed to the Chief Information Officer.

28 **GEN 1.3.(4). Address Policies.**

29 Each member of the faculty and staff shall provide the University with a mailing address. Faculty and staff
30 may specify how or whether their mailing address and any telephone number will be displayed in the Uni-
31 versity's published and on-line telephone directories. Faculty and staff may ask that their name and ad-
32 dress not be included in mailing lists which may be provided to external agencies and vendors. Annual
33 update of name, address, and telephone number is made through the Human Resources Office.

34 **GEN 1.4. Alcohol, Drugs, and Smoking.**

35 **GEN 1.4.(1). Alcohol and Other Drug Abuse.**

36 The University of Wisconsin Oshkosh recognizes that the abuse of alcohol and other drugs is of serious
37 concern to the University community because it can interfere with the education of students and the job
38 performance of employees. The University is committed to providing education about the responsible use
39 of alcohol and about the misuse and abuse of alcohol and other drugs. This issue is of importance to all
40 members of our community. All members of the University community are encouraged to become familiar
41 with this information.

42 (1) Standards of Conduct and Sanctions.

43 (a) The University of Wisconsin Oshkosh Standards of Conduct.

44 The University of Wisconsin System and the University of Wisconsin Oshkosh prohibit the
45 unlawful possession, use, distribution, manufacture, or dispensing of illicit drugs and alcohol
46 by students and employees on University property or as part of University activities.

47 The use or possession of alcoholic beverages is prohibited on University premises, except in
48 faculty and staff housing and as expressly permitted by the chief administrative officer or un-
49 der institutional regulations, in accordance with section UWS 18.06(13)(a), Wis. Adm. Code.

1 [See also Gen 1.4(2): Alcoholic Beverages, Possession and Consumption.] Alcohol con-
2 sumption is governed by Wisconsin statutory age restrictions under section UWS
3 18.06(13)(b), Wis. Adm. Code.

4 Violation of these provisions by a student may lead to the imposition of a disciplinary sanc-
5 tion, up to and including suspension or expulsion, under section UWS 17.03(1), Wis. Adm.
6 Code. University employees are also subject to disciplinary sanctions for violation of these
7 provisions occurring on University property or the worksite or during work time, up to and in-
8 cluding termination from employment. Disciplinary sanctions are initiated and imposed in ac-
9 cordance with applicable procedural requirements and work rules, as set forth in *Wisconsin*
10 *Statutes*, administrative rules, faculty and academic staff policies, and collective bargaining
11 agreements. Referral for prosecution under criminal law is also possible. Further, violations of
12 sections UWS 18.06(36) and 18.10, Wis. Adm. Code may result in additional penalties as al-
13 lowed under ch. UWS 18, Wis. Adm. Code.

14 Employees who are convicted of any criminal drug statute violation occurring in the workplace
15 must notify their Dean, Director, or Department Chair within five calendar days of the convic-
16 tion if the employees were employed by the University at the time of the conviction.

17 (b) Legal Sanctions.

18 1. Wisconsin.

19 The laws of Wisconsin prohibit drug possession and delivery through the Uniform Con-
20 trolled Substances Act, Wis. Stat. 161 [see Wis. Stat. 161.41(2r)(b), Wis. Stat. 161.41
21 and Wis Stat. 161.46(1)]. Substantial restrictions against alcohol abuse also exist in Wis-
22 consin. It is against the law to sell alcohol to anyone who has not reached the legal drink-
23 ing age of 21 and there is a concurrent duty on the part of an adult to prevent the illegal
24 consumption of alcohol on his/her premises, Wis. Stat. 125.07(a)(1).

25 2. Federal.

26 See U.S. Sentencing Guidelines s. 2D2.1(b)(1).

27 (2) Resources for the Campus Community.

28 The University is dedicated to providing assistance and support to students, faculty, academic
29 staff, and classified employees who abuse alcohol and other drugs as well as to supervisors,
30 teaching faculty, and significant others who are affected by and need to confront alcohol and
31 other drug abuse problems. Employees and students experiencing any concerns related to alco-
32 hol or other drug abuse are hereby urged to seek help through the appropriate University service
33 or community resource.

34 (3) Program Review.

35 In accordance with The Drug-Free Schools and Campuses Act (1989), a biennial review of
36 University programs will be conducted on even-numbered years by the Office of the Dean of
37 Students.

