

*Policy Series 5000*

*Policy 5075*

**Procedure 5075.2**

**Code of Student Conduct**

NWCCD Code of Student Conduct

The NWCCD Code of Student Conduct exists to foster a learning environment which embodies respect, integrity, excellence, and learning while allowing individuals to reflect on their choices and the effects on the community.

NWCCD students are responsible for knowing the information, policies and procedures outlined in this document. NWCCD reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online <https://www.sheridan.edu/about/board/policy/> for the updated versions of all policies and procedures.

To report inappropriate behavior by a faculty or staff member, students should contact the Vice President of Student Affairs Office at 307-675-0123.

*The NCHERM Group Model Code Project (2014): The Northern Wyoming Community College District (NWCCD) Code of Student Conduct is adapted from The NCHERM Group Model Development Code of Student Conduct and is used here with permission.*

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## SECTION 1: STUDENT CODE OF CONDUCT MISSION AND PHILOSOPHY STATEMENT

**NWCCD Mission:** Our District welcomes all learners, empowers student success, encourages and strengthens community development.

**Philosophy:** The NWCCD community is committed to fostering a campus environment that is conducive to academic inquiry, personal growth, thoughtful study, and discourse. The student conduct program is committed to an educational and developmental process that balances the interests of individual students with the interests of the NWCCD community.

A community exists based on shared values and principles. Student members of the NWCCD community are expected to uphold and abide by standards of conduct included in the *Code of Student Conduct*. These standards are based on the community's shared values including: respect, integrity, excellence, and learning.

Each member of the NWCCD community bears responsibility for their conduct (choices and behaviors) and assumes reasonable responsibility for the behavior of others. When members of the community do not adhere to College policies and procedures, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.

The NWCCD student conduct process is an educational process utilized to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies.

When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. The student conduct system procedures have been established to ensure due process and fundamental fairness, as encompassed in these procedures, to all individuals and organizations involved. The evidentiary standard that guides the student conduct system is the preponderance of the evidence and provides the standard of proof required to determine if a student violated the *Code of Student Conduct*. The standard is met when the information brought forth shows that a policy violation is more likely than not to have occurred.

### **Adopted from the Core Values of the Northern Wyoming Community College District (NWCCD):**

- **Respect** – Embrace diversity of people, ideas, and experiences. Treat everyone with dignity.
- **Integrity** – Be honest, fair, and trustworthy. Communicate responsibly and honor commitments.
- **Excellence** – Maintain high standards and clear expectations. Innovate and create.
- **Learning** – Take responsibility for learning and growth.

## SECTION 2: STUDENTS' RIGHTS AND RESPONSIBILITIES

NWCCD students are responsible for knowing the information, policies, and procedures outlined in this document.

NWCCD email is NWCCD's primary means of communication with students. Students are responsible for reviewing all official NWCCD communication delivered to their NWCCD email address.

NWCCD Students' Rights and Responsibilities enumerate the essential provisions for students' freedom and NWCCD's expectations for students to participate responsibly in the College community. NWCCD has established expectations designed to maximize the learning environment. Each student enrolling at NWCCD assumes an obligation as a responsible member of the NWCCD community to demonstrate conduct compatible with statements of students' rights and responsibilities as follows:

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## **Students' Rights**

1. Freedom of student participation in institutional governance. The student body will have clearly defined means to participate in the formulation and application of institutional policy. (i.e. student government)
2. Freedom of access. The facilities and services of the college will be open to all of its enrolled students in accordance with policies and procedures established for use of NWCCD facilities.
3. Protection of freedom of inquiry and expression. The College recognizes the rights of all students to engage in discussion, to exchange thought and opinion, and to speak, write, or publish freely on any subject, in accordance with the guarantees of federal or state constitutions. Students are free to engage in peaceful and orderly protest, demonstration, and picketing which does not disrupt the regular and essential operations of the College.
4. Freedom of association. Students will be free to organize and join associations to promote their common interests in accordance with policies and procedures for the establishment of organized NWCCD teams and clubs.
5. Freedom of student publications. Student editors and managers will be free to develop their own editorial policies and news coverage. The advisor does not review copy unless requested to do so by a staff member. This separation helps protect the institution from legal actions relating to obscenity, criminal or civil libel, or copyright infringement. In addition, the advisor offers ethics training as well as ongoing education to ensure the student newspaper is in compliance with the canons of journalism and journalistic ethics. Specific student publication rights will follow those contained in the current student publication policy and procedures.
6. Notification of Rights under FERPA. Students will be informed annually of their right to privacy under the Family Educational Rights and Privacy Act.
7. Be informed of course requirements through a written syllabus.
8. Be evaluated solely on academic performance as required and outlined by an instructor.
9. Experience competent instruction and academic advisement.
10. Take exception, in a scholarly manner, to the data or views presented and reserve judgment about matters of opinion.
11. Expect protection against an instructor's improper disclosure of a student's views, beliefs, and political associations, which may surface because of the instructor's teaching or advising.
12. Be informed with regard to resources and support services available as well as college policies and procedures.
13. Expect protection, through established procedures, against prejudiced or capricious evaluation.
14. Expect protection against any form of prohibited harassment.
15. Be afforded due process, as defined within these procedures, prior to the imposition of serious sanctions including suspension or expulsion.

## **Students' Responsibilities**

1. Inquire about program, course, and College requirements if there is a lack of understanding about them or is in doubt about them.
2. Adhere to the standards of academic performance established for individual courses and for programs of study.
3. Satisfactorily learn the content of any course of study.
4. Make up missed assignments in accordance with the course syllabus.
5. Understand and meet graduation and other program requirements by reading the catalog and making reasonable efforts to obtain academic advising.

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6. Fulfill academic responsibilities in an honest and forthright manner.
7. Respect and foster the academic and personal endeavors of others.
8. Respect the integrity of NWCCD academic and administrative records.
9. Know and abide by the behavioral expectations outlined in the *Code of Student Conduct*.
10. Adhere to federal, state, and local laws, along with College regulations, which govern individual actions and relationships among community members.
11. Protect and support the personal safety of self and others.
12. Demonstrate respect for others in all actions and interactions.
13. Show respect for personal, College, and NWCCD Foundation property.
14. Contribute to a safe environment within College and NWCCD Foundation property.
15. Assist the College in fulfilling its administrative procedures (i.e. registering for classes, checking NWCCD email, obtaining a College ID card, paying bills, etc.).

### SECTION 3: JURISDICTION

Students at NWCCD are provided a copy of the *Code of Student Conduct* annually in the form of a link on the NWCCD website. Hard copies are available upon request. Students are responsible for reading and abiding by the provisions of the *Code of Student Conduct*.

The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students and all NWCCD-affiliated student organizations. For the purposes of student conduct, NWCCD considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in NWCCD.

NWCCD retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctions are imposed, a hold may be placed on the student's ability to re-enroll and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the responding student has graduated, NWCCD may invoke these procedures; and should the former student be found responsible, NWCCD may make a notation on the student's transcript.

