

# UW-RF Faculty/Academic Staff Handbook

## Chapter VII: UWS and UW-RF Policies

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## 7.1 General Policy Statement on Non-Discrimination

The University of Wisconsin-River Falls is committed to a policy of providing equal employment opportunity for all qualified individuals regardless of race, religion, creed, color, sex, national origin, ancestry, age, disability, marital status, pregnancy, sexual orientation, political affiliation, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or the state of Wisconsin.

Equal employment opportunity applies to all faculty, academic staff, classified, limited term and project positions, and to all employment practices including, but not limited to: recruitment, hiring, certification, testing, transfer, promotion, tenure, training,

compensation, benefits, layoff, contract non-renewal, termination, retention and committee assignments. UW-River Falls is committed to making every good faith effort to achieve the goal of equal employment opportunity.

Affirmative action goes beyond the concept of equal employment opportunity. Affirmative action means that the University is required to do more than ensure employment neutrality for women, racial/ethnic minorities and persons with disabilities. Affirmative action policies and programs are tools whereby additional efforts are made to recruit, employ and promote qualified members of these formerly excluded groups, even if that exclusion cannot be traced to particular discriminatory actions on the part of this University. Unless affirmative action is undertaken to overcome the effects of systematic institutional forms of exclusion and discrimination, nondiscriminatory employment practices will perpetuate the present imbalanced situation. Through specific and result-oriented activities the University's goals are to ensure that every person is given full consideration through equal employment policies and practices and to achieve a representative workforce through its affirmative action programs.

Further, UW-River Falls ensures physical accessibility to work environments for persons with disabilities and provides reasonable accommodation to ensure equal access to employment and all benefits associated with employment. When requested, reasonable accommodations for religious observances and practices will be provided.

The University of Wisconsin-River Falls examines periodically all employment policies for discrimination and if discrimination is found, takes remedial action to correct the problem. All management personnel share in the responsibility for monitoring affirmative action policies. Evaluation of management includes an assessment of performance effectiveness in assisting the University to achieve its affirmative action goals. The Assistant to the Chancellor for Equity and Compliance serves as the Affirmative Action Officer and is responsible for monitoring the effectiveness of equal opportunity and where necessary, the implementation of affirmative action programs. Persons seeking to file a complaint of harassment or discrimination may bypass their immediate supervisor and enlist the assistance of the Assistant to the Chancellor for Equity and Compliance.

Harassment by supervisors and/or co-workers on the basis of race, gender, sexual orientation, and other discriminatory bases are unlawful employment practices prohibited by state statutes and the Department of Employee Relations and will not be tolerated. Harassment in any form will be prevented and addressed in a way that eliminates its occurrence. Retaliation against an employee who files a discrimination or harassment complaint, or against anyone who assists in the preparation of, or testifies on behalf of an employee is itself considered a form of discrimination and will be treated as such.

## 7.2 Chancellor's Equal Employment Opportunity Policy Statement

The University of Wisconsin-River Falls continues to reaffirm its commitment to the

principle of equality of opportunity in employment and in education. In its most elementary form, adherence to the concept of equality of opportunity requires that we strive toward a condition in which considerations of race, religion, color, gender, disability, national origin, age, or ancestry are not determinants of the access an individual has to opportunities for education, for employment, and for achievement. Rather, the controlling factors in all such matters must be individual ability, interest, and merit.

Our present and future course, which goes beyond non-discrimination, i.e., the elimination of all policies and practices that work to the disadvantage of individuals on the basis of race, color, creed, religion, gender, sexual orientation, age, national origin, ancestry, disability, marital status, pregnancy, arrest or conviction record, political affiliation, veteran status, ancestry, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or this state, is based on the concept of equal opportunity and the appropriate use of affirmative action policies and programs as one tool to achieve these goals. The principle of equal employment requires the University to determine if it has met its responsibility to recruit, employ, promote, and reward groups of persons formerly excluded from full consideration in employment and education (women, persons of color, and the disabled) to a degree consistent with their availability and merit, and whether or not any failure to do so can be traced to specific discriminatory policies or actions. Where these groups of people are under represented, the University will make a good faith effort to recruit and employ them consistent with their availability. The premise of this commitment is that the corrosive effects of systematic exclusion, inattention, and discrimination cannot be remedied in appropriate ways and in a reasonable time by a posture of neutrality with respect to all individuals. The goal is to achieve equal employment opportunity and a representative workforce through specific and result-oriented programs and by exercising every good faith effort to achieve that goal.

While the University is obligated to develop and sustain a program of equal opportunity, we undertake these actions and these policies, not only because we are required to, but also because it is right and proper that we do so.

Gary A. Thibodeau, Chancellor  
University of Wisconsin-River Falls  
March 25, 1998

## 7.3 Chancellor's Statement on Non-Discrimination

The University of Wisconsin-River Falls is committed to principles that enable educational and professional enhancement of all ethnic and racial groups. The University mission statement emphasizes the importance of student awareness and appreciation of diverse cultures within the United States and the world. The present and future course of the University is designed to eliminate all policies and practices that work to the

disadvantage of individuals on the basis of race, religion, color, creed, gender, disability, sexual orientation, national origin, age or ancestry.

The University will not tolerate conduct which is racist and discriminatory and which involves harassment based upon the race, gender, religion, color, creed, disability, national origin, sexual orientation, ancestry or age of any individual. Such conduct is demeaning, destructive and isolating to the individuals involved, and directly at odds with the University goal of fostering racial understanding and cooperation.

It is the intention of this University community and administration to work diligently to eliminate all forms of discrimination. Major attention will continue to be directed at those institutional and personal patterns that directly and indirectly feed the destructive forces of racism.

## 7.4 Harassment and Other Discriminatory Conduct

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

The conduct defined above will be grounds for disciplinary action.