38 **GEN 1.4.(2). Alcoholic Beverages, Possession and Consumption.**

39 The Vice Chancellor for Student Affairs is responsible for the administration and interpretation of regula-
40 tions pertaining to the possession and consumption of alcoholic beverages on campus.

41 *Wisconsin Administrative Code*, Section UWS 18.06, "Conduct of University Lands" (13) ALCOHOL
42 BEVERAGES. The use or possession of intoxicating liquors, or fermented malt beverages with an alco-
43 holic content of more than five percent by weight, is prohibited on all university lands, except in faculty and
44 staff housing, in student housing units specifically designated by the chief administrative officer, and at
45 suitable times under decorous conditions in conference, meeting or dining facilities, subject to statutory
46 age regulations.

47 Fermented malt beverages with an alcoholic content of no more than five percent by volume may be
48 served and sold by the Union Food Service at events scheduled **outside the Union** on campus where
49 food is served or at special all-University events approved through the Union and Vice Chancellor for Stu-
50 dent Affairs.

1 Alcoholic beverages with an alcoholic content of more than five percent by volume may be served at Uni-
2 versity receptions in the University art galleries, theater lounges, and other areas as approved by the Vice
3 Chancellor for Student Affairs. The service guidelines within this procedure apply to all campus areas
4 where alcoholic beverages are served.

5 A copy of the complete guidelines may be found in the *Student Handbook*.

6 **GEN 1.4.(3). Smoking Policy.**

7 (1) Introduction.

8 This policy is written to implement the provisions of Wisconsin's Clean Indoor Air Act, section
9 101.123 of the *Wisconsin Statutes*.

10 (2) Statement of Policy.

11 Recognizing the negative health impact of second-hand smoke, the University is continuously
12 seeking ways to improve the University's environment by reducing or eliminating smoke from
13 classroom and other work settings.

14 Smoking will be prohibited within:

- 15 (a) all buildings and vehicles owned or leased by the University;
- 16 (b) all sponsored outdoor seated events, including athletic events; and
- 17 (c) 25 feet from the perimeter of all University buildings.

18 Smoking is not allowed in University buildings except in designated areas where people may
19 smoke indoors.

20 Recognizing the value of education, understanding, cooperation and collegial interaction, these
21 standards will be implemented in an educational manner, with the overall effectiveness of these
22 changes requiring the understanding, cooperation, and active support of all faculty, staff, stu-
23 dents, and visitors to the campus.

24 (3) State law provides that willful violations of the Clean Indoor Air Act are subject to penalty. Addi-
25 tionally, since these regulations are established and promulgated as a matter of University policy,
26 the University can use this policy as a basis for other discipline, as provided under the applicable
27 disciplinary or complaint procedure.

28 All enforcement efforts shall utilize the existing channels of administrative authority.

29 (a) Student-related problems will be addressed through direct communication (e.g., student to
30 student, faculty or staff to student, etc.) with additional review and possible disciplinary action
31 through the processes found within Residence Life and the Dean of Students Office.

32 (b) Classified staff-related problems will be addressed through direct communication with addi-
33 tional review by the appropriate supervisors and possible disciplinary action through other es-
34 tablished processes (e.g., for represented classified staff, through the relevant collective bar-
35 gaining agreement).

36 (c) Academic staff-related problems will be addressed through direct communication with addi-
37 tional review by the appropriate supervisors and managers (up to the level of Vice Chancel-
38 lor) and possible disciplinary action through the processes found in the Academic Staff Per-
39 sonnel Policies and Procedures.

40 (d) Faculty-related problems will be addressed through direct communication with additional re-
41 view by appropriate departmental committees, the department chair, Dean, and Provost and
42 Vice Chancellor and possible disciplinary action through the processes found in the Faculty
43 Personnel Policies and Procedures.

44 This policy shall be implemented in a manner that takes into account the needs and interests of both
45 smokers and non-smokers. The policy is promulgated with the hope and the expectation that enforcement
46 will involve gentle persuasion, and frequent peer and co-worker interaction and discussion. In stating this
47 policy, the University recognizes and encourages sensitivity to others, the need for tolerance, collegiality
48 and mutual respect.

1 **GEN 1.5. Research Policies.**

2 **GEN 1.5.(1). Research Participants Policy.**

3 Definitions: Research means a systematic investigation, including research development, testing, and
4 evaluation, designed to develop or contribute to generalizable knowledge.