A responding student facing an alleged violation of the *Code of Student Conduct* is not permitted to formally withdraw from the College until all allegations are resolved. A leave of absence may be arranged as outlined below. Withdrawal, like admission, requires an administrative action. While a student may choose to stop attending classes, an administrative hold will be placed on the student's account preventing withdrawal, transcript access, or re-enrollment until the conduct process has been resolved. (*Procedure 5035.5: Transcript Notation.*)

The *Code of Student Conduct* applies to behaviors that take place on the campus, at NWCCD-sponsored events, including student travel, and may also apply to off-campus locations or events when the Vice President for Student Affairs (VPSA) or designee determines that the off-campus conduct has a nexus to the campus or affects a substantial NWCCD interest. A substantial NWCCD interest is defined to include:

- Any situation where it appears that the student conduct may present a danger or threat to the health or safety of self or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of NWCCD.

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The *Code of Student Conduct* may be applied to behavior conducted online, via email, or other electronic media. Students should be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. NWCCD does not regularly search for this information but may take action if such information is brought to the attention of NWCCD officials. However, most online speech by students, not involving NWCCD networks or technology, will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, is defined as a threat that a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals; and
- Speech posted online about NWCCD or its community members that causes a significant on-campus disruption.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers, and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of NWCCD may use these procedures to seek resolution of violations of the *Code of Student Conduct* by members of NWCCD community.

There is no time limit on reporting violations of the *Code of Student Conduct*. However, the longer someone waits to report an offense, the harder it becomes for NWCCD officials to obtain information and witness statements to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit NWCCD's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Title IX Coordinator or the VPSA Office.

Intercollegiate athletics and some academic departments also have codes of student behavior that are reviewed and consented to by students in these specific programs. These are codes that are managed by the Assistant Vice President of Student Affairs and do not supersede the NWCCD Code of Student Conduct. They are in addition.

## **SECTION 4: STUDENT CONDUCT AUTHORITY**

### **Authority**

The Vice President for Student Affairs (VPSA) is vested with the authority over student conduct by the President of NWCCD. The VPSA appoints a conduct officer to assist with the student conduct process. The VPSA and conduct officer may appoint administrative hearing officials, preliminary inquiry officers, investigators, and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The conduct officer (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

To raise concerns regarding a potential conflict of interest with any other administrator involved in this process, please contact the VPSA, as appropriate.

### **Gatekeeping/Threshold**

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been

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violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or statement from the reporting party. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

### **Conflict Resolution Options**

The conduct officer has the discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The conduct officer may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation or other appropriate conflict resolution.

### **Conduct Hearing**

The conduct officer will be responsible coordinating the hearing process according to the following guidelines:

The hearing officer is selected from trained members of the college community. The hearing officer is responsible for assuring that NWCCD procedures are followed throughout the process.

The conduct officer has responsibility for training the hearing officers, investigating or designating an individual to investigate the situation, and ensuring a fair process for the reporting party and responding student.

### **Appeals Panel**

Appeals will be heard by a one to three member appeals panel at the discretion of the VPSA, with the only requirement being that members did not serve on the panel for the initial hearing. The appeals panel will most often include the VPSA and two members of the faculty or staff; however, this will not always be the case.

Members of the appeals panel will be selected from a pool of trained individuals.

The VPSA will have final authority to approve all those serving on the appeals panel. The non-voting advisor to the panel is the conduct officer with responsibility for training the panel, conducting the preliminary inquiry and/or investigation, and ensuring fair process for the reporting parties and responding student. In the event of a resignation from the panel, the conduct officer will solicit a replacement. Decisions made and sanctions imposed by the appeals panel are final. At the discretion of the VPSA, implementation of sanctions may be stayed pending review.

### **Interpretation and Revision**

The conduct officer will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by email and/or in the form of written communication. The conduct officer may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The conduct officer may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Vice President for Student Affairs (VPSA), whose interpretation is final. The *Code of Student Conduct* will be updated annually under the direction of the VPSA with a comprehensive revision process being conducted every three years.

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## SECTION 5: RULES & VIOLATIONS OF THE LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which NWCCD has jurisdiction, the NWCCD conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident. A delay may be necessitated by those cases that fall under Title IX (sexual misconduct), violence against another person, or require law enforcement evidence collection to be completed.

NWCCD reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined within). Interim suspensions are imposed until a hearing can be held, typically within two weeks. During the suspension period, the suspended student may request an immediate hearing with the VPSA to show cause as to why the interim suspension should be lifted. This hearing may resolve the allegation or may be held to determine if the interim suspension should be continued. The interim suspension may continue or be extended if a danger to the community is posed. NWCCD may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, NWCCD will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will typically be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the reporting individual or Title IX Coordinator to allow the criminal investigation to proceed before the NWCCD process.

Students accused of crimes may request to take a leave from NWCCD until the criminal charges are resolved. In such situations, the NWCCD procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

### Behavioral Expectations

NWCCD considers the behavior described in the following sub-sections as inappropriate for the NWCCD community and in opposition to the NWCCD core values. These expectations and rules apply to all students. NWCCD encourages community members to report to NWCCD officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: CONDUCT PROCEDURES.

1. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, statements, identification or financial instruments.
2. **Academic Dishonesty.** Acts of academic dishonesty as outlined in the *NWCCD Academic Code of Conduct*.
3. **Unauthorized Access.** Unauthorized access to any NWCCD building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any college/NWCCD building or failing to timely report a lost NWCCD identification card or key.

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4. **Collusion.** Action or inaction with another or others to violate the *Code of Student Conduct*.
5. **Dishonesty.** A fraudulent or deceitful act; violations of positions of trust within the community.
6. **Election Tampering.** Tampering with the election of any NWCCD-recognized student organization (minor election code violations are addressed by the Student Senate).
7. **Taking of Property.** Intentional and unauthorized taking of NWCCD property or the personal property of another, including goods, services and other valuables.
8. **Stolen Property.** Knowingly taking or maintaining possession of stolen property.
9. **Classroom Disruption:** Engaging in behavior(s) that a reasonable person would view as substantial disruption or repeated interference with the instructor's ability to teach the class or the ability of other students to benefit from the instruction.
10. **Disruptive Behavior.** Substantial disruption of NWCCD operations including obstruction of teaching, research, administration, other NWCCD activities, and/or other authorized non-NWCCD activities which occur on campus. Additionally, this includes any behavior, which impedes the educational experience of other community members.
11. **Disorderly Conduct:** Behaving in a way that is considered to be disorderly, lewd, or indecent by a reasonable person or breaching the peace.
12. **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damages and/or destruction of property.
13. **Unauthorized Entry.** Misuse of access privileges to NWCCD premises or unauthorized entry to or use of buildings, including trespassing, propping, or unauthorized use of alarmed doors for entry into or exit from a NWCCD building.
14. **Trademark Infringement.** Unauthorized use (including misuse) of NWCCD or organizational names and images.
15. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of NWCCD property or the personal property of another.
16. **Misuse of NWCCD Technology.** Violating NWCCD Acceptable Use and Computing Policy, including file sharing.  
[https://mynwccd.sheridan.edu/Technology/ITS/Documents/NWCCD\\_Network\\_Rules\\_of\\_Acceptable\\_Use.pdf#search=Rules%20of%20acceptable%20use](https://mynwccd.sheridan.edu/Technology/ITS/Documents/NWCCD_Network_Rules_of_Acceptable_Use.pdf#search=Rules%20of%20acceptable%20use)
17. **Gambling.** Gambling as prohibited by the laws of the State of Wyoming.
18. **Weapons.** It is unlawful for any person to bear concealed any rifle, handgun or shotgun on NWCCD property. Open carry firearms is prohibited. It is also prohibited to bear on or about one's person any slingshot, bludgeon, or knife with a blade over four (4) inches in length. The carrying in vehicles of any weapons listed above is also prohibited on campus. The discharge of any firearm or other weapon on campus is unlawful. This excludes military personnel on official duty and law enforcement officers. Weapons (including bows, crossbows, and bb guns) and reloading materials may not be stored in student