It is important to note that some acts may be construed as offensive and objectionable by an individual or groups but may not be harassing and discriminatory as defined by law. Harassing and discriminatory conduct will be decided on a case-by-case basis in accordance with federal and state laws and institutional guidelines.

## 7.5 Sexual Harassment

1990 Code of Conduct

Introduction The Umbrella Policy for the University of Wisconsin-River Falls Codes of Conduct addresses all forms of discrimination and harassment. Sexual harassment is intended to be covered by this document. Informal and formal adjudication approaches are described.

The policy addressing sexual harassment includes all campus employees, students, guests, or officials. The formal complaint procedures are intended to be compatible with existing institutional policies, UW System codes, and collective bargaining agreements. Throughout the policy statement, the role of the Assistant to the Chancellor for Equity and Compliance is emphasized as a resource in the conflict resolution and adjudication process. The policy must be viewed as a one aspect of an overall strategy to improve the campus climate. Equally important is the implementation of a variety of educational programs designed to increase sensitivity to issues of sexual harassment. It is recognized by the authors of this policy that ignorance, insensitivity, and limited awareness regarding sexual harassment are often at the root of acts resulting in the degradation and humiliation of individuals. Thus, educational intervention is also emphasized as a preferred intervention in the resolution of complaints at the informal level.

Definition Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made a stated or implied condition of an individual's employment, career advancement, grades, or academic achievement;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or
3. such conduct has the purpose and effect of unreasonably interfering with an individual's work or academic environment or performance by creating an intimidating, hostile, or offensive environment.

## 7.6 Process for Resolution of Complaints of Sexual Harassment or Discrimination

Following the alleged occurrence of a racist or discriminatory act, the victim of said act(s) has the choice of addressing the situation through a formal or informal complaint process. The degree of formality will be determined on a case-by-case basis in accordance with the expressed wishes of the victim(s), the Chancellor, the Assistant to the Chancellor for Equity and Compliance, and the appropriate hearing body. (See Wisconsin Administrative Code, Student Handbook, and Collective Bargaining Agreement for Classified Staff.) It is emphasized that an informal process, based on interpersonal conflict resolution and education, is preferred to a formal process with predetermined criteria and formal penalties. However, it is also noted that the formal process will be utilized in those situations warranting this approach.

*The Investigative Process*

The investigative process in sexual harassment/discrimination allegations is considered the first phase in complaint resolution. It is important that both the victim and the accused be protected throughout this process. Thus, it is imperative that anyone conducting the investigation be trained to understand all aspects of sexual harassment/discrimination, and that the investigation be conducted in an appropriate manner.

1. The person alleging sexual harassment or other discrimination discloses information about the incident to someone on campus (Assistant to the Chancellor for Equity and Compliance, faculty, Dean of Students, Dean of College, Director of School, etc.).
2. The Assistant to the Chancellor for Equity and Compliance is informed about the incident and the victim is encouraged to discuss it with him or her. If the person who is initially informed about the incident is someone other than the Assistant to the Chancellor for Equity and Compliance, that individual may accompany the victim to the Equity and Compliance Office.
3. Once a sexual harassment/discrimination complaint is received, the Assistant to the Chancellor for Equity and Compliance will begin a preliminary fact-finding investigation to determine the validity of the complaint. This preliminary phase includes informing the accused that a complaint has been made and an investigation is occurring. The Dean/Director/Unit Head or department chair/immediate supervisor of the accused may also be informed if necessary.

In some cases, the Assistant to the Chancellor for Equity and Compliance may act in the role of consultant and provide support and direction to a department chair, Dean, Director or administrator who elects to confront the accused person directly. In the case of students, the Dean of Students writes a letter to the accused student and schedules an appointment with him or her in order to discuss the complaint. The Assistant to the Chancellor for Equity and Compliance is included in the meeting. The Assistant to the Chancellor for Equity and Compliance is informed from the beginning and monitors the outcome of all cases handled without his or her direct involvement. Such cases are the exception rather than the rule, however, and most sexual harassment/discrimination incidents handled at the informal level involve the Assistant to the Chancellor for Equity and Compliance in the resolution process.

Following the investigation, the alleged victim of the alleged sexual harassment will decide whether to proceed at a formal or informal level.

### *Informal Resolution*

An informal approach to resolving the complaint is used under the following circumstances:

1. The person making the complaint agrees to an informal approach.

2. The conduct in question is not of such a serious nature that it requires legal proceedings.

3. All other involved parties agree to utilize an informal mechanism to address the complaint.

The informal resolution of sexual harassment/discrimination involves several approaches. Every effort is made to enlighten the accused individual regarding the effect his or her conduct has had on the alleged victim. If the attitude on the part of the accused seems particularly resistant, then counseling is strongly recommended. The person filing the complaint may elect to be present during a meeting with the accused, but that is not required. If the accused denies the conduct and refuses to comply with recommendations, the alleged victim may choose to file a formal complaint. If the accused party does not dispute the accusation and agrees to cease the conduct and comply with recommendations, he or she is informed that any future incidents will be handled at the formal level. In those cases where a complainant decides not to reveal his or her name and chooses not to pursue the incident at either the formal or informal level, the accused individual is warned about the allegations without being told the identity of the accusing party. This is done to protect the rights of confidentiality of the accusing person while taking responsible institutional action and addressing the existence of the allegation. The accused person is informed that such an allegation has been made and that if true, all such conduct must stop immediately.

Informal resolution may involve a combination of educational strategies. The goal is to increase understanding and expand awareness of the effects of harassing or discriminatory conduct at a personal and social level. The goal is also to provide a "fair warning" regarding the seriousness of such acts and to inform the harassing individual that any future acts of this nature will be subject to formal sanctions. Basic to this approach is (1) the determination of the seriousness of the complaint; (2) the alleged victim's satisfaction with the resolution; and (3) emphasis on the education of the alleged harasser.

