

# STUDENT CONDUCT CODE

## Student Conduct and Campus Discipline Policy

(revised May 2013)

Casper College students are expected to treat others with the civility, dignity and respect which recognizes the innate value of all human beings, reflects the student's commitment to obtaining an education and meets the legal and college standards of conduct imposed by federal, state and local laws and college policies, rules and regulations. Specific standards of student behavior and student disciplinary policies will be published by the college. These policies will afford students due process and at the same time ensure that sanctions taken under their auspices are appropriate for the misconduct, sufficiently firm as to serve as a deterrent to future misconduct, and educational and corrective in nature.

Disciplinary sanctions which include the expulsion (permanent separation from the college) of a student can only be imposed by the president or acting president of the college.

Removal from college housing as a result of conduct that has endangered or has the potential to endanger the life or safety of any person, including the affected student, or which has resulted or may result in substantial damage to institutional or private property is not considered disciplinary sanction for the purposes of this code. It is considered a reasonable response to protect the safety of the residential community.

## Casper College Student Conduct and Judicial Code

(revised May 2013)

### Preamble

Casper College is an institution of higher learning whose purposes are described in the mission and institutional purposes sections of the Casper College catalog. To achieve the purposes of the college both students and faculty need a climate which nurtures academic and personal freedom and integrity. It is the responsibility of all members of the college community to be active participants in securing this climate. This student conduct and judicial code details the expectations of behavior for Casper College students and outlines their rights and responsibilities.

### Article I: Definitions

1. The term "administrative judicial officer" means a college official authorized on a case-by-case basis by the vice president for student services (VPSS) to investigate alleged violations of the student conduct and judicial code, to administratively dispose of any cases by mutual consent of all parties involved and to impose sanctions upon students found to have violated the student conduct and judicial code. The

VPSS may serve, or may authorize another college official to serve, simultaneously as an administrative tribunal officer. Nothing shall prevent the VPSS from authorizing the same administrative tribunal officer to impose sanctions in all cases. Generally, the director of security and judicial review shall serve as the administrative tribunal officer.

2. The term "administrative review" means the process authorized by the VPSS to review the administrative judicial officer's determination that a student has responsibility for violating a section of the student conduct and judicial code.
3. The term "hearing and appeals panel" means any person or group of persons authorized by the VPSS to contemplate oral and written documentation pertaining to cases of alleged student misconduct which are not resolved by the administrative resolution process. The hearing and appeals process is educational in nature and not analogous to court proceedings, and attorneys may not participate.
4. The term "code" refers to the Student Conduct and Judicial Code of Casper College.
5. The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the Casper College faculty or staff.
6. The term "college" means Casper College, also known as Casper Community College.
7. The term "college official" includes any person employed by the college performing administrative or professional duties on behalf of the college, or who has the authority to issue instructions on behalf of the college. This term includes, but is not limited to, the college president, college vice presidents, deans, directors, department heads, security officers and custodial staff who, as part of their duties, secure or unsecure facilities.
8. The term "college premises" (also referred to as "campus" or "college property") includes all land, buildings, facilities and other property owned, leased, operated or controlled in any other manner by the college. This term also includes all adjacent and coterminous streets and sidewalks.
9. The term "disciplinary body" means any person or persons authorized by the VPSS to serve as an administrative judicial officer or a member of hearing and appeals panel.