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housing. Students violating this policy will be suspended on an interim basis until a conduct hearing can be conducted. Sanctions more than likely will be suspension from the Resident Halls. Students living in the residence halls may have access to weapons storage through Campus Life and Housing.

- 19. Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
  - a. Intentionally or recklessly causing a fire, which damages NWCCD or personal property or causes injury.
  - b. Failure to evacuate a NWCCD-controlled building during a fire alarm.
  - c. Improper use of NWCCD fire safety equipment.
  - d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on NWCCD property. Such action may result in a local fine in addition to NWCCD sanctions.
  
- 20. Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by NWCCD.
  
- 21. Unauthorized Animals.** Animals, with the exception of service dogs and approved emotional support animals, as outlined in the Residence Life Handbook, are not permitted on campus except as permitted by the ADA and the Fair Housing Act.
  
- 22. Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles, hover boards, and similar wheeled devices are not permitted inside NWCCD buildings or residence halls. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to NWCCD property caused by these activities.
  
- 23. Drones.** The use of drones on campus must be authorized in advance by the Campus Safety Manager.
  
- 24. Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from NWCCD's educational program or activities.
  
- 25. Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status. Harassment includes any written, verbal or physical acts (including electronically transmitted acts) that are reasonably perceived as creating an intimidating or hostile work, learning or living environment, particularly if questionable behavior is repeated and/or if it continues after the offending party is informed of the objectionable and/or inappropriate nature of the behavior. Harassment can be a single incident, or a series of repeated incidents. Any unwelcome conduct should be reported to campus officials, who will act to resolve reported incidents on behalf of the victim and community.
  - a. Hostile Environment. An environment on campus that, through harassing conduct (e.g., physical, verbal, graphic or written) based on a person's protected status (e.g., sexual orientation, age, etc.), becomes sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from NWCCD educational or employment program or activity<sup>1</sup>.
  - b. Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, in person or electronically. Detailed definitions are found in *Procedure 3003.1: Sexual Misconduct*.
  
- 26. Retaliatory Discrimination or Harassment.** Any material adverse action taken by a responding individual

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or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under the *Code of Student Conduct* because of that involvement in protected activity.

Interfering with active bystander: Intentionally interfering with, intimidating, threatening, harassing, or retaliating against others for engaging in bystander intervention to prevent or report potential harm, violence, or sexual misconduct.

- 27. Abuse of Conduct Process.** Abuse of, interference with, or failure to comply with the NWCCD conduct processes. This may include processes of both conduct and academic integrity hearings. Such behavior is defined by but not limited to:
  - a. Falsification, distortion, or misrepresentation of information;
  - b. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
  - c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
  - d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
  - e. Failure to comply with the sanction(s) imposed by the campus conduct system;
  - f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
- 28. Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
- 29. Threatening Behaviors:**
  - a. Threat. Threat is defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - b. Intimidation. Intimidation is defined as implied threats or acts that cause a reasonable fear of harm in another.
- 30. Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
- 31. Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene, failing to report, or discouraging to report those acts may also violate this policy.
- 32. Intimate Partner/Relationship Violence.** Physical violence or emotional abuse by a person who is in or has been in an intimate relationship with another. These include domestic violence, stalking, or dating violence. Detailed definitions are found in *Procedure 3003.1: Sexual Misconduct*.
- 33. Sexual Misconduct.** Includes, but is not limited to, sexual harassment, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation. Detailed definitions are found in *Procedure 3003.1: Sexual Misconduct*.

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<sup>1</sup> This policy attempts to balance the need of the community to create a civil climate while also embracing the 1<sup>st</sup> Amendment protection that attaches to most harassing speech that is simply offensive.

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- 34. Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.
- 35. Tobacco.** Smoking is prohibited in all campus buildings and in/on all College property, including College vehicles and residence halls. At the discretion of a college in the District, designated smoking space can be provided; however, it must be placed in such a way to eliminate environmental smoke hazards to non-smokers. Smoking is permitted in personal automobiles when parked on campus. Organizers and attendees at public events, such as conferences, meetings, public lectures, social events, and cultural events using NWCCD facilities, are required to abide by the College's Smoke-Free Policy. Organizers of such events are responsible for communicating this policy to attendees and for enforcing this policy. For the purposes of this policy, smoking is defined as burning any type of tobacco product including vape pens and e-cigarettes.
- 36. Alcohol.** Consuming, possessing, manufacturing, distributing, selling, or serving alcoholic beverages on District premises (including District owned/managed housing) or at District activities regardless of age, except as expressly permitted by District policy. The following are also violations:
- a.* minor under the influence of alcohol;
  - b.* providing or selling – directly or indirectly - alcohol to individuals under 21 years of age;
  - c.* social host: providing a location for any individual under 21 years of age to possess or consume alcohol;
  - d.* possessing or transporting an open container of alcohol;
  - e.* disorderly conduct due to alcohol consumption;
  - f.* possession or use of a fake ID, or attempting to procure alcohol under false premises;
  - g.* being underage in possession of alcohol.

Lawful and responsible alcohol consumption is permitted only in designated areas of the NWCCD campuses, properties and facilities and with proper authorizations as outlined in NWCCD *Procedure 3015.1: Alcoholic Beverages in District Facilities* and *Procedure 5330.2: Alcohol & Other Drugs in the Residence Halls*.

- 37. Illegal Drugs.** The illegal use, possession, selling, sharing, distributing, cultivating, the manufacture or being under the influence of any state or federally controlled drug or substance; possessing drug paraphernalia; inhaling or ingesting any substances (e.g., nitrous oxide, glue, paint, etc.) that will alter an individual's mental state. Knowingly providing a location for individuals to possess or consume drugs. Possession of illegal drug paraphernalia creates suspicion that there is use of illegal drugs and could likely be the grounds for an investigation or a code of conduct violation.
- 38. Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications is prohibited.
- 39. Failure to Comply.** Failure to comply with the reasonable directives of NWCCD officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- 40. Failure to Meet Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

- 41. Failure to Report Arrest.** Failure of any student to accurately report an off-campus arrest by any law

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enforcement agency for any crime (including non-custodial or field arrests) within seventy-two (72) hours of release.