### *Learning*

Objectives Learning objectives for participants in educational programs (used to address informal complaints of harassing conduct) may include the following:

1. Inform participants that UW-RF prohibits sexual harassment/ discrimination and that such conduct will not be tolerated.

2. Inform participants that once they have participated in an educational program as the result of committing an act of discrimination or sexual harassment, further acts of this nature will be considered "intentional" and subject to formal sanctions.

3. Assist participants in identifying harassing or discriminatory conduct in themselves and others.

4. Expand awareness of, sensitivity to, and understanding about the effects of harassing or discriminatory conduct on those who are the victims of such acts.

5. Increase knowledge and understanding of the historical and societal context of sexual harassment and racist or discriminatory conduct.

#### *Educational Programs*

Educational Programs may involve participation in one or more of the following:

1. a face-to-face meeting with the victim(s)

2. seminars

3. video presentations

4. reading assignments

5. discussion groups

#### *Formal Complaint*

Process Faculty/Academic Staff, Students, Classified Staff, Officials and Guests:

A formal approach to the resolution of complaints involves the following processes:

1. The complaint of the sexual harassment or discriminatory conduct is received by the Assistant to the Chancellor for Equity and Compliance, the Chancellor, the Provost & Vice Chancellor, or other campus official. If anyone other than the Assistant to the Chancellor for Equity and Compliance receives the complaint, the Assistant to the Chancellor for Equity and Compliance is immediately informed.

2. The Assistant to the Chancellor for Equity and Compliance, after a fact-finding inquiry and in consultation with those involved, will make a recommendation to the Chancellor regarding the most appropriate means of addressing the complaint.

#### *Due Process*

3. Adequate due process is afforded to the faculty member, academic staff member, student, classified staff, official, or guest alleged to have committed the sexual harassment or discriminatory act. Adequate due process is determined by the policies and guidelines of the institutional hearing and complaint processes accorded to the accused employee. These include:

A. Faculty: See Handbook Chapter IV: Faculty Personnel Rules: RF 9 and RF 10.

B. Academic Staff. See Handbook Chapter VI: Academic Staff Personnel Rules: UWRF 11 and 12.



C. Students: see Student Handbook, UW-RF Process for Resolution of Complaints.

D. Classified Staff. See Classified Handbook: Employment Policies and Procedures.

4. Upon completion of the fact-finding investigation, the Assistant to the Chancellor for Equity and Compliance will report the findings to the Chancellor and will make recommendations concerning disciplinary action or other appropriate recommendations.

5. In the case of a faculty or staff member accused of sexual harassment/discrimination and depending on the seriousness of the allegation, a combination of any of the following may be used: (a) placing a letter in the personnel file of the accused individual describing the allegations and nature of response, (b) enforced leave without pay, (c) dismissal from the University. Actions (a) and (b) may also include a requirement that the accused individual obtain counseling and verify same to the institution. All cases involving outside legal action wherein the accused is found guilty of harassment and/or discrimination are handled at the formal level.

In the case of a student accused of sexual harassment or discrimination, and depending on the seriousness of the allegation, the Dean of Students works closely with the Assistant to the Chancellor for Equity and Compliance to document the nature of the alleged conduct and recommends action to the Chancellor which may include (a) required counseling and/or (b) temporary or permanent expulsion from the University. All cases involving outside legal action wherein the accused is found guilty of harassment and/or discrimination are handled at the formal level.

All persons who register a complaint of sexual harassment and/or discrimination are informed of the option to pursue legal action outside the University community.

The victim of alleged sexual harassment/discrimination acts may file a formal complaint under the following circumstances:

1. The alleged victim of said acts concludes that the informal process is inadequate to address the serious nature of the sexual harassment/ discrimination conduct alleged to have occurred; and/or
2. The person accused of sexual harassment/discrimination acts has been given previously warned demanding that such conduct must cease; and/or
3. The accused individual desires adjudication at a formal level; and/or
4. The sexual harassment/discrimination conduct falls within criminal codes covered under local, state or federal laws.

# 7.7 Reasonable Accommodations Policy

## Purpose

It is the policy of the University of Wisconsin-River Falls to provide reasonable accommodations for qualified handicapped individuals who are employees or applicants for employment. This organization will adhere to all applicable federal, state and local laws, regulations, and guidelines with respect to providing reasonable accommodations as required to afford equal employment opportunity to qualified handicapped individuals. Reasonable accommodations shall be provided in a timely and cost-effective manner.

## Definitions HANDICAPPED INDIVIDUAL:

Any person who has, or who has acquired a physical or mental impairment, has a record of such impairment, or who is regarded as having an impairment, which limits one or more major life activities, such as self care, performing manual tasks, seeing, hearing, speaking, breathing, and working on a temporary or permanent basis.

## PHYSICAL OR MENTAL IMPAIRMENT:

Any physiological disorder, disfigurement, or anatomical loss or limitation, or any mental or psychological disorder acquired as a result of illness, accident or birth.

## QUALIFIED HANDICAPPED INDIVIDUAL:

A handicapped individual whose experience, education and/or training enable the person with reasonable accommodation to perform the essential functions of the job.

## REASONABLE ACCOMMODATION:

The effort made to make adjustments for the impairment of an employee or applicant by structuring the job or the work environment in a manner that will enable the handicapped individual to perform the essential functions of the job. Reasonable accommodation includes, but is not limited to, modifying written examinations, making facilities accessible, adjusting work schedules, restructuring jobs, providing assistive devices or equipment, providing readers or interpreters, and modifying work sites.

## 7.8 Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws

discrimination against individuals with disabilities in state and local government services, public accommodations, transportation and telecommunications.