5 A human subject/research participant is a living individual about whom an investigator (whether profes-
6 sional or student) conducts research, obtains (1) data through intervention or interaction with the individ-
7 ual, or (2) identifiable private information.

8 The University has adopted policies and procedures that comply with the federal government regulations
9 on the Protection of Human Subjects as stated in the Code of Federal Regulations (45 CFR 46). The Uni-
10 versity's Institutional Review Board for the Protection of Human Subjects (IRB) has the responsibility of
11 implementing these policies and assisting investigators in ensuring that the rights and welfare of partici-
12 pants are adequately protected. The IRB shall review all research proposals that involve humans.

13 A "Use of Human Participants Application Form", which includes a description of the University's policies
14 and procedures, can be obtained from the Office of Grants and Faculty Development and is also available
15 online.

16 **GEN 1.5.(2). Scientific Misconduct in Research Funded by the Federal Government.**

17 (1) Introduction.

18 Recognizing that honesty in the conduct of academic research is fundamental to its integrity and
19 credibility, and to the maintenance of public trust in the university, the University of Wisconsin
20 Oshkosh adopts this statement of policy and procedures for reviewing and investigating allega-
21 tions of scientific misconduct in research funded by the federal government. [Notes: (1) Refer-
22 ence: Title 42, Subchapter D, Part 50, Subpart A, Sec. 50.101-50.105, Code of Federal Regula-
23 tions; Federal Register, Vol 54, No. 151, Tuesday, August 8, 1989. (2) Allegations of scientific
24 misconduct not processed under these procedures shall be reviewed and processed under the
25 appropriate faculty or academic staff personnel rules.]

26 (2) Definitions: "misconduct in science" means fabrication, falsification, plagiarism or other practices
27 that seriously deviate from those that are commonly accepted within the scientific community for
28 proposing, conducting, or reporting research. It does not include honest error or honest differ-
29 ences in interpretations or judgments of data. (Reference: 42 CFR Part 50, subsection 501.101.)
30 Additionally, National Science Foundation regulations define misconduct as retaliation of any kind
31 against a person who reported or provided information about suspected or alleged misconduct
32 and who has not acted in bad faith. NSF-funded science education activity is included within this
33 misconduct in science policy.

34 (3) Statement of Policy.

35 Misconduct in science is prohibited at the University of Wisconsin Oshkosh, and may be cause for
36 discipline or dismissal. [The University of Wisconsin Oshkosh shall foster a research environment
37 that discourages misconduct in all research and that deals forthrightly with possible misconduct
38 associated with research for which federal funds have been provided or requested.

39 (4) Statement of Assurances -- General Criteria.

40 Consistent with this policy, the University of Wisconsin Oshkosh hereby provides the following as-
41 surances.

42 (a) We have established, and will comply with, the following administrative process for reviewing,
43 investigating, and reporting allegations of misconduct in science in connection with research
44 funded by the federal government that is either conducted at this University or sponsored by
45 this University.

46 (b) We will implement these policies and procedures, keep them current, and provide a copy to
47 anyone who requests it.

48 (c) We will take immediate and appropriate action as soon as we are informed of an allegation or
49 suspicion of misconduct in science by one of our employees or by other persons who are
50 within our control.

1 (d) During the course of our investigation of possible misconduct, and as provided in the follow-
2 ing procedures, we agree to inform and cooperate with the appropriate federal agency or
3 agencies.

4 We also acknowledge that our failure to comply with these assurances and the requirements of
5 federal regulations may result in enforcement action against the University, including loss of fund-
6 ing, and may lead to an investigation conducted by the appropriate federal agency.

7 (5) Procedures Establishing Specific Requirements for Inquiries, Investigations, and Reporting.

8 (a) Section 1. Inquiries into Possible Misconduct.

9 [Note: These procedures shall be implemented in a manner consistent with the protections af-
10 farded under section 230.80 et. seq. of the *Wisconsin Statutes* (the "Whistleblower law"). Re-
11 taliatory action is prohibited under section 230.83, Wis. Stats.]

12 1. Informal allegations or reports of possible misconduct in science shall be directed initially
13 to the person with immediate responsibility for the work of the individual against whom
14 the allegations or reports have been made. The person receiving such an informal report
15 or allegation is responsible for either resolving the matter or encouraging the submission
16 of a formal allegation or report.