**42. Other Policies.** Violating other published NWCCD policies or rules, including all housing policies.

**43. Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through NWCCD's conduct process.

## **SECTION 6: OVERVIEW OF THE CONDUCT PROCESS**

This overview gives a general outline of the NWCCD campus conduct proceedings. It should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to a college official of a potential violation of law, NWCCD *Code of Student Conduct*, or NWCCD policies.

NOTICE: Once notice is received from any source (victim, RA, 3<sup>rd</sup> party, online, etc.), NWCCD proceeds with a preliminary inquiry with the responding student to explain the conduct process and gather information.

All parties are entitled to an advisor of their choosing to guide and accompany them through the conduct process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. NWCCD maintains a pool of trained (non-attorney) advisors who are available to the parties. The parties may choose advisors from outside the pool, or outside the campus community, but those advisors may not have the same level of insight and training on the campus process as do those trained by NWCCD. The role of the advisor is described in more detail in Section 7.E.

### **STEP 1: Preliminary Inquiry**

The College conducts a preliminary inquiry into the nature of the incident, complaint or notice, available evidence, and the parties involved. The preliminary inquiry may lead to one of the following actions.

1. A determination that there is insufficient evidence to pursue the investigation because the behavior alleged, even if proven, would not violate the *Code of Student Conduct* (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code).
2. A more comprehensive investigation when it is clear more information must be gathered (see detailed procedures below).
3. A formal notice of a violation when there is reasonable cause to believe policy has been violated.
4. A formal notice of a violation and an educational conference with the responding student

#### **The possible outcomes of the preliminary inquiry are as follows:**

1. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate.
2. A decision on the allegation, also known as an "informal" or "administrative" resolution to an uncontested allegation.

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3. A decision to proceed with additional investigation and/or referral for a “formal” resolution.
4. Specific scenarios are provided:
  - If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the *Code of Student Conduct*, the process will end. The reporting party may request that the VPSA or the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision will be at the sole discretion of the VPSA and will only be granted for extraordinary cause.
  - If the student admits to the action, the finding is responsible. The administrator then moves directly to the sanction phase. The responding student may accept or reject the sanction(s) imposed. If accepted, the process ends. In cases of minor misconduct may be accomplished in one meeting. If the student rejects the sanction(s), NWCCD will conduct a sanction-only meeting conducted by the conduct officer. The sanction is then finalized by the conduct officer and is subject to appeal (see *Appeal Review Procedures* below) by any party to the misconduct. Once the appeal is decided, the process ends.
  - If the NWCCD finding is that the responding student is in violation *and* the responding student accepts this finding within three days, NWCCD considers this an “uncontested allegation.” The administrator conducting the preliminary inquiry will determine the sanction(s) for the misconduct. The responding student may accept or reject the sanction(s) imposed. If accepted, the process ends. In cases of minor misconduct may be accomplished in one meeting.
  - If student accepts the findings but rejects the sanction(s), NWCCD will conduct a sanction-only meeting conducted by the conduct officer. The sanction is then finalized by the conduct officer and is subject to appeal (see *Appeal Review Procedures* below) by any party to the misconduct. Once the appeal is decided, the process ends.
  - The administrator will inform the parties of the final determination within five (5) business days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official NWCCD records; or emailed to the parties’ NWCCD-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the NWCCD is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the NWCCD is permitted to share under state or federal law. The notice will also include information on when the results are considered by the NWCCD to be final, any changes that occur prior to finalization, and any appeals options that are available.
  - If the administrator conducting the preliminary inquiry determines that it is more likely than not that the responding student is in violation *and* the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 2.

## **STEP 2: Formal Hearing**

In a contested allegation, there may be additional investigation and/or a hearing held when there is reasonable cause to believe that a violation has occurred. A formal notice of the complaint will be issued, and a hearing will be held. Formal hearing procedures are described below. A finding will be determined and is subject to appeal. If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described below.

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### **STEP 3: Review and Finalize Sanction(s).**

If the student is found in violation(s) either through the preliminary inquiry or hearing, sanctions will be recommended to the conduct officer who will review and finalize the sanctions, subject to the NWCCD appeals process by any party to the complaint.

## **SECTION 7: CONDUCT PROCEDURES**

### **A. College as Convener**

The College is the convener of every action under this *Code*. Within that action, there are several roles. The responding student is the person who is alleged to have violated the *Code*. The reporting party, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. Witnesses may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the College has obtained regarding the allegations.

### **B. Group Violations**

A student group or organization and its officers and membership may be held collectively or individually responsible when violations of this *Code* by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be held collectively and individually and will be proportionate to the involvement of each individual and the organization.

### **C. Amnesty**

#### **1. For Reporting Parties**

NWCCD provides amnesty to reporting parties who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored but no conduct proceedings will result.

#### **2. For Those Who Offer Assistance**

To encourage students to offer assistance to others, the College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the conduct officer, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational opportunities may be considered, but no conduct proceedings will result.

#### **3. For Those Who Report Serious Violations**

Students who are engaged in minor violations but choose to bring related serious violations by others to the attention of the College, are offered amnesty for their minor violations. Educational opportunities

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may be considered, but no conduct proceedings will result.

Abuse of amnesty requests can result in a decision by the conduct officer not to extend amnesty to the same person repeatedly.

#### **4. Safe Harbor**

The College uses the Safe Harbor concept for students. The College believes that students who have a drug and/or addiction problem deserve help. If any student brings personal use, addiction, or dependency to the attention of College officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection, and campus conduct processes will be initiated.

#### **D. Parental Notification**

NWCCD reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. NWCCD may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

#### **E. Advisors**

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses. An advisor cannot be anyone affiliated with the case. The NWCCD maintains a pool of trained (non-attorney) advisors who are available to the parties. The parties may choose advisors from outside the pool, or outside the campus community, but those advisors may not have the same level of insight and training on the campus process as do those participating in NWCCD-sponsored training. Outside advisors are not eligible to be trained by NWCCD.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. NWCCD cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, NWCCD is not obligated to provide one. Additionally, accused individuals may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>),

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting, interview or hearing unless invited to or a sidebar is requested. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for brief breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet

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in advance of any interview or hearing with the administrative officials conducting that interview of meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the NWCCD an opportunity to clarify the role the advisor is expected to take. Advisors are expected to refrain from interference with the NWCCD investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a deputy will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

NWCCD expects that the parties will wish to share documentation related to the allegations with their advisors. NWCCD provides a consent form that authorizes such sharing. The parties must complete this form before NWCCD is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by NWCCD. NWCCD may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by NWCCD privacy expectations.

NWCCD expects an advisor to adjust their schedule to allow them to attend scheduled meetings. NWCCD does not typically change scheduled meetings to accommodate an advisor's inability to attend. NWCCD will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout. However, a change in advisor cannot elongate the process without permission by the other party.