Specific questions pertaining to the provisions of the ADA should be directed to:

(1) Employment issues: Personnel Office

(2) Public Accommodations, etc.: Facilities Management Office

## 7.9 Statement on Consensual Relationships

[FS 91/92 #26]

Consenting romantic and/or sexual relationships between persons where a power differential exists (e.g., faculty and student, supervisor and employee, tenured and nontenured faculty) are strongly discouraged and should be avoided. Consensual relationships are of concern for two primary reasons: (1) conflict of interest and (2) abuse of power differential.

Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships when there is an imbalance of power in the relationship (e.g., between faculty of different ranks, faculty or other instructional staff and students, between supervisor and employee). General ethical principles, reflected in the University's nepotism policy, preclude individuals from evaluating the work or academic performance of relatives, family members and/or spouses and from making hiring, salary or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships. Should such relationships develop, appropriate arrangements for objective decision-making (e.g., grades, promotion, salary determination, hiring) must be made.

Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual relationship involving a power differential the potential for serious consequences remains. Although the policy does not expressly forbid romantic and/or sexual relationships between individuals when a power differential exists, it discourages such conduct. Individuals entering into such relationships must recognize that the reasons for entering such a relationship may be a function of the power differential.

A person entering a romantic and/or sexual relationship where a power differential exists (e.g., faculty and student, supervisor and employee, tenured and nontenured faculty) must realize that if a charge of sexual harassment is subsequently lodged, even in a seemingly consensual relationship, there are limited after-the-fact defenses against charges of sexual harassment. The individual with the power in the relationship will bear the burden of accountability. Liability protection under Wisconsin statute will probably not apply to

protect the accused in subsequent litigation arising out of the relationship's effect on the student or employee.

## 7.10 Scientific Misconduct

Recognizing that honesty in the conduct of academic research is fundamental to its integrity and credibility and to the maintenance of public trust in the University, the UW-River Falls adopts these policies and procedures for reviewing and investigating allegations of scientific misconduct.

Faculty and staff are reminded that Chapter UWS 8 of the Wisconsin Administrative Code, the Unclassified Staff Code of Ethics, provides that:

Every member of the faculty and academic staff at the time of appointment makes a personal commitment to professional honesty and integrity that meets the demanding standards of the state and national academic communities.

Students are reminded that Chapter UWS 14, Student Academic Disciplinary Procedures, provides under Statement of Principles:

The Board of Regents, administrators, faculty, academic staff and students of the University of Wisconsin system believe that academic honesty and integrity are fundamental to the mission of higher education and of the University of Wisconsin system. The University has a responsibility to promote academic honesty and integrity and to develop procedures to deal effectively with instances of academic dishonesty. Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect for others' academic endeavors. Students who violate these standards must be confronted and must accept the consequences of their actions.

Policy and Definition For purposes of these policies and procedures, "misconduct in science" or "misconduct" means fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

Misconduct in science is prohibited at UW-River Falls, and may be cause for discipline or dismissal.

Misuse by a researcher of University funds (including grant and contract funding from extramural sponsors) is also cause for discipline or dismissal and may be cause for criminal prosecution. However, an allegation of misuse of funds is not within the scope of this policy; such allegation shall be referred to the Provost & Vice Chancellor, who will consult with the Controller concerning an appropriate course of action.

A violation of institutional procedures or federal regulations on the protection of human or animal research subjects or a violation of state or federal safety laws or regulations is also not within the scope of this policy. An allegation regarding any such violation shall be promptly referred to the chair of the Institutional Review Board in cases involving human subjects, to the chair of the Animal Care Committee in cases involving animal subjects, or to the Chancellor in cases involving safety.

The goal of the procedures outlined below is to assure the integrity of scholarly research, to achieve a rapid and equitable resolution of all charges and to assure that all parties are treated with fairness. In order to protect the reputation of an innocent party, the procedures will preserve the maximum level of confidentiality consistent with law and with justice for all parties to these procedures. All parties will take whatever action is required to avoid any unnecessary conflict of interest.

Where an inquiry or investigation results in a finding that no misconduct has occurred, the University will not institute a new inquiry or investigation into an allegation of misconduct where the allegation is made against the same person and is based on material facts which were reviewed and found not to constitute misconduct during the prior inquiry or investigation, unless new material evidence is presented by a different complainant, or unless the person who is the subject of the inquiry or investigation requests another proceeding.

Because of the difficulties of assessing stale claims and the unfairness to the person against whom the allegation is made, allegations based on conduct which occurred seven years or more prior to the making of the allegation will not be inquired into under this policy unless the circumstances indicate that the alleged conduct was not discoverable earlier.

Procedures (1) Inquiry upon allegation or other evidence of possible misconduct:

(a) Informal allegations or reports of possible misconduct in science shall be directed initially to the person with immediate responsibility for the work of the individual against whom the allegations or reports have been made. The person receiving such an informal report or allegation is responsible for either resolving the matter or encouraging the submission of a formal allegation or report. Upon receipt of formal allegations or reports of scientific misconduct, the person with immediate responsibility for the work of the individual against whom the allegations or reports have been made shall immediately inform, in writing, the Provost & Vice Chancellor.

(b) The Provost & Vice Chancellor shall appoint an individual or individuals to conduct a prompt inquiry into the allegation or report of misconduct.

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

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

3. The individual against whom the allegation was made shall be given a copy of the report of the inquiry by the Provost & Vice Chancellor, and shall have an opportunity to respond to the report with 10 days of receipt. Any response must be in writing, and will become a part of the record of the inquiry.

4. To protect the privacy and reputation of all individuals involved, including the individual in good faith reporting possible misconduct and the individual against whom the report is made, information concerning the initial report, the inquiry and any resulting investigation shall be kept confidential and shall be released only to those having a legitimate need to know about the matter.