10. The term “faculty member” means any person hired by the college to conduct activities found in the faculty job description.
11. The term “hazing” means any act which is required of a student as a condition to join or affiliate with any organization or group, whether based on campus or not, whether formally constituted under college policies or not, that requires the student to violate the law or college rules and regulations, endangers the physical or mental well-being of the student, endangers the safety of any individual or the community at large, requires the student to engage in the consumption of alcohol, drugs or food, requires the student to engage in feats of physical strength, calisthenics, sleep deprivation, or other physical or mental activity potentially injurious to the mind or body, engage in sexual behavior, or destroy or remove public or private property. The proscribed activity does not have to occur on college premises to constitute a violation of this section.
12. The term “interim suspension” means that a specific suspension has been imposed upon a person prior to a formal disciplinary hearing process so as to ensure the health and safety of the members of the college community.
13. The term “may” is used in the permissive sense.
14. The term “shall” or “will” is used in the imperative sense.
15. The term “member of the college community” includes any person who is a student, faculty member, college official, staff member, or any other person employed by the college. The registrar and/or director of human resources shall determine a person’s status in a particular situation.
16. The term “organization” means any number of persons who have complied with the formal requirements for college recognition.
17. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of papers or other academic materials.
18. The term “policy” is defined as the written regulations of the college as found in, but not limited to, the student conduct and judicial code, residence hall terms and conditions of occupancy, college catalog, the college policy manual and such procedural statements as may be developed to implement institutional policies.
19. The term “sexual assault” includes, but is not limited to, (1) unwanted touching of a sexual nature including, but not limited to the breasts, the buttocks or the genital area of any person; (2) unwanted touching which produces sexual arousal, gratification or abuse; (3) the penetration, however slight, of a person’s genital or anal opening by any means or with any object; (4) the contact, however slight, of the mouth of any person by the genitals or anus of any other person, when these acts are committed upon a subject who is physically or mentally helpless, intoxicated by means of liquor or drugs, asleep, unconscious, submitting due to a reasonable fear of bodily injury to herself/himself or another, submitting due to threatened bodily injury or harm, is physically restrained, is not capable of giving informed consent, or who has verbally refused consent to engage in these actions.
20. The term “sexual harassment” includes, but is not limited to, (1) unwanted and unwelcome conversation, behavior, displays or references to a person’s sexuality, sexual orientation or gender, or to sexual activity in such a manner as to create a sexually intimidating, hostile or offensive work, educational or living environment; (2) an attempt to coerce an unwilling person into a sexual relationship; (3) subjecting a person to unwanted sexual attention within the context of a relationship in which there is a power differential; (4) punishing a refusal to comply with or respond to unwanted sexual attention and/or advances.
21. The term “student” includes all persons enrolled for courses through the college, whether enrolled as degree-seeking, nondegree-seeking, full time, part time, credit, noncredit, distance education, customized training, continuing education or community service students, in addition to those who are enrolled through post secondary educational institutions other than Casper College and who attend classes at or reside in Casper College facilities. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the college are considered students for the purposes of this code.
22. The vice president for student services (VPSS) is that person designated by the college president to be responsible for the administration of the student conduct and judicial code.
23. The director of security and judicial review is the person designated by the VPSS to oversee compliance with the Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics Act, investigate or delegate the investigation of allegations of violations of law or student conduct and judicial code violations, determine when to refer a

case to outside law enforcement, and administratively resolve and issue sanctions for violations of the student conduct and judicial code.

24. The term “working day” or “business day” means a day when the college’s administrative offices are open for regular business. This term is exclusive of weekends and holidays and of days when the college is closed or operating at a reduced capacity due to man-made or natural causes beyond the ability of the college to control.
25. The term “conspiracy” means an agreement between two or more people to commit a violation of the student conduct and judicial code and making an overt attempt amounting to more than mere preparation in furtherance of their plan.
26. The term “disorderly conduct” means socially offensive or disruptive activity that causes major interruption of normal business in an office, normal occupancy or use of a common area, or an inability for a resident or other authorized person to enjoy the use of a private dwelling. Examples of disorderly conduct include but are not limited to: unreasonable noise, public drunkenness, loitering with intent to intimidate another, obstructing vehicular or pedestrian traffic or ingress/egress to a room, building or area, obscene or abusive language, obscene gestures, verbal abuse of another person amounting to more than mere disagreement or noncompliance, display of a weapon with the intent to frighten others, peeping into occupied rooms, dwellings or offices with the intent to surveil or intimidate another person.
27. The term “reasonable person” means a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining reaction or conduct.
28. The term “dating violence” means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.
29. The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving

grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

30. The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.
31. The student code of conduct regulates student behavior regarding non-academic matters. Matters relating to academic issues are the jurisdiction of the vice president for academic affairs, the deans of the schools, the academic department heads and their designees. Individual schools and departments may set their own standards for academic conduct and classroom management insofar as they do not conflict with other college policies, procedures and protocols and are approved by the vice president for academic affairs. The student services division, the vice president for student services and/or the director of security and judicial review may assist the academic division if deemed necessary by the senior administrators of the college.