#### **F. Notice of Alleged Violation**

Any member of NWCCD community, visitor or guest may allege a policy violation(s) by any student for misconduct under this *Code* through submission of a CARE Incident Report or by reporting to the Office of the Vice President for Student Affairs.

Notice may also be given to the conduct officer when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by the reporting party or a third party, and should be submitted as soon as possible after the offending event occurs. NWCCD has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The conduct officer will assume responsibility for the investigation of the alleged violation as described in the sub-sections below.

#### **G. Administrative Action**

1. The VPSA or designee may take immediate administrative action deemed necessary for the safety of the College community and/or preservation of property. These actions may be taken without a formal complaint, conduct process, or a finding of responsibility. All Administrative actions may be appealed in writing to the Vice President for Student Affairs. These administrative actions include, but are not limited to: Temporary Suspension: In cases where the safety and well-being of members of the District community, the preservation of District property, or when a student poses a substantial threat of disruption of, or interference with, the normal operation of the District, the

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conduct officer, with written permission from the Vice President for Student Affairs, may suspend a student for the period of time required to allow a thorough investigation and any potential conduct proceedings.

2. **Temporary Housing Suspension:** If the conduct or behavior of a student residing in any District residence halls or apartments is determined by the conduct officer and Campus Life and Housing to be a threat to others, the ability to live in these facilities may be immediately suspended pending the outcome of a conduct proceeding. During an interim housing suspension, the student is immediately removed from District housing and is not to re-enter any campus housing until a hearing is held and/or a decision regarding the pending complaint has been made.
3. **No Contact Order:** A No Contact Order is an absolute prohibition from contact with a specified person or persons in any form whatsoever, including, but not limited to, contact in person, by phone, electronically, or through other persons. Violating a No Contact Order may result in suspension from the District. When a no contact order is issued, it is the responsibility of the student not to have any contact with the individual(s) named, directly or through third parties, as specified in the order. A no contact order shall be deemed sufficient if delivered via the student's District email address. Failure to comply with this administrative action may result in additional disciplinary action.
4. **Trespass:** When an individual's actions are deemed to be harmful and/or disruptive to the District and/ or its individual members, contrary to the District's policies, rules or regulations, or where the individual's actions are contrary to law, an individual may be legally barred from District owned or controlled properties. Failure to comply with this trespass order may result in additional disciplinary action.
5. **Student Account Holds:** The conduct officer or designee may request a disciplinary hold to be placed on the student account which would restrict a student's ability to enroll at the District, register for classes, make schedule adjustments, or have a diploma issued. Holds may be placed when a student is placed on temporary suspension, temporary housing suspension, trespass, during conduct or investigation proceedings, when a student withdraws from the District before a conduct proceeding has been completed, and when a student fails to respond to official communications of the VPSA Office. Holds may also be placed when a student has failed to complete any assigned sanction(s).
6. **Class and/or Lab Removal or Alternatives:** The conduct officer or designee, in consultation with the class instructor, may temporarily bar a student from attending class pending an investigation or hearing for alleged violations of the Student Code of Conduct occurring in the classroom that substantially interfere with teaching or other students' ability to learn.
7. **Other Administrative Actions:** The conduct officer or designee may also impose additional administrative actions related to on-campus housing, District employment or activities, and access to District facilities or services, if deemed necessary for the welfare or safety of the District community. Any student involved may request administrative actions at any time and these requests will be reviewed by the VPSA.

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## H. Investigation

Investigation is referenced throughout Section 7, with detailed investigation procedures described in this sub-section. The conduct officer will appoint an investigator(s) for allegations under this *Code*. The investigator(s) will take the following steps, if not already completed by the conduct officer or designee. (In most cases, the first four steps are completed prior to the investigation.)

1. Initiate any necessary remedial actions on behalf of the reporting party (if any).
2. Determine the identity and contact information of the reporting party.
3. Provide notification to the parties that a preliminary inquiry has been initiated and review the process with both the reporting party and the responding student.
4. Conduct an immediate preliminary inquiry to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint.
  - a. If the reporting party is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the reporting party.
  - b. Notify the reporting party of whether NWCCD intends to pursue the complaint regardless of their involvement, and inform them of their rights in the process and option to become involved if they so choose.
  - c. Preliminary inquiry usually takes between 1-7 business days to complete.
5. If indicated by the preliminary inquiry and authorized by the Conduct Officer or designee, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated NWCCD policy, and to determine what specific policy violations should serve as the basis for the complaint.
  - a. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action.
  - b. A comprehensive investigation may take up to 15 business days to complete, or longer in some cases.
6. Meet with the reporting party to finalize their statement, which will be drawn up by the investigator or designee as a result of this meeting.
7. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview.
  - a. Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which is typically delivered prior to (but could be delivered during or after) the responding student's interview, at the discretion of the investigator(s).
8. Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy.
9. Obtain all documentary evidence and information that is available.
10. Obtain all physical evidence that is available.
11. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline.
12. Share the report with the parties in draft form for their feedback and any clarifications they wish to provide.
13. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not).

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14. The Conduct Officer will present the investigation report and findings to the responding student, who may do one of the following:
  - a. accept the findings,
  - b. accept the findings in part and reject them in part, or
  - c. or may reject all findings.
15. Update the parties on the status of the investigation at appropriate intervals.
16. The Conduct Officer will share the findings and outcome with the parties.

## I. Findings

The following three options describe how to proceed depending on whether the responding student is found responsible and whether the responding student accepts or rejects the findings and/or the sanctions either in whole or in part.

1. The responding student is found *Not Responsible*
  - a. Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed. The reporting party, if any, may request that the Conduct Officer or the Vice President for Student Affairs (VPSA) as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re- open an investigation or convene a hearing rests solely in the discretion of the Conduct Officer or the VPSA in these cases, and is granted only on the basis of extraordinary cause.
2. The responding student accepts a finding of *Responsible*.
  - a. The responding student accepts a finding of *Responsible* and accepts the recommended sanctions.
    - i. Should the responding student accept the finding that they violated NWCCD policy, the Investigator will recommend appropriate sanctions for the violation, having consulted with the VPSA or designee, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and NWCCD community. If the responding student accepts these recommended sanctions, the sanctions are implemented by the conduct officer and the process ends. This outcome is not subject to appeal.
  - b. The responding student accepts a finding of *Responsible* and rejects the sanctions recommended.
    - i. If the responding student accepts the *Responsible* findings, but rejects the recommended sanctions, there will be an administrative conference on the sanction, only. Administrative conference procedures are detailed below. (Section L.2)
3. Responding student rejects the findings completely or in-part
  - a. Responding student rejects the findings completely
    - i. Where the responding student rejects the finding that they violated NWCCD policy, a formal hearing will be convened within seven business days, barring exigent circumstances.
    - ii. At the hearing, the investigator(s) will present their report to the administrative hearing officer or a panel. The officer or panel will hear from the parties, and any necessary witnesses. The investigation report will be considered, which renders an independent and objective finding. Hearing procedures are detailed below. (Sections L.3 & M)

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- iii. If the panel or administrative hearing officer finds the responding student not responsible for all violations, the conduct officer will timely inform the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.
  - iv. If the panel or hearing officer finds a violation, a sanction/responsive action will be recommended to the conduct officer, who will confer with the VPSA as necessary and, render a decision within 10 working days of the hearing and timely notify the parties in writing. An appeal may be filed by any party to the complaint as detailed below.
- b. Responding student accepts the findings in part and rejects in part
- i. Where the responding student rejects in part the finding that they violated NWCCD policy, there will be a hearing solely on the disputed allegations within seven business days, barring exigent circumstances. For all findings holding a responding student responsible for a violation, NWCCD will use the sanctioning options outlined in section N. If the outcome of the hearing finds the responding student *Not Responsible* on any of the contested allegations, the investigation will be closed. The reporting party, if any, may request that the Vice President for Student Affairs (VPSA) as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the VPSA in these cases and is granted only on the basis of extraordinary cause.