(c) If the inquiry concludes that the allegation of misconduct is unsubstantiated and an investigation is not warranted, the reasons and supporting documentation for this conclusion shall be reported to the Provost & Vice Chancellor, who shall be responsible for reviewing the conclusion of the inquiry. If the Provost & Vice Chancellor concurs in the conclusion that an investigation is not warranted, his or her determination and all other supporting documentation from the inquiry shall be recorded and the record maintained confidentially for a period of three years after the termination of the inquiry. If the inquiry or the Provost & Vice Chancellor determines that an investigation is warranted, the procedures in paragraph (2) shall be followed.

(2) Investigation of reported misconduct in science:

(a) If an investigation is determined to be warranted under paragraph (1), the Provost & Vice Chancellor shall so inform the Chancellor. The Chancellor shall immediately appoint a committee to conduct the investigation. The committee shall be composed of impartial faculty members possessing appropriate competence and research expertise for the conduct of the investigation, and no faculty member having responsibility for the research under investigation, or having any other conflict with the University's interest in securing a fair and objective investigation, may serve on the investigating committee. If necessary, individuals possessing the requisite competence and research expertise who are not affiliated with UW-River Falls may be asked to serve as consultants to the investigating committee.

(b) The investigation must be initiated within 30 days of the completion of the inquiry. The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. Interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as others who might have information regarding key aspects of the allegations. Summaries of interviews conducted shall be prepared, and provided to the

parties interviewed for their comment or revision. These summaries shall be made a part of the record of the investigation.

(c) The individual making the allegation, the individual against whom the allegation is made, and all others having relevant information shall cooperate fully with the work of the investigating committee, and shall make available all relevant documents and materials associated with the research under investigation.

(d) The investigation should ordinarily be completed within 60 days of its initiation unless conditions warrant a longer period. This includes conducting the investigation, preparing the report of the findings, making that report available for comment by the subjects of the investigation, and submitting the report to the Chancellor. If the investigating committee determines that it cannot complete the investigation within the 120-day period, it shall submit to the Chancellor a written request for an extension, explaining the need for delay and providing an estimated date of completion. If the research under investigation is funded by an agency within the Public Health Service (PHS), the procedures under paragraph (3) (d) of this policy also apply.

(e) The report of the investigation should include a description of the policies and procedures under which the investigation was conducted, information obtained and the sources of such information, an accurate summary of the position of the individual under investigation, the findings of the committee, including the bases for its findings, and the committee's recommendation to the Chancellor concerning whether the evidence of scientific misconduct is sufficient to warrant discipline or dismissal under the applicable faculty or academic staff personnel rules. All documentation substantiating the findings and recommendation of the investigating committee, together with all other information comprising the record of the investigation, shall be transmitted to the Chancellor with the report, upon completion of the investigation.

(f) A copy of the investigating committee's report shall be provided to the individual being investigated. The Chancellor or appropriate administrative officer shall afford the individual under investigation an opportunity to discuss the matter prior to taking action under paragraph (3) of this policy.

(3) Reporting to Office of Scientific Integrity (OSI) where research is funded by PHS grants: Where research is funded by an agency within PHS:

(a) A determination that an investigation should be initiated under paragraph (1)(c) must be reported in writing to the OSI Director on or before the date the investigation begins. The notification should state the name of the individuals against whom the allegations of scientific misconduct have been made, the general nature of the allegations, and the PHS application or grant numbers involved.

(b) During the course of the investigation, the granting agency should be apprised of any significant findings that might affect current or potential funding of the individual under investigation and that might require agency interpretation of funding regulations.

(c) The OSI must be notified at any stage of an inquiry or investigation if the University determines that any of the following conditions exist:

1. there is an immediate health hazard involved;
2. there is an immediate need to protect federal funds or equipment;
3. there is an immediate need to protect the interests of the person making the allegations or of the individual who is the subject of the allegations as well as his or her co-investigators and associates, if any;
4. it is probable that the alleged incident is going to be reported publicly;
5. there is a reasonable indication of possible criminal violation. In that instance, the University must inform OSI within 24 hours of obtaining that information.

(d) If the University is unable to complete the investigation within the 60-day period, as described above, the Provost & Vice Chancellor must submit to OSI a written request for an extension and an explanation of the delay, including an interim progress report and an estimated date of completion of the investigation. If the request is granted, the institution must file periodic progress reports as requested by the OSI. If satisfactory progress is not made in the institution's investigation, the OSI may undertake an investigation of its own.

(e) If the University plans to terminate an inquiry or investigation for any reason without completing all the relevant requirements, a report of such planned termination, including a description of the reasons for such termination, shall be made to OSI, which will then decide whether further investigation should be undertaken.

(f) Upon completion of the investigation, UW-River Falls will notify OSI of the outcome, in a report which shall include the information and documentation specified in paragraph (2)(e) of this policy.

(4) Other action following completion of investigation.

(a) If the allegation of scientific misconduct is substantiated as a result of an investigation, the Provost & Vice Chancellor shall notify the agency, if any, sponsoring the research project of the result of the investigation. In such a case, the individual involved will be asked to withdraw all pending abstracts and papers emanating from the scientific misconduct, and the Provost & Vice Chancellor will notify editors of journals in which relevant papers appeared. In addition, other institutions and sponsoring agencies with which the individual has been affiliated shall be notified if, based on the results of the investigation, it is believed that the validity of previous research by the individual under investigation is questionable.

(b) Where scientific misconduct is substantiated, UW-River Falls will take appropriate action, which may include discipline or dismissal, with regard to the employment status



of the individual or individuals involved. Applicable personnel rules, policies and procedures set forth in Chapters UWS 4, 6, 11 and 13, Wisconsin Administrative Code and related University policies shall govern discipline or dismissal actions resulting from an investigation of scientific misconduct.