17 2. Upon receipt of formal allegations or reports of scientific misconduct, the person with im-
18 mediate responsibility for the work of the individual against whom the allegations or re-
19 ports have been made shall immediately inform, in writing, the Provost and Vice Chancel-
20 lor.

21 3. The Provost and Vice Chancellor shall appoint an individual or individuals to conduct a
22 prompt inquiry into the allegations or report of misconduct.

23 a. The individual or individuals conducting the inquiry shall prepare a written report for
24 the Provost and Vice Chancellor describing the evidence reviewed, summarizing
25 relevant interviews and including the conclusions of the inquiry.

26 b. The inquiry must be completed within 60 calendar days of its initiation unless circum-
27 stances clearly warrant a longer period. If the inquiry takes longer than 60 calendar
28 days to complete, the reasons for exceeding the 60-day period shall be documented
29 and included with the record.

30 c. The individual against whom the allegations were made shall be given a copy of the
31 report of the inquiry by the Provost and Vice Chancellor, and shall have an opportu-
32 nity to respond to the report within 10 calendar days of receipt. Any response must
33 be in writing, and will become a part of the record of the inquiry.

34 d. To protect the privacy and reputation of all individuals involved, including the individ-
35 ual in good faith reporting possible misconduct and the individual against whom the
36 report is made, information concerning the initial report, the inquiry and any resulting
37 investigation shall be kept confidential and shall be released only to those who have
38 a legitimate need to know about the matter.

39 4. If the inquiry concludes that the allegation of misconduct is unsubstantiated, and an in-
40 vestigation is not warranted, the reasons and supporting documentation for this conclu-
41 sion shall be reported to the Provost and Vice Chancellor, who shall be responsible for
42 reviewing the conclusion of the inquiry. If the Provost and Vice Chancellor concurs in the
43 conclusion that an investigation is not warranted, his or her determination, and all other
44 supporting documentation from the inquiry, shall be recorded and the record maintained
45 confidentially in the Provost and Vice Chancellor's Office for a period of three years after
46 the termination of the inquiry. All concerned parties shall receive written confirmation from
47 the Provost and Vice Chancellor of the determination that further investigation is not war-
48 ranted.

49 5. If the inquiry or the Provost and Vice Chancellor determines that an investigation is war-
50 ranted, all concerned parties shall receive written notice of that determination and the
51 matter shall be subject to further review as provided in Section 2 of these procedures.

1 (b) Section 2. Investigation of Reported Misconduct.

- 2 1. If an investigation is determined to be warranted under Section 1 of these procedures,
3 the Provost and Vice Chancellor shall so inform the Chancellor. The Chancellor shall im-
4 mediately appoint a committee to conduct the investigation. The committee shall be com-
5 posed of impartial faculty members possessing appropriate competence and research
6 expertise for the conduct of the investigation, and no faculty member having responsibil-
7 ity for the research under investigation, or having any other conflict with the University's
8 interest in securing a fair and objective investigation, may serve on the investigating com-
9 mittee. [Note: If the investigation involves possible misconduct by a member of the aca-
10 demic staff, the Chancellor shall appoint academic staff to the investigating review panel
11 (faculty may also serve on that panel).] If necessary, individuals possessing the requisite
12 competence and research expertise who are not affiliated with the University of Wiscon-
13 sin Oshkosh may be asked to serve as consultants to the investigating committee.
- 14 2. The investigation must be initiated within 30 calendar days of the completion of the in-
15 quiry. The investigation normally will include examination of all documentation, including
16 but not necessarily limited to relevant research data and proposals, publications, corre-
17 spondence, and memoranda of telephone calls. Interviews should be conducted of all in-
18 dividuals involved either in making the allegation or against whom the allegations are
19 made, as well as others who might have information regarding key aspects of the allega-
20 tions. Summaries of interviews conducted shall be prepared and provided to the parties
21 interviewed for their comment or revision. These summaries shall be made a part of the
22 record of the investigation.
- 23 3. The individual making the allegation and the individual against whom the allegations are
24 made, and all others having relevant information shall cooperate fully with the work of the
25 investigating committee, and shall make available all relevant documents and materials
26 associated with the research under investigation.
- 27 4. The investigation should ordinarily be completed within 120 calendar days of its initiation.
28 This includes conducting the investigation, preparing the report of the findings, making
29 that report available for comment by the subjects of the investigation, and submitting the
30 report to the Chancellor. If the investigating committee determines that it cannot complete
31 the investigation within the 120-day period, it shall submit to the Chancellor a written re-
32 quest for an extension explaining the need for delay and providing an estimated date of
33 completion. If the research under investigation is funded by an agency within the Public
34 Health Service (PHS) or the National Science Foundation, Section 3 of these procedures
35 shall be followed.
- 36 5. The report of the investigation should include a description of the policies and procedures
37 under which the investigation was conducted, information obtained and the sources of
38 such information, an accurate summary of the position of the individual under investiga-
39 tion, the findings of the committee, including the bases for its findings, and the commit-
40 tee's recommendation to the Chancellor concerning whether the evidence of scientific
41 misconduct is sufficient to warrant discipline or dismissal under the applicable faculty or
42 academic staff personnel rules. All documentation substantiating the findings and rec-
43 ommendation of the investigating committee, together with all other information compris-
44 ing the record of the investigation, shall be transmitted to the Chancellor with the report,
45 upon completion of the investigation.
- 46 6. A copy of the investigating committee's report shall be provided to the individual being in-
47 vestigated. The Chancellor shall afford the individual under investigation an opportunity
48 to discuss the matter prior to taking action under Section (3) of these procedures.