## **Article II: Judicial Authority**

1. Under the auspices of the student conduct and campus discipline policy adopted by the Casper College Board of Trustees, the president has designated the VPSS as the person responsible for developing and implementing standards and procedures addressing student conduct and campus discipline issues.
2. The VPSS shall determine the composition of hearing and appeals panels and determine which administrative judicial officer shall be empowered to hear any given case.
3. The VPSS in conjunction with the director of security and judicial review shall develop policies for the administration of the judicial program and procedural rules for the conduct of disciplinary processes consistent with the provisions of this code.
4. Decisions as to code violations made by an administrative tribunal officer shall be final. If an appeal is to be submitted in accordance with Article IV, Section D, the VPSS may implement or hold in abeyance the imposed sanctions while the appeals process proceeds.
5. The hearing and appeals panel is a body of three to seven members of the college community (students, faculty and staff) that hears cases not resolved by administrative resolution which involve possible suspension or expulsion. This panel may also be used by the VPSS for administrative review as deemed appropriate.

6. The director of security and judicial review may serve as arbiter of disputes within the student community in cases which do not involve a violation of the student conduct or judicial code, or which involve a code violation against an individual, but not against the college, provided that all parties involved agree to binding arbitration with no right of appeal.

### **Article III: Proscribed Conduct**

#### **A. Jurisdiction of the College**

1. The college jurisdiction and disciplinary system will primarily focus on conduct that occurs on college premises during classes, college activities and events.
2. The jurisdiction of the college is in effect for conduct that occurs off college premises whether in Natrona County or elsewhere within the state of Wyoming or in any other state or in a foreign nation if the person against whom a code violation is alleged was participating in a college activity or event, including but not limited to, an athletic event, a cultural event, a class, a trip, or any other officially-sponsored or directed activity of the college. The college's jurisdiction is in effect regardless of whether outside law enforcement becomes involved.
3. In exceptional circumstances, the jurisdiction and disciplinary procedures of the college may be expanded to encompass students whose off-campus personal conduct endangers the health or safety of college employees, adversely affects the college community and/or the pursuit of its objectives. Each circumstance involving alleged code violations off-campus will be evaluated within the totality of the situation to determine:
  - a. Whether the situation is a case of "exceptional circumstances," and
  - b. Whether the use of the student conduct and judicial code will have any impact to protect the individual(s) and/or the campus community.
4. The director of security and judicial review may enlist the assistance of outside law enforcement to aid in addressing conduct that occurs off-campus that appears to be beyond the scope of the student conduct and judicial code to resolve.

#### **B. Conduct-Rules and Regulations**

Any student found to have committed the following violations of the student conduct and judicial code is subject to the disciplinary sanctions outlined in article IV:

1. Acts of dishonesty, including but not limited to:
  - a. Cheating, plagiarism or other forms of academic dishonesty
  - b. Furnishing information to any college official, faculty member, or institutional office that the student knows or should reasonably believe to be false.

- c. Providing information during an investigation by campus security, the director of security and judicial review, a disciplinary hearing and appeals panel, an appellate review board hearing, or to outside law enforcement that the student knows or should reasonably believe to be false.
  - d. Forgery, alteration or misuse of any college document, record or instrument of identification, or possession or use of any fraudulent identification document to campus security during an investigation.
  - e. Tampering with the election of any recognized student organization
  - f. Violation of copyright laws
  - g. Attempted or actual possession of or conspiracy to possess or use any false identification document of any kind, including but not limited to documents purporting to be drivers licenses, identification cards, passports, birth certificates, transcripts, diplomas, voter registration cards, military identification cards or any other document apparently issued by any political subdivision of the United States, state or local government, public or private educational institution or foreign nation. Ordering or attempting to order such a document using Casper College internet access or computers or having such documents mailed to any address on the Casper College campus, receiving, accepting or agreeing to receive or accept such a document from any person, company or entity constitutes use, possession or conspiracy as applicable.
2. Significant disruption amounting to more than mere expression of contrary opinion of any teaching, research, administration, disciplinary proceeding, athletic event, cultural event, guest speaker, presentation or speech by any person invited to campus by the administration or recognized organization or any other authorized event on college premises, regardless of whether the event is a college function or a private function. Disruption of any officially sponsored or recognized college function off-college premises.
  3. Fighting, verbal abuse, intentional physical or psychological intimidation, harassment, coercion, threats, or other conduct that threatens or endangers a person, or would cause a reasonable person to leave a place or event or withdraw from classes rather than continue to tolerate the conduct, or conduct that creates a climate of reasonable fear or conduct that endangers the health or safety of any member of the college community, including the actor.