(c) Where allegations of scientific misconduct are not substantiated by the investigation, UW-River Falls shall make diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct, and to protect the positions and reputations of those person who, in good faith, make allegations. [FS 92/93 #6]

## 7.11 Open Meeting Law

Wisconsin has an "open meeting" law which is applicable to formal meetings and to official departmental meetings. The provisions of the "Open Meetings of Governmental Bodies" are contained in Chapter 19 sections 19.81-19.98 of the Wisconsin Statutes. However, departments and their sub-units in any University of Wisconsin institution or campus are exempt from certain provisions dealing with public notice and are required only to provide meeting notices which are likely to apprise interested persons and news media who have filed written requests for such notice. Closed sessions are permitted under certain circumstances involving personnel matters, and details of these have been distributed to the Deans, Director and department chairs.

## 7.12 Nepotism

The University's nepotism policy precludes individuals from evaluating the work or academic performance of relatives, family members and/or spouses and from making hiring, salary or similar financial decisions concerning such persons.

## 7.13 Risk Management Policy

Risk Management is the assumption of responsibility for recognizing, measuring and controlling the exposures to loss of both human life and property which are created by the activities of the University. The University is insistent upon promoting a policy of sound risk management that provides facilities, services and working conditions that are conducive to safety, security and maximum efficiency. UW-River Falls strives to operate a risk management program that is consistent with U.W. System, state, and federal requirements. Such programs attempt to protect employees, students and members of the general public involved in University activities on or off the campus. It is also entrusted to protect the physical properties of the University and state. The University also expects its faculty, staff and students to exercise good judgment in connection with safety regulations and methods relating to their personal safety and well-being.

The Risk Management Coordinator provides guidance, advice and other aid as may be needed by department administrators, faculty members, staff and students. The coordinator gathers information regarding accidents and incidents and files claims accordingly and acts as liaison between the University and Central Risk Management and/or State Risk Management. The Risk Management Coordinator works closely with the Public Safety Department, the Worker's Compensation/ Personnel Office, the Property Control/ Purchasing Department, the Physical Plant and Campus Planning Office in all loss control matters. The campus risk management responsibility is coordinated by the Coordinator of Purchasing Services in cooperation with the Department of Public Safety.

Department chairs, unit supervisors and instructors are expected to encourage employees, students and visitors to comply with safety rules and regulations such as wearing of personal protective equipment and use of safety guards. Their efforts should be directed toward maintaining a safe working environment in all areas under their direction. Their duties include the protection of University property within their department area from theft and damage.

Department and unit heads should report all accidents and injuries to the Risk Management Coordinator within 12 hours after their occurrence. Thefts or malicious damage, lightning and weather-related damage, or any other destruction of property should be reported to the Risk Management Coordinator as soon as possible after the occurrence. These initial reports will be followed by written reports to appropriate University and state offices for possible insurance claim and reimbursement.

## 7.14 Safety and Health Policy

It is the policy of the University of Wisconsin River Falls that every employee, student and visitor be afforded a safe and healthful working environment within the scope of available resources.

As a person enters the employment of the University, he or she has the right to be informed of and inquire about safe working conditions, along with proper working tools to perform safely on the job.

Using appropriate resources, it is the intent of the University to provide a mutually profitable and harmonious working environment with University employees. Therefore, the University will attempt to provide a safe work place, proper equipment and materials, and establish and monitor that proper safety procedures be practiced. Everyone has a responsibility to make safety a continuing concern. Each University employee must share in the concern regardless of the capacity in which he or she functions.

With this attitude in mind, joint cooperation between the employee and the University will contribute significantly to safe working conditions and strive for accident -free

performance to the advantage of the entire University community. The responsibility for campus safety is delegated to the Office of Public Safety.

## 7.15 Injuries

If a University staff member or a student employee is injured the Personnel Office should be contacted.

Every injury, no matter how minor, must be reported to the Office of Public Safety.

## 7.16 Non-Owned Property On Campus (1/7/83)

Normally, anyone having personal property on campus or property used in projects off campus is expected to provide his or her own insurance coverage on such property.

### *Employee*

Property Under specific situations or circumstances, the University will accept responsibility of a limited nature for the equipment while it is in the University's care, on University premises or being used exclusively on University business at the time. "Limited Nature" means coverage and conditions would be similar to that which the University obtains for its own property of like kind.

Examples:

- Personal library (all or part) or equipment when needed to be used by others whether they be colleagues, researchers, or students;
- Equipment furnished for research or special projects, on or off campus, by an employee where the property would normally not be expected to be owned or used by the employee in his or her particular discipline or specialty. Without the employee's property, the University would have to purchase similar items to carry out its mission.

### *Non-Employee*

Property Property from outside organizations usually has specific requirements regarding the University's responsibility for the equipment. If a formal lease or contract is not in effect or if the requirements for responsibility are not specific, the University may accept responsibility for the items on loan or lease by request from the department chair, or in the case of a project, the coordinator or his or her assistant. Some lessors require that we, the lessee, be responsible for any loss to the equipment covered by the lease. This means

that a non-deductible, non-exclusion type all-risk coverage is required. With this latter type the department would have to cover the deductible portion. If possible, it is desirable to have such a clause deleted from the leasing agreement. The second best alternative is to have the clause changed to make the University responsible only to the extent that coverage is available from the State for state-owned property. If the lessor will not accept either of the above two alternatives, the lessor should be asked to obtain his or her own insurance and pass the cost of such insurance on to the University through an integrated part (not noted as insurance) of the rental charge. If a particular lessor will not permit any of the three, the University department leasing the equipment should understand that departmental funds must be used to cover losses not covered.

The preceding alternatives on leased property are based on what protection the University has for its own property. On contacting the State Claims Board, the approaches suggested previously are more compatible with their opinion of how coverage should be effective.