49 (c) Section 3. Reporting to Office of Scientific Integrity (OSI) where research is funded by an
50 agency within PHS; or, Reporting to the Office of Inspector General (OIG), where research is
51 funded by the NSF.

- 52 1. A determination that an investigation should be initiated under Section 1.5. of these pro-
53 cedures must be reported in writing to the OSI Director or the OIG Director on or before
54 the date the investigation begins. The notification should state the name of the individuals

1 against whom the allegations of scientific misconduct have been made, the general na-
2 ture of the allegations, and the application or grant numbers involved.

- 3 2. During the course of the investigation, the granting agency should be apprised of any
4 significant findings that might affect current or potential funding of the individual under in-
5 vestigation or that might require agency interpretation of funding regulations.
- 6 3. The OSI must be notified at any stage of an inquiry or investigation if the University de-
7 termines that any of the following conditions exist:
 - 8 a. There is an immediate health hazard involved;
 - 9 b. There is an immediate need to protect federal funds or equipment;
 - 10 c. There is an immediate need to protect the interest of the person making the allega-
11 tions or of the individual who is the subject of the allegations as well as his or her co-
12 investigators and associates, if any;
 - 13 d. It is probable that the alleged incident is going to be reported publicly; or
 - 14 e. There is a reasonable indication of possible criminal violation. In that instance, the
15 University must inform OSI within 24 hours of obtaining that information.
- 16 4. If the University is unable to complete the investigation within the 120-day period, as de-
17 scribed above, the Provost and Vice Chancellor must submit to OSI a written request for
18 an extension and an explanation of the delay, including an interim progress report and an
19 estimated date of completion of the investigation. If the request is granted, the institution
20 must file periodic progress reports as requested by the OSI. If satisfactory progress is not
21 made in the University's investigation, the OSI may undertake an investigation of its own.
22 If an NSF-related investigation cannot be completed within 180 calendar days a similar
23 request and explanation must be submitted to the OIG.
- 24 5. If the University plans to terminate an inquiry or investigation for any reason without com-
25 pleting all the relevant requirements, a report of such planned termination, including a
26 description of the reasons for such termination, shall be made to OSI or OIG, which will
27 then decide whether further investigation should be undertaken.
- 28 6. Upon completion of the investigation, the University of Wisconsin Oshkosh will notify OSI
29 or OIG of the outcome, in a report which shall include the information and documentation
30 specified in Section (2)(5) of these procedures.

31 (d) Section 4. Other Action Following Completion of Investigation.

- 32 1. If the allegation of scientific misconduct is substantiated as a result of an investigation,
33 the Provost and Vice Chancellor shall notify the agency, if any, sponsoring the research
34 project of the result of the investigation. In such a case, the individual involved will be
35 asked to withdraw all pending abstracts and papers emanating from the scientific mis-
36 conduct, and the Provost and Vice Chancellor will notify editors of journals and spons-
37 oring agencies with which the individual has been affiliated if, based on the results of the
38 investigation, it is believed that the validity of previous research by the individual under
39 investigation is questionable.
- 40 2. Where scientific misconduct is substantiated, the University of Wisconsin Oshkosh will
41 take appropriate action, which may include discipline or dismissal, with regard to the em-
42 ployment status of the individual or individuals involved. Applicable personnel rules, poli-
43 cies and procedures set forth in Chapters UWS 4, 6, 11, and 13, *Wisconsin Administra-*
44 *tive Code* and related University policies shall govern discipline or dismissal actions re-
45 sulting from an investigation of scientific misconduct.
- 46 3. Where allegations of scientific misconduct are not substantiated by the investigation, the
47 University of Wisconsin Oshkosh shall make diligent efforts, as appropriate, to restore the
48 reputations of the persons alleged to have engaged in misconduct, and to protect the po-
49 sitions and reputations of those persons who, in good faith, made the allegations.