4. Sexual assault, sexual harassment, violence, intentional behavior that a reasonable person would find threatening or intimidating based upon a person's sexuality, sexual orientation or gender.
5. Theft or attempted theft of property or services or the damage or destruction of property belonging to or controlled by the college, any member of the college community, any vendor or contractor doing business with the college, any public entity or political subdivision, any private business or personal property belonging to any individual.
6. Engaging in hazing as defined by this code, whether or not the activity occurs with the consent of the person(s) hazed, whether or not the activity occurred on college premises, and whether or not the activity took place with the knowledge of the officers or membership of the organization, as a condition for membership, initiation, affiliation or condition for continued membership in an organization, group, team, or any other body.
7. Failure to comply with the directions or requests of college officials, campus security officers, law enforcement officers, or other public safety personnel acting in the performance of their duties as they relate to the carrying out of non-academic functions, and/or behavior that demonstrates disrespect for college officials, campus security officers, law enforcement officers, or other public safety personnel acting in the performance of their duties. Failure to identify oneself correctly upon request, attempting to conceal the identity or presence of any other person, refusing or attempting to deny entry into any area, or resisting a search or seizure under college policy or law constitute violations of this section. Classroom management issues will be dealt with by the academic school or its subsets.
8. Unauthorized possession, use or duplication of any college key(s) or entry or attempted entry into areas of the college to which the person has no authorization to enter by use of keys. Providing keys to a person whom one knows is not authorized to possess them or otherwise aiding or abetting unauthorized entry into any area.
9. Entering or remaining in any building or area within a building without authorization after established business hours or refusing to leave a building upon the request of a college official, campus security officer, or faculty or staff member with control over the area. Accessing exterior areas of any building, such as the roof, without authorization. Climbing out of windows or access hatches without authorization.
10. Violation of any published college policies, rules or regulations.
11. Violation of federal, state, county or local law, statute or ordinances on college premises or at college events on or off-college premises.
12. Manufacture, use, possession or distribution, with or without remuneration, of any illegal drugs or narcotics, hallucinogens or controlled substances or the use or facilitation of the use of any over-the-counter drug in a manner inconsistent with its recommended use for the purpose of intoxication or altering the state of one's being. This activity is prohibited on Casper College premises and at college events, on or off-college premises.
13. Conspiracy to manufacture, use, possess, distribute or conceal, with or without remuneration, of illegal drugs or narcotics, hallucinogens or controlled substances, or to use or facilitate the use of any over-the-counter drug in a manner inconsistent with its recommended use for the purpose of intoxication or altering the state of one's being. This activity is prohibited on college premises and at college events.
14. Possession, use, manufacture or distribution of alcoholic beverages, including but not limited to distilled spirits, wine, beer or cereal malt beverage on college premises or at college events. The fact that the person possessing, using or distributing the alcoholic beverage may be of legal drinking age does not mitigate a violation of this section.
15. Conspiracy to possess, use manufacture or distribute alcoholic beverages, including but not limited to distilled spirits, wine, beer or cereal malt beverage on college premises or at college events. The fact that the person(s) engaged in the conspiracy are of legal drinking age does not mitigate a violation of this section.
16. Public drunkenness or intoxication where the person's behavior constitutes a danger to himself or other people where the person is incapable of caring for himself.
17. Possession of concealed firearms on college premises or at college events except:
  - a. The person possessing the firearm is a law enforcement officer employed by a local, state or federal law enforcement agency.
  - b. The firearm is being used for classroom instruction and the instructor has prior permission from the director of campus security and the vice president for academic affairs.
  - c. The firearm is being used as a prop in a theatrical production and has been approved by the head of the Theatre Department.
  - d. The event is held at an off-campus venue in which case the regulations of that venue will take precedence.

- e. The person has been specifically authorized by the President of the College to carry a concealed firearm on College property.

Other than the exceptions listed above, no person may carry a concealed firearm on Casper College premises regardless of whether the person possesses a permit or license from Wyoming or any other state allowing them to carry a concealed firearm or whether they are carrying a concealed firearm pursuant to Wyoming statute allowing them to do so without a permit.

Students violating this section will be dealt with under this code. Employees will be referred to human resources. Visitors or unaffiliated persons will be asked to remove the firearm from College property. Any person, regardless of affiliation, refusing to comply with the requests or instructions of campus security officers or other College officials in regard to the possession of firearms are subject to having law enforcement called to deal with them.