### *Coverage*

Request A "Coverage Request-Borrowed Items" form is available from the Risk Management Department. This form contains the necessary information for providing coverage on those borrowed or leased items. The following procedure is applicable when using this form:

1. In all cases, the request should be personally signed by the department chair, coordinator, or his or her assistant.
2. It is highly desirable, but not mandatory, to have the owner co-sign the request to prevent any misunderstanding of the extent of responsibility and coverage.
3. It is the responsibility of the campus risk management coordinator to review the request to determine if the leased or borrowed property qualifies for acceptance of responsibility by the University. Questions regarding what type of equipment may qualify should be directed to System Risk Management.

Copies of the completed form must be logged by the Campus Risk Manager and are subject to audit by DOA or System Risk Management.

## 7.17 Direct Payment of Personal Property Losses from Department Funds

Individuals, both employees and non-employees, occasionally experience property losses or damage to personal property and clothing while in the performance of official duties or

while personal property is in the custody of the University of Wisconsin and its employees. It is necessary to delineate the policy and procedures by which an individual may be reimbursed when the loss or damage is not covered by insurance. The State Claims Board was the traditional source of funds from which a loss or damage was compensated. Section 16-007(6m), Wisconsin Statutes, permits the Claims Board to direct from which specific appropriation a claim may be paid. Approved claim payments may now be charged to departmental funds, whereas all claims were previously charged to a state Sum Sufficient appropriation. When damage to personal property of others occurs for which the University of Wisconsin is responsible and for which no coverage is available, University departments may authorize the individual to submit a claim against departmental funds for reimbursement of the damage or loss. Examples of claims which may be considered are those from:

A. Employees for unusual losses or damage to personal property or clothing which occurred in the performance of their University of Wisconsin duties, but excluding losses or damage resulting from the employee's negligence.

B. Students for property losses while property was in the custody of Wisconsin employees to aid them in their University of Wisconsin duties, or property damaged while in a University of Wisconsin facility, but excluding losses or damage resulting from the student's negligence.

Individuals who sustain a loss or damage to personal property which is not covered by insurance including State property and liability may submit a claim for reimbursement of up to \$300 on a travel expense report to the department chairperson or supervisor for transmittal to the institution's Risk Manager. The claim must be supported by the following:

*Procedures*

A. A statement from the individual detailing how loss or damage occurred.

B. A receipt, invoice, canceled check or other documentation acceptable to the institution to substantiate the cost of repairing the item(s) damaged or showing the purchase price less any depreciation to determine value at time of loss or damage.

C. An explanation of why the University of Wisconsin is deemed liable for reimbursement.

Claims must be reviewed and approved at the department level and submitted to the institution's Risk Manager for review to determine if other coverage is available. If approved by the institution's Risk Manager, the claim should be forwarded to the institution's accounts payable office for processing and audit and submission to System Pre-Audit for final audit and payment. Additional information can be obtained from the Campus Risk Manager at 3232.

# 7.18 Fleet Vehicle Use

Procedure Employees should follow this procedure when using fleet vehicles:

- Authorization forms to drive state vehicles can be obtained at the office of Public Safety. These forms should be completed well in advance to allow time for the employee's license to be checked through DOT.
- Fleet vehicles are reserved through the Fleet Office at Facilities Management. Employees are to schedule fleet vehicles well in advance of the anticipated departure.
- Vehicle malfunction is to be reported immediately upon return to the Fleet Office; alternatively, the problem can be indicated on the vehicle request form when it is returned with the vehicle.
- Accidents are to be reported to the local law enforcement agency, to the Risk Management Office, and to the Fleet Office. The accident report kit is in the vehicle glove compartment.
- Obey all traffic laws.
- Drive safely and use the seat belt.
- Check ahead for weather and road conditions.
- Smoking is prohibited in state vehicles.

## *Policies*

Spouses, children, friends, students, and other individuals may not ride in or drive a state vehicle unless:

- Drivers have been authorized by the Office of Public Safety and
- Passengers are on state business.
- Pets are not to be taken in state vehicles. Seeing eye dogs would be allowed.

The Vice Chancellor for Administration and Finance may make exceptions to the above items.

Hitchhikers are not permitted to be picked up in state vehicles.

State vehicles are permitted to render emergency assistance to other vehicles and their driver and passengers by transporting said person(s) to the nearest service station or law enforcement agency. Jump starting, towing and pushing with state vehicles is prohibited.

The Fleet Vehicle Policy Handbook describes relevant policies including permitted and prohibited use of state vehicles, liability protection limitations, and accident reporting procedures.

## 7.19 Copyright

Law Under the copyright law, the copyright owner has the exclusive right to reproduce and distribute the work. The "Fair Use Exception" permits copying without the copyright owner's permission for purposes such as criticism, comment, teaching, scholarship or research.

In determining whether the use is a fair use the law requires consideration of the following factors:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work. (17 U.S.C. sec. 107)

The determination of fair use is made on a case-by-case basis. It is important to note that the law applies even to material distributed free to the students. It holds the course instructor responsible if the copying is done at his or her request, even if it is an outside copy center that reproduces and distributes the work. The University's own policy is that teaching staff are expected to secure permission from the copyright owners unless the intended use clearly is permissible under the "fair use" exception.

### *Permissible Copying*

The American Library Association (ALA) has developed model guidelines for classroom, research and library use of copyrighted materials. We believe they provide a realistic approach to the University's need to disseminate meaningful and current information in its instructional program. These ALA guidelines are available in the Publications Office; they also contain a sample letter for requesting permission to copy and a summary of infringement remedies available to the copyright owner.

Despite the availability of the ALA guidelines, no automatic formula determines whether a use is a fair use. However, we believe one would be in compliance with the law if:

1. the materials are not used repeatedly; that is, one has not used them in preceding classes and one does not intend to use them in subsequent classes;
2. no more than one copy is made for each student;
3. the notice of copyright is included on each copy distributed;
4. the students are not assessed a fee beyond the actual cost of reproduction; and
5. in the case of longer materials and books, the portion copied is selective and sparing in comparison to the whole of the work..