50 **GEN 1.5.(3). Care and Use of Animals.**

1 The University of Wisconsin Oshkosh encourages and supports free investigation by faculty, academic
2 staff and students into any general area of knowledge. The University's Institutional Animal Care and Use
3 Committee (IACUC) assists investigators and classroom instructors in ensuring that all animals used for
4 teaching, research, or other activities at this university shall be used and cared for according to the princi-
5 ples stated in the current "Guide for the Care and Use of Laboratory Animals" (National Research Coun-
6 cil), and the Animal Welfare Act (Public Law 89-544 and amendments), to conduct teaching, research, and
7 other activities. The IACUC reviews all project and instructional protocols involving animals, including ex-
8 tramural grant proposals, Faculty Development proposals, graduate student research, and independent
9 study courses. Each investigator must initiate the IACUC animal-use protocol review process at the ap-
10 propriate time so as not to delay or endanger their proposed activity. Animal use protocol forms are avail-
11 able from the Departments of Psychology and Biology/Microbiology or the College of Letters and Science
12 Dean's Office.

13 **GEN 1.6. Other Policies.**

14 **GEN 1.6.(1). Bloodborne Pathogen Policy.**

15 Definitions:

- 16 (1) Occupational exposure means reasonable anticipated skin, eye, mucous membrane, or par-
17 enteral contact with blood or other potentially infectious materials (OPIM) that may result from the
18 performance of an employee's duties.
- 19 (2) Bloodborne pathogen means pathogenic microorganisms that are present in human blood and
20 can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus
21 (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
- 22 (3) OPIM means the following human body fluids: semen, vaginal secretions, cerebrospinal fluid,
23 synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental proce-
24 dures, any body fluid that is visibly contaminated with blood, and all body fluids in situations
25 where it is difficult or impossible to differentiate between body fluids.

26 The Wisconsin Department of Commerce has issued a standard to protect workers whose jobs put them
27 at risk for occupational exposure to bloodborne pathogens (BBP). The standard follows guidelines issued
28 by the federal office of Occupational Safety and Health Administration (OSHA) and the Center for Disease
29 Control and Prevention (CDC).

30 University employees, identified by the University as having occupational exposure, have an important
31 role in the Bloodborne Pathogen Exposure Control Plan. They are responsible for:

- 32 (1) Knowing the nature of the tasks they perform and their risk of occupational exposure;
- 33 (2) Attending yearly BBP education and training sessions;
- 34 (3) Complying with the methods of exposure control required by the Standard and by this University;
- 35 (4) Accepting or declining the hepatitis B immunization series;
- 36 (5) Obtaining the medical record of previous hepatitis B immunizations if indicated;
- 37 (6) Initiating first aid if a biohazard exposure is incurred; and
- 38 (7) Reporting exposure incidents to supervisors immediately.

39 The University of Wisconsin Oshkosh Bloodborne Pathogen Policy and Exposure Control Plan is available
40 in the offices of unit directors and deans and the University's *library*.

41 **GEN 1.6.(2). Complimentary Tickets for Athletic and Cultural Events.**

42 Chapter 36.39 of the *Wisconsin Statutes* is the only statute restricting the provision of complimentary tick-
43 ets in the UW System. It is related to athletic events. The statute provides that:

44 Complimentary and reduced price tickets to any system athletic event for which an admission
45 fee is normally charged are prohibited with the following exceptions:

- 46 (1) Reduced price tickets for persons 62 years of age or older, minors and students;
- 47 (2) Complimentary and reduced price tickets required by rules of intercollegiate

1 athletic conferences in which the system participates; and
2 (3) Complimentary and reduced price tickets for individuals who perform duties directly related to the
3 conduct of the athletic event for which they are issued.

4 There is no Board of Regents or UW System policy that restricts the provision of complimentary or re-
5 duced price tickets to students and faculty for campus cultural events.