18. Possession of other dangerous or prohibited articles on college premises, including but not limited to: replica firearms or inoperable firearms, Airsoft or similar weapons, blackpowder weapons, paintball guns, BB/pellet guns, potato guns, fireworks, soda bottle bombs, swords (decorative or real), machetes, nunchuks, other martial arts weapons (practice or functional), knives intended for combat (including but not limited to daggers, dirks, poniards, stilettos, or bayonets), mock or fake explosive devices (inert hand grenades, clocks in the shape of time bombs, etc.), poison or any substance purported to be poison or biologically hazardous (real or simulated), dangerous chemicals outside laboratory settings, a club or other impact weapon, metal or hard plastic knuckles, an explosive device or bomb or precursor elements for making same, a bow and/or arrow, a slingshot or other weapon capable of causing death or serious bodily injury or any other object or device which, in the judgment of College authorities constitutes a potential hazard or threat. Depending upon the circumstances under which the weapon comes to the attention of College officials and the manner in which it is used or possessed, the matter may be referred to law enforcement.
19. Participation in a demonstration which disrupts the normal operations of the college or infringes upon the rights of other members of the college community; leading and/or inciting others to disrupt normal operations of the college or scheduled activities, unauthorized occupation or "sit in" of any college building or area; intentional obstruction which interferes with pedestrian or vehicular movement, ingress or egress from any building, parking lot, street, roadway, or entrance/exit on or to the campus.
20. Disorderly conduct or breach of the peace, unreasonable noise, including but not limited to, music, PA or other amplification system, vehicle engine or exhaust noise, or chanting.
21. Lewd, lascivious or indecent conduct in a public place or in a nonpublic place when the circumstances indicate that the participants are reckless or negligent about being viewed by others, including but not limited to, sexual intercourse, sexual contact, indecent exposure, urination or defecation, sexually explicit displays or demonstrations, viewing of pornography in print or electronic forms.
22. Aiding, abetting, procuring or conspiring with another person or persons to breach the peace on college premises or at functions sponsored by or participated in by the college.
23. Theft or abuse of computer account privileges, equipment, software, network resources or time, including but not limited to:
  - a. Unauthorized entry into an account, file or network to read, use, or change the contents or for any other purpose.
  - b. Unauthorized transfer of copying of accounts, programs or files.
  - c. Unauthorized use of another individual's account, identification or password.
  - d. Use of computing facilities to interfere with the work of another student, faculty member, college official, or computer network operations.
  - e. Use of computing facilities to send obscene, abusive or threatening messages, or to threaten or harass public officials.
  - f. The downloading, storage, viewing, transmission, production, sale, purchase or trading of sexually explicit material which includes the images or purported images of people under 18 years of age or any other sexually explicit material that shows or purports to show the death or torture of any person, regardless of whether the images are of an actual person, whether they are simulated, or whether they are composite images.
  - g. The solicitation or attempted solicitation for sexual conduct, visitation or travel for sexual activity, including the transmission of sexually explicit images of any person under the age of 18 or purported to be under the age of 18 regardless of the physical location of such person and regardless of whether the person is actually under the age of 18.

- h. Conduct that violates federal Department of Homeland Security provisions concerning engaging in or supporting terrorist activity or violations of national security provisions.
  - i. Conduct that constitutes a violation of federal, state, county or city laws, statutes or ordinances concerning theft, fraud, money laundering, identity theft or other financial crimes.
  - j. Conduct that constitutes a violation of federal, state, county or city laws, statutes or ordinances concerning harassment, intimidation or hate crimes.
  - k. Use of computing facilities to interfere with the normal operation of the college or network computing systems.
24. Abuse or misuse of the campus telephone or telecommunications systems, including but not limited to:
- a. Unauthorized use of another person's telephone equipment, access identification numbers, billing cards, or phone numbers.
  - b. Making obscene, harassing, or abusive contact via telephone.
  - c. Unauthorized access to telecommunications cable systems.
  - d. Unauthorized recording from or copyright infringements on telecommunication systems.
25. Abuse or contempt of the Judicial system, including but not limited to:
- a. Failure to obey the summons of a disciplinary body or a college official
  - b. Falsification, distortion or misrepresentation of evidence or information before a disciplinary body.
  - c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
  - d. Institution of a disciplinary proceeding or complaint when the person knows that no legitimate cause exists.
  - e. Harassing, intimidating, threatening and/or in any way attempting to discourage an individual from properly participating in or availing himself/herself of the use of the judicial system.
  - f. Attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the course of a disciplinary proceeding.
  - g. Verbal or physical harassment and/or intimidation of a member of a disciplinary body prior to, during or following the conclusion of a disciplinary proceeding.
  - h. Retaliating against the person, property or reputation of any member of a disciplinary body, any administrative tribunal officer, any college official, any complainant, any witness or any other person involved in a disciplinary proceeding.
  - i. Failure to comply with the sanctions imposed under the student conduct and judicial code.
  - j. Influencing or attempting to influence another person to commit an abuse of the judicial system, including but not limited to, altering or retracting a statement once given or providing false or misleading testimony.
26. Engaging in any act of domestic violence, dating violence and/or stalking by any means against any person whether it occurs on the college campus or elsewhere when reported to a college official.
27. Engaging in violations of the code against a person or property motivated in whole or in part by the student's bias toward an individual or group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin. The student's mistaken perception is no defense to violation of this section.