## J. Notice of Hearing

If a student rejects the finding in part or in full, or if there is a determination that reasonable cause exists for the conduct officer or designee to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the conduct officer or designee; mailed to the local or permanent address of the student as indicated in official NWCCD records; or emailed to the NWCCD-issued student email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

1. Include the alleged violation(s) and notification of where to locate the *Code of Student Conduct* and NWCCD procedures for resolution of the complaint; and
2. Direct the responding student to meet with the conduct officer at a specific time or contact the conduct officer or designee within a specified period of time to respond to the complaint. This time period will generally be no less than two business days from the date of delivery of the notice of hearing.

A meeting with the conduct officer or designee may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the conduct officer or designee, whether they admit to or deny the allegations of the complaint.

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## K. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

Refer to *Procedure 3003.1: Sexual Misconduct* for provisions related to this section.

## L. Hearing Options & Preparation

The following sub-sections describe the NWCCD conduct hearing processes. Except in a complaint involving failure to comply with the summons of the VPSA or designee, no student may be found to have violated the *Code of Student Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the conduct officer or panel presiding over the hearing.

1. Administrative Conference: Where the responding student admits to violating the *Code of Student Conduct*, the conduct officer or designee may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an *administrative conference*. In an administrative conference, complaints will be heard and determinations will be made by the conduct officer or designee.
2. Hearing: Where the responding student denies violating the *Code of Student Conduct*, a formal hearing will be conducted. The hearing can be an administrative hearing (1 person) or a panel hearing (3 people). The decision for the type of hearing will be at the discretion of the conduct officer or designee or at the request of one or more of the parties to the complaint. The students involved will be given a minimum of five working days to prepare unless all parties wish to proceed more quickly. Preparation for the hearing is summarized in the following guidelines:
  - a. Notice of the time, date and location of the hearing and the type of hearing will be in writing and may be delivered by one or more of the following methods: in person by the conduct officer or designee; mailed to the local or permanent address of the student as indicated in official NWCCD records; or emailed to the NWCCD-issued student email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
  - b. The reporting party may serve as the party bringing the complaint or may elect to have NWCCD administration serve as the party bringing the complaint forward. When there is no reporting party or the reporting party is not participating, NWCCD administration will serve as the party bringing the complaint forward.
  - c. If a responding student fails to respond to notice from the conduct officer or designee, the conduct officer or designee may initiate a complaint for failure to comply with the directives of a NWCCD official and give notice of this offense. Unless the student responds to this notice within two business days by answering the original notice, an administrative conference may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their NWCCD account, deeming them ineligible to register for courses or NWCCD housing until such time as the student responds to the initial complaint or fulfills sanctions.
  - d. At least three (3) business days before any scheduled hearing, the following will occur:
    - i. The responding student will deliver to the conduct officer or designee a written response to the complaint if such has not already been provided to the investigator(s);
    - ii. The responding student will deliver to the conduct officer or designee a written list of all witnesses for NWCCD to call at the hearing;
    - iii. The responding student will deliver to the conduct officer or designee all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the conduct officer can arrange for its presence;

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- iv. Reporting party will deliver to the conduct officer or designee a written list of all witnesses for NWCCD to call at the hearing;
  - v. The reporting party will deliver to the conduct officer or designee all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the conduct officer or designee can arrange for its presence;
  - vi. The party bringing the complaint and the responding student will notify the conduct officer or designee of the names of any advisors/advocates who may be accompanying the parties at the hearing.
- e. The conduct officer or designee will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) business days before any scheduled hearing. In addition, the parties will be given a list of the names of the administrative hearing officer or the panelists in advance. Should any party object to the hearing officer or any panelist, that party must raise all objections, in writing, to the conduct officer or designee immediately. Hearing officers will only be unseated if the conduct officer concludes that their bias precludes an impartial hearing of the complaint. Additionally, panelists who feel they cannot make an objective determination must recuse from the proceedings.

### **M. Hearing Procedures**

The conduct officer will appoint an administrative hearing officer or a panelist as the chair of the hearing to preside over the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a party cannot attend the hearing, it is that party's responsibility to notify the conduct officer or designee no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the reporting party fails to appear, the complaint may be dropped unless NWCCD chooses to pursue the allegation on its own behalf, as determined by the conduct officer.

The administrative hearing officer or the chair will conduct panel hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. The conduct officer may attend as an observer and to assist with procedural navigation.
3. Admission to the hearing of persons other than the parties involved will be at the discretion of the panel chair and the conduct officer.
4. In hearings involving joint misconduct by more than one responding student, the standard procedure will be to hear the complaints jointly; however, the conduct officer may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student. In hearings where more than one reporting party alleges a pattern of similar conduct by the same responding student, the College will typically hear the complaints jointly, making separate determinations for each complaint, unless the conduct officer determines that separate hearings will be used.
5. The parties have the right to an advisor/advocate of their own choosing, including attorneys. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair, and suggest questions to their advisee.
6. The chair or administrative hearing officer will determine the order of the witnesses and resolve any questions of procedure arising during the hearing. The chair or administrative hearing officer will be the only person to directly ask questions to the responding party, reporting individual or witnesses.

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Questions can be submitted in writing in advance of the hearing, or suggested during the hearing by whatever method the chair prefers. Unduly repetitive witnesses can be limited at the discretion of the chair.

7. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the panel and the conduct officer or designee. Formal rules of evidence are not observed. The chair, conduct officer, or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.
8. All procedural questions are subject to the final decision of the chair.
9. After a hearing, the panel will deliberate and determine, by majority vote, or the administrative hearing officer will determine whether it is more likely than not that the responding student has violated the *Code of Student Conduct*. The conduct officer or designee will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The conduct officer or designee is responsible for informing the administrative hearing officer or panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The administrative hearing officer will prepare a written deliberation report and deliver it to the conduct officer, detailing the recommended finding, how each member voted, the information cited by the panel in support of its recommendation, and any information that was excluded from consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the conduct officer within three (3) days of the end of the hearing.
10. The conduct officer will consider the recommendations of the hearing office, may make appropriate modifications to the report, and will then render a decision and inform the parties of the final determination within five business days of the hearing. The conduct officer will inform the parties of the final determination within five (5) business days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official NWCCD records; or emailed to the parties' NWCCD-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the NWCCD is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the NWCCD is permitted to share under state or federal law. The notice will also include information on when the results are considered by the NWCCD to be final, any changes that occur prior to finalization, and any appeals options that are available.
11. There will be a single record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of NWCCD and maintained according to disciplinary records procedure noted in Section 7.Q.