6 **GEN 1.6.(3). Honorary Degrees, Guidelines.**

7 Approved by Faculty Senate: March 13, 1990
8 Chancellor: March 26, 1990
9 Board of Regents: September 7, 1990

10 (1) Criteria.

11 The University of Wisconsin Oshkosh may bestow honorary doctoral degrees on individuals of
12 exceptional accomplishment and distinction who have made significant contributions to the Uni-
13 versity, region, state or nation; or demonstrated a consistently outstanding record of accomplish-
14 ment in their field of endeavor. All candidates must be endorsed by an appropriate academic pro-
15 gram unit, and recommended by the University Honorary Degree Committee.

16 (2) Degree Designations.

17 The following Honorary degree designations may be awarded by the University of Wisconsin Osh-
18 kosh:

- 19 Doctor of Laws (LL.D.);
- 20 Doctor of Science (SC.D.);
- 21 Doctor of Humane Letters (L.H.D.); and
- 22 Doctor of Literature (D.Lit.)

23 (3) Limitations.

24 To insulate the honorary degree from partisanship, to protect the award from possible conflicts of
25 interest and to protect nominees from possibly compromising positions, the following three cate-
26 gories of individuals are ineligible for an honorary degree from an institution of the University of
27 Wisconsin System.

- 28 (a) Public Officials and Political Appointees. Included are serving members of the Wisconsin Leg-
29 islature and the Wisconsin congressional delegation; elected and appointed officials; and all
30 members of the state judiciary.
- 31 (b) Regents. Included are serving members of the University of Wisconsin System Board of Re-
32 gents.
- 33 (c) University of Wisconsin System Employees. Included are currently employed faculty or staff
34 at each university and in System Administration.

35 Persons in any of these three categories could be eligible for consideration two years or more af-
36 ter they have vacated office or terminated employment. However, emeritus faculty and staff are
37 not eligible for honorary degrees unless they have achieved distinction in a second career follow-
38 ing retirement.

39 In awarding honorary degrees, the University of Wisconsin System does not assume any legal
40 obligations. The recipients receive no honoraria but the University of Wisconsin Oshkosh shall
41 assume all expenses incurred by the recipients which are associated with their participation in the
42 commencement.

43 (4) Honorary Degree Committee.

44 See Gov 6.2.

45 (5) Procedures.

46 Candidates for honorary degrees may be nominated by faculty, staff, students and private citi-
47 zens. These candidates will be evaluated solely on the merit of their credentials, and the criteria
48 established by the University of Wisconsin Oshkosh. In awarding degrees, the University will en-
49 courage diversity in ethnicity, gender and areas of study.

1 The nominator will assume full responsibility for gathering all information required for the assess-
2 ment of the nominee, recording this information on the appropriate form, providing the needed
3 supporting documentation and selecting the appropriate academic discipline. All nominees must
4 be endorsed by the appropriate academic program units. All activities related to the nomination of
5 candidates, the review of documentation supporting each nominee, and recommendation to the
6 Board of Regents must be conducted with a confidentiality appropriate to personnel matters. A
7 maximum of two candidates may be recommended to the Chancellor.

8 The campus recommendations for honorary degrees are presented to the President of the UW
9 System and are then forwarded to the Board of Regents for review and formal approval.

10 (6) Approval Process.

11 Board of Regent approval must be obtained at least two months prior to the commencement at
12 which the degree is to be conferred. For a Spring commencement the nominations must be re-
13 ceived for first reading by the Board in February and for a Winter commencement no later than
14 the October Board meeting.

15 As a matter of policy, the Board will generally limit to one the number of honorary degrees any in-
16 dividual may receive from the UW System. Therefore, the UW System Office of Academic Affairs
17 shall serve as a formal information exchange office to avoid duplication of nominees being ad-
18 vanced to the Board. The Chairperson of the Honorary Degree Committee must clear nominees
19 with the UW System Office of Academic Affairs before final institutional selections are determined.
20 Nominees selected must have approval of a majority of the four faculty on the Honorary Degree
21 Committee as well as approval of a majority of the Committee as a whole.

22 Upon Board of Regents approval of the institutional nominees for honorary doctorates, the Chan-
23 cellor will invite the candidate(s) to attend the commencement convocation at which the award is
24 to be conferred. Honorary degrees are not awarded *in absentia*, but they may be awarded post-
25 humously.