### **C. Violation of Law and College Discipline**

1. If a student is cited and/or arrested for an off-campus violation of federal, state or local law, statute or ordinance, but not with any other violation of this code, disciplinary action may be taken and sanctions imposed for personal conduct that has endangered or has the potential to endanger the physical health or safety of students or college employees, has negatively affected or has the potential to negatively affect the college community or has disrupted or has the potential to disrupt the pursuit of its objectives. If the VPSS determines that the health and safety of the college community and/or that of any individual member thereof can be protected through the use of the disciplinary system, he/she will authorize that campus disciplinary action be undertaken without regard to the pendency of civil litigation and/or criminal justice system proceedings.
2. College disciplinary proceedings may be instituted against a student charged with a violation of the law that is also a violation of this code without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this code may be carried out prior to, simultaneously with or following civil or criminal proceedings off-campus.
3. When a student is charged by federal, state or local authorities with a violation of law, statute or ordinance, the college will not request or agree to special considerations for that individual because of his/her status as a student. However, if the alleged

offense is also the subject of a proceeding before a disciplinary body under the code, the college may advise off-campus authorities of the existence of the code and of how such matters will be handled by the college. The college will cooperate fully with outside law enforcement, prosecutorial and other authorities in regard to the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for the rehabilitation of student violators. Individual students and faculty members remain free to interact with governmental representatives as they deem appropriate.

#### **D. Rights of Students**

1. Nondiscrimination: No student or applicant for admission shall be discriminated against by the College based upon race, religion, national origin, gender, sexual orientation, age, or disability. This also applies to all recognized student organizations.
2. Student Educational Records: Student educational records shall be maintained only by authorized college officials and released within the college only when there is a legitimate need. In nonemergency situations, student educational records shall be released only with the prior written consent of the student concerned. For the purposes of this code student educational records include, but are not limited to:
  - a. Academic transcripts and grade records
  - b. Disciplinary proceedings transcripts
  - c. Medical condition and treatment records
  - d. Counseling and psychiatric treatment records
  - e. Financial aid data
  - f. Attendance records

These records may be maintained in separate files and shall be retained for a reasonable length of time and then may be destroyed. Disciplinary files and matters relating to campus security shall be kept a minimum of seven years so as to comply with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Additional information concerning the college's procedures for the federal Family Educational Rights and Privacy Act (FERPA) can be obtained by contacting the office of admissions.

3. Academic Rights: A student shall have the right, regardless of the instructional delivery modality, to:
  - a. Be informed of course requirements through a written syllabus.
  - b. Be evaluated solely upon the basis of his/her academic performance as required by an instructor as part of a course.

- c. Experience reasonable, free and open discussion, inquiry and expression, both in the classroom and in student/instructor conferences. However, all such discussion, inquiry and expression shall be respectful, rational, and germane to the issue at hand.
  - d. Experience competent instruction and academic advising.
  - e. Disagree, in a scholarly manner, with the data or views presented and reserve judgment about matters of opinion.
  - f. Expect protection against an instructor's improper disclosure of a student's views, beliefs, and political associations, which may surface as a result of the instructor's teaching or advising. However, if information is disclosed that indicates that the student is a danger to himself/herself or others, or if information disclosed indicates that he/she is engaging or intends to engage in activity that violates federal, state or local law, statute or ordinance, the instructor has the right to contact college or off-campus officials to relay this information for the protection of the student, other members of the college community, or the community at large.
  - g. Expect protection, through established procedures, against prejudiced or capricious evaluation.
  - h. Expect protection from sexual harassment in the educational environment.
4. Students shall have the right to freedom of speech and assembly, subject to clearly stated guidelines regarding time, place and manner, as described in Casper College policy. It is understood that they must exercise these freedoms in such a manner as to be considered civil and respectful of other college community members and the community at large. It is further understood that the college retains the right to be informed about the scheduling of guest speakers so as to ensure that the event may take place in an orderly fashion and is conducted in a manner appropriate for an academic community. These rights do not include protection from libel and slander.