The right to make multiple copies is weakened if there is any reason to believe that the copying will directly affect the potential market for the work or if was done without permission when the decision to copy was made with sufficient lead time to request permission. This does not mean, however, that an instructor has free license to copy what he or she wishes if the decision is made the week before classes start.

#### *Publisher Recognized Guidelines*

An agreement between the Association of American Publishers (AAP) and the American Council of Education accepts the points listed above, but also urges use of a quantitative standard. It argues that "fair use" should not permit the copying of any poem longer than 250 words or the copying, in full, of any prose work longer than 2500 words (although 10% of any longer prose work could be copied up to a maximum of 1000 words). The AAP would also insist that not more than one photo or diagram should be copied from any single book or periodical, that the decision to copy be a spontaneous one, and that no anthologies or collective works be created by means of copying. A spontaneous decision would be made, for example, where an article, etc., has just appeared in a journal and it is related to subject matter being covered in a course. The publishers are using these standards in arguing their current (1983) case against New York University and several of its professors. The AAP has raised particular concern about the creation of anthologies which use copyrighted material without permission in order to produce a volume used as a textbook or class-reader. One court has found the AAP guidelines "instructive" in a case dealing with the distribution of copies of a copyrighted work in a secondary school classroom.

#### *Recommended Procedures- Multiple Copying for Classroom Use*

In the absence of any satisfactory definition of "fair use" by court test or law, individual judgment must be exercised. The UW-Madison Office of Legal Counsel believes that the ALA guidelines provide a more realistic approach in the University context and that staff will be complying with the law if they follow these guidelines carefully.



The ALA advises faculty to be "selective and sparing" in copying, but to reject for University situations the arbitrary limits proposed by the publishers.

More detailed information about copyright law and the use of copyrighted materials in the classroom is available in the Publications Office, 121 North Hall.

## 7.20 University Policy-Computer Software Copyright Violation

The University has a copyright policy, which has been signed and approved by the Chancellor and Faculty Senate, and violations of this policy may make the individuals responsible personally liable. The policy is reproduced below with some examples of what is illegal and some recommendations that departments check that they are not in violation of the policy.

Whether the software was procured for administrative or academic use, the University, its faculty, staff and students, shall at all times, abide by any and all copyright laws pertaining to computer software and by any computer software license agreements which are legally applicable to them.

Specifically this means that:

- a. Every copy of computer software used by any department, faculty or staff member, or student on a University-owned computer must be a legally acquired copy.
- b. Unauthorized or illegal copying of copyrighted software for institutional, personal use or for distribution to others is strictly prohibited.
- c. Knowingly allowing copyrighted software to be illegally copied is prohibited.
- d. Copyrighted software must be stored in a location or manner so as to prevent the possibility of illegal copying.
- e. Any person knowing of a possible violation of the computer software copyright law is required to report the violation to the University administration.

Persons guilty of computer software copyright violations may be subject to disciplinary action by the University. Such violations may also subject any persons involved to criminal or civil prosecution.

Information Technology Services shall refuse persons requesting assistance in using what appear to be illegal copies of software.

Summary statements of this policy shall be posted in all areas that are open for general use of computers. Reminders regarding this policy will be periodically sent to all University Departments and offices.

## 7.21 Administrative Policy Papers

The Chancellor's office provides each departmental and administrative office with a complete text of current policies and regulations for the campus. The index of these administrative policy papers is as follows:

# DATE TITLE

AP1 07/01/87 State Telephone System

AP2 07/01/87 Telecommunication Equipment

AP3 08/01/91 (R) Smoking/Clean Indoor Air Act 211, 1983

AP4 07/01/87 Safety and Health

AP5 07/01/87 Risk Management Policy

AP6 07/01/87 Parking Regulations

AP7 07/01/87 Sign Posting Policy

AP8 07/01/87 Chargeback of Physical Plant Services

AP9 07/01/87 Alteration, Renovation, and Construction of Physical Facilities

AP10 07/01/87 Building Keys

AP11 07/01/87 Fleet Vehicles

AP12 07/01/87 Records Hold Policy

AP13 07/01/87 Dispensing of Hearing Aids

AP14 01/11/88 Policy on Business Activities

AP15 02/15/88 Weapons on Campus

AP16 07/01/88 Collection of Indirect (Overhead) Costs

AP17 07/01/88 Distribution of Indirect (Overhead) Costs

AP18 08/01/88 Seat Belt Use

AP19 09/19/88

Use of University Facilities by University Departments for Fund Raising Events, i.e., Scholarships, Charity, Community Service Projects

AP20 09/19/88 Athletic Camps

AP21 09/19/88 University-Foundation Relationship

AP22 09/19/88 Employee Accident/Injury Procedures

AP23 12/01/88 Naming of Rooms and Building on Campus

AP24 12/19/88 Postal Policy

AP25 05/18/89 Requirement for Mandatory Board Food Plan

AP26 07/13/89 Requirement for Mandatory Housing

AP27 05/25/90 Records Management Program

AP28 12/10/90 Use of University Facilities by Non-University Groups

AP29 08/15/91 Bad Checks

AP30 10/13/92 (R) In-line Skates

AP31 10/13/92 Computer Software Use

AP32 08/09/94 Inclement Weather Policy

AP33 07/01/94 Salary Savings Policy

AP35 05/13/94 Use of University Facilities by University Groups

AP36 05/05/95 Data Security

AP37 09/01/95 Conflict of Interest/Financial Disclosure Policy

AP38 09/12/97 Health Insurance for International Students

AP39 11/03/97 Reuse Policy for Replaced Computers

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