## **N. Conduct Sanctions**

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*:

1. *Warning*: An official written notice that the student has violated NWCCD policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at NWCCD.
2. *Restitution*: Compensation owed for damage caused to NWCCD or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

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3. *Fines*: Reasonable fines may be imposed.
4. *Fees*: Cost of educational activities.
5. *Community/NWCCD Service Requirements*: For a student or organization to complete a specific supervised service to NWCCD or the community.
6. *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
7. *Confiscation of Prohibited Property*: Items whose presence is in violation of NWCCD policy will be confiscated and will become the property of NWCCD. Prohibited items may be returned to the owner at the discretion of the conduct officer and/or Campus Risk Manager.
8. *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
9. *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
10. *Restriction of Visitation Privileges*: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
11. *NWCCD Housing Probation*: Official notice that should further violations of housing or NWCCD policies occur during a specified probationary period, the student may be immediately removed from NWCCD housing. Regular probationary meetings may also be imposed.
12. *NWCCD Housing Suspension*: Removal from NWCCD housing, for a specified period of time, after which the student is eligible to return. Conditions for re-admission to NWCCD housing may be specified. Under this sanction, a student is required to vacate NWCCD housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Campus Life & Housing. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for NWCCD housing, the student must gain permission from the Director of Campus Life & Housing or designee. This sanction may include restrictions on visitation to specified buildings or all College housing during the suspension.
13. *NWCCD Housing Dismissal*: The student's privilege to live in or visit any NWCCD housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
14. *NWCCD Conduct Probation*: The student is put on official notice that should further violations of NWCCD policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
15. *Eligibility Restriction*: The student is deemed to be "not in good standing" with NWCCD for a specified period of time. Specific limitations or exceptions may be granted by the VPSA, and terms of this conduct sanction may include, but are not limited to the following:
  - a. Ineligible to hold any office in any student organization recognized by NWCCD or hold an elected or appointed office at NWCCD; or
  - b. Ineligible to represent NWCCD to anyone outside NWCCD community in any way including: participating in the study abroad program, attending conferences, or representing NWCCD at an official function, event, or intercollegiate competition as a player, manager or student coach, etc.
16. *NWCCD Suspension*: Separation from NWCCD for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to and at the discretion of the VPSA. During the suspension period, the student is banned from NWCCD property, functions, events, and activities without prior written approval from the VPSA. This sanction may be enforced with a trespass action if deemed necessary. This sanction will be noted as a *Conduct Suspension* on the student's official academic transcript. (*Procedure 5035.5: Transcript Notation.*)

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17. *NWCCD Dismissal*: Permanent separation from NWCCD. The student is banned from NWCCD property and the student's presence at any NWCCD-sponsored activity or event is prohibited. This action may be enforced with a trespass action if deemed necessary. This sanction will be noted as a *Conduct Dismissal* on the student's official academic transcript. (*Procedure 5035.5: Transcript Notation.*)
18. *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the VPSA or designee.
19. If a student withdraws from NWCCD in the midst of the conduct process, a transcript notation "Withdrew with conduct charges pending" will be noted on their transcript until the procedure is complete. (*Procedure 5035.5: Transcript Notation.*)
20. *CONDUCT SANCTIONS FOR STUDENT CLUBS OR DISTRICT-AFFILIATED ORGANIZATIONS* – the following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:
  - a. One or more of the sanctions listed above.
  - b. Deactivation, de-recognition, loss of all privileges (including status as a NWCCD registered group/organization) for a specified period of time.

## O. Failure to Complete Conduct Sanctions

All students, as members of NWCCD community, are expected to comply with conduct sanctions within the timeframe specified by the conduct officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from NWCCD and may be noted on, or with, the student's official transcript at the end of the semester. In such situations, resident students will be required to vacate NWCCD housing within 24 hours of notification by the conduct officer, though this deadline may be extended upon application to and at the discretion of the conduct officer or the VPSA. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the VPSA.

## P. Appeal Review Procedures

Any party may request an appeal of the decision of the panel/by filing a written request with the conduct officer or VPSA, subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

### GROUNDINGS FOR APPEAL REQUESTS

Appeals requests are limited to the following grounds:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction.<sup>2</sup> A summary of this new evidence and its potential impact must be included<sup>3</sup>;
3. The sanctions imposed are substantially outside the parameters or guidelines set by the College for this type of offense or the cumulative conduct record of the responding student.<sup>4</sup>

Appeals must be filed in writing with the Vice President for Student Affairs or conduct officer within three business days of the notice of the outcome of the hearing, barring exigent circumstances. Any exceptions are made at the discretion of the conduct officer.

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The VPSA will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). The conduct officer will refer the request(s) to the VPSA. The conduct officer will also draft a response memorandum to the appeal request(s), based on the determination that the request(s) will be granted or denied, and why. All request-related documents are shared with all parties.

The VPSA will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the conduct officer on any procedural or substantive questions that arise.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the VPSA determines whether to refer the appeal to an Appeals Panel or to remand it to the original decision-maker(s), typically within 3-5 business days.

Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once. Full re-hearings by the Appeals Panel are not permitted. Where new evidence is presented or the sanction is challenged, the VPSA will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Appeals Panel with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeals Panel must limit its review to the challenges presented.

On reconsideration, the Appeals Panel or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural or substantive errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

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<sup>2</sup> Failure to provide information during or participate in an investigation or a hearing, even resulting from concern over pending criminal or civil proceedings, does not make evidence "unavailable" at the time of the hearing.

<sup>3</sup> The conduct officer is expected to consult with the chair of the original panel to inquire as to whether the new evidence would, in the opinion of the Chair, have substantially impacted the original finding or sanction.

<sup>4</sup> When the sanctions imposed are perceived as substantially outside the parameters or guidelines set by NWCCD for this type of offense or the cumulate conduct record of the responding student is such. These guidelines and parameters are NOT to be confused with precedent. Prior findings/sanctions in similar cases that are flawed should not create the basis for all future cases. Finally, appeals officers/committees (preference for committees) MUST discern the difference between a SANCTION and the IMPACT of a sanction. For a SANCTION to be disproportionate or inconsistent, it must be viewed as a "stand-alone" outcome. Simply put, where a one-year suspension is within the guidelines or has been issued by the Board and/or reviewed by the Student Conduct Office, it is, by default, proportionate. The other impacts on the student's life are notwithstanding. This should alleviate the potential of subjective decision-making that will later be scrutinized as potentially arbitrary, capricious or pretextually (or actually) discriminatory. For example: A violation of the sexual misconduct policy where the sanction is a one-year suspension (with conditions for reinstatement) is not "disproportionate" because of the graduation status, time in the semester, pending internship/job/externship/graduate school application. Altering the suspension to allow for some personal situation that may appear academic on its face, or extending it for the same reasons, is not only inconsistent, but also puts the campus at both actual and litigation risk.

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All decisions of the Appeals Panel are to be made within five (5) business days of submission to the Panel and are final, as are any decisions made by the original hearing body, conduct officer as the result of reconsideration consistent with instructions from the VPSA. Notification of the outcome of the appeal will occur in the same manner as all other notifications of outcome, above.

## **THE APPEALS PANEL**

Appeals Panels are drawn from the trained pool of faculty and staff, and may consist of one to three people, with the following requirements to serve.

1. The member did not serve on the Panel for the initial hearing;
2. The member was not involved in the investigation in any way; and
3. The member has been properly trained in appeals procedures.

The VPSA will have final authority to approve all those serving on the panel. The parties may challenge a panelist(s) on the basis of potential bias, and any panelist who cannot render an impartial decision must recuse themselves. The VPSA will make the determination as to the validity of any challenge or need for recusal. In the event of a recusal from the panel, the VPSA will solicit a replacement from the pool of panelists.

The conduct officer or designee serves as the non-voting advisor to the panel, with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the complainant and responding student.

The presumptive stance of NWCCD is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the conduct officer, and in consultation with the VPSA when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the VPSA and the conduct officer, in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

## **OTHER GUIDELINES FOR APPEALS**

- All parties will be informed of the status of requests for appeal within five business days, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

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## **Q. Disciplinary Records**

All conduct records, including recordings, are maintained by NWCCD for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.

## **R. Notification of Outcomes**

In cases where NWCCD determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense, NWCCD may release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and non-negligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

## **SECTION 8: ALCOHOL AND OTHER DRUGS POLICIES & RESOURCES**

*Procedure 3015.1: Alcoholic Beverages in District Facilities* and *Procedure 5330.2: Alcohol & Other Drugs in the Residence Halls* outlines the alcohol and other drug procedures for the District.

The possession and consumption of drugs or alcohol at any District facility, program, or in any vehicle, regardless of location, is limited to circumstances and conduct expressly permitted by the laws of the State of Wyoming and District procedures.

In pursuant to the U.S. Department of Education Regulations implementing the Drug-Free Schools and Communities Act Amendments of 1989, Northern Wyoming Community College District establishes the following policy and regulations:

Northern Wyoming Community College District strives to establish for its students, faculty and staff an environment in which the misuse of alcohol and drugs is minimized, which encourages moderation, safety and personal accountability, and which provides an atmosphere free of coercion and peer pressure to abuse alcohol or use illegal drugs. The College strongly believes and encourages the use of treatment and educational programs as the most effective means to reduce and prevent substance abuse of any kind. All members of the NWCCD community should exercise sound judgment and be mindful of their personal health, safety and well-being, as well as that of their friends and guests, by observing all laws regulating drug and alcohol and the College rules expressed in this Policy.

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## *The Drug-Free Schools & Communities Act*

The purpose of the Drug and Alcohol Abuse Prevention regulations is to implement section 22 of the Drug-Free Schools and Communities Act Amendments of 1989, which added section 1213 to the Higher Education Act. These amendments require that, as a condition of receiving funds or any other form of financial assistance under any Federal program, an institution of higher education (IHE) must certify that it has adopted and implemented a drug prevention program. The most recent NWCCD report can be found within the compliance section of the NWCCD website at: [NWCCD Drug-Free Schools and Campuses Regulations](#)

### **SECTION 9: SEXUAL ASSAULT & INTIMATE PARTNER VIOLENCE RESOURCES & CONTACTS**

NWCCD is committed to educating students in an environment recognizing the worth and dignity of all people and the limitless value of their potential. To achieve this goal, the College is committed to providing an environment free of harassment and discrimination. Harassment and discrimination in all forms, including sexual harassment and sexual assault, are antithetical to the values of NWCCD, violations of College policy, and, in some instances, violations of state and federal law. All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681 et seq., and its implementing regulations, 32 C.F.R. Part 106, prohibit discrimination on the basis of sex, gender identity, or gender expression in education programs or activities operated by recipients of federal financial assistance. NWCCD is required to comply with Title IX.

NWCCD Sexual Misconduct Policy is Procedure Number 3003.1 and lists all responsibilities and definitions as required by Title IX and the Violence Against Women Reauthorization Act of 2013.

#### **Anti-Discrimination Statement**

Title IX of the Education Amendments of 1972 (discrimination based on sex), 20 U.S.C.A. §§ 1681-1688 (West Supp. 2006), prohibits discrimination on the basis of sex in programs and activities by colleges that receive federal financial assistance. Sex discrimination includes sexual harassment (which includes sexual assault and other forms of sexual misconduct).

Northern Wyoming Community College District prohibits discrimination in employment, educational programs and activities on the basis of race, national origin, color, creed, religion, sex, pregnancy, age, disability, veteran status, sexual orientation, gender identity, or any other class protected under state and federal law. The District also affirms its commitment to providing equal opportunities and equal access to its facilities. Inquiries concerning Title VI, Title VII, Title IX, Section 504, and the Americans with Disabilities Act may be referred to the Assistant Vice President for Human Resources, Jennifer McArthur, NWCCD's Title IX and Section 504 Coordinator, Sheridan College, Griffith Memorial Building, Room 141D, 1 Whitney Way, Sheridan, WY 82801; 307-675-0505. Inquiries also may be made to the Office for Civil Rights, U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, CO 80204-3582; 303-844-3417; or TDD 303-844-3417.

NWCCD will not tolerate sexual violence, dating violence, domestic violence, stalking, or sexually inappropriate conduct in any form. Other acts can also be forms of sex or gender-based discrimination and are also prohibited whether sexually based or not, including dating violence, domestic violence, and stalking.

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## **Emergency Assistance & Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

Refer to Procedure 3003.1 for resources and processes.

### **SECTION 10: ANNUAL SECURITY & FIRE SAFETY REPORT**

Originally known as the Campus Security Act, the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f))* is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Clery Act is enforced by the United States Department of Education.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, "whistleblowers", and others from retaliation.

For more information on the Clery Act please visit <https://www.clerycenter.org/the-clery-act>

The Annual Security & Fire Safety Report can be found linked to the compliance section of the NWCCD website at [https://www.sheridan.edu/wp-content/uploads/2022/09/ASFSR-2022-for-2021\\_Final.pdf](https://www.sheridan.edu/wp-content/uploads/2022/09/ASFSR-2022-for-2021_Final.pdf)

### **SECTION 11: APPROVAL AND IMPLEMENTATION**

This *Code of Student Conduct* was approved on August 14, 2017 by the Vice Presidents for the NWCCD, and implemented on August 14, 2017. Minor revisions were reviewed and approved on August 20, 2018 and August 26, 2019. For incidents that occur before these revisions take effect, but are reported thereafter, the procedures in effect at the time of the report will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

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