#### **Article IV: Judicial Policies and Procedures**

##### **A. Complaint/Investigation**

1. When one student files a complaint against another student alleging a violation of the Student Code of Conduct (Code) or when an allegation of a violation of the Code arises as a result of a reported or observed incident it is investigated by the Director of Campus Security and Judicial Review (Director) or his agents.

2. If the investigation reveals evidence that the violation of the Code more likely than not occurred, the Director will assess sanctions against the student found to have committed the violation in accordance with the schedule of penalties established by the College.

## **B. Penalty Phase**

1. Sanctions issued for violations of the Code will be appropriate for the conduct committed. Factors considered in sanctioning may include: the nature and severity of the incident; the disciplinary history of the student; the developmental needs of the student; the level of accountability and responsibility taken by the student; the level of cooperation from the student; the interest of the community and those impacted by the conduct; and any other aggravating, mitigating or relevant factors. More serious violations will result in enhanced penalties. Persons already on probation for a Code violation will be subject to more severe sanctions than a person not on probation. Repeated violations of a particular section of the Code will result in enhanced sanctions.
2. If the person sanctioned complies with the conditions issued for the designated period of time, certain provisions of the sanctions, such as being trespassed from a particular area or being prohibited from attending specified functions, may be modified or lifted.
3. If a person fails to meet the conditions issued within the designated time period, his/her student account may be subject to having a hold placed on it, preventing him/her from enrolling in classes at Casper College.

## **C. Appellate Phase**

1. A student found to be in violation of the Code will be provided with written notification of the administrative resolution, including violations, sanctions, or other actions required by the College.
2. If a student does not accept the administrative resolution (in whole or in part), the student is entitled to have the resolution reviewed by the Vice President for Student Services or his/her designee. A request for administrative review must be submitted in writing within 10 working days to the VPSS. Simple disagreement with the validity of the Code or the section of the Code violated will not be grounds for an administrative review.
3. The VPSS will review the case and notify the student in writing of his/her decision. The VPSS may implement or hold in abeyance the imposed sanctions while the administrative review proceeds. The decision of the administrative review is final for all cases that do not involve suspension or expulsion. Those cases may be appealed through a formal hearing and appeals process.

4. If the VPSS determines that grounds for a formal hearing and appeal exist, she/he will convene a hearing and appeals panel to consider the case. The panel will review all written documentation pertaining to the case and any evidence introduced by the student or College including testimony of persons involved and/or witnesses. The hearing and appeals panel will submit its decision to the VPSS in writing. All such hearings will take place in a timely manner following the filing of the appeal at a time agreeable to all parties.
5. If the appeal is sustained by the panel, the VPSS may modify or dismiss the sanctions issued by the Director. Both the appealing student and the office of the Director will be notified in writing of the decision.
6. Cases resulting in a sanction recommendation of expulsion may be appealed to the College President. His/her decision will be final.
7. Other than expulsion, disciplinary sanctions shall not be made part of a student's permanent academic record. However, they shall remain a part of the disciplinary files held by the Director of Security and Judicial Review for a minimum of seven years, except in cases of suspension, housing suspension, or expulsion, which shall be held indefinitely. These records are subject to disclosure upon the presentation of an appropriate authorization to release information signed by the student, allowing a governmental entity or private business to whom the student has given authorization to view these records.

## **D. Sanctions**

The following sanctions may be imposed upon a student found to have responsibility for violating the code:

1. Warning – A notice in writing to the student that the student has violated institutional regulations, coupled with a statement that the violation is not to occur again.
2. Probation – A statement in writing that, for a designated period of time, and subject to certain conditions, a student's continued affiliation with Casper College is contingent upon him/her abiding by acceptable standards of conduct including adherence to all institutional rules and regulations. Violation of these standards of conduct and/or failure to adhere to institutional rules and regulations will result in suspension from the college.
3. Housing Probation – A statement in writing that, for a designated period of time, and subject to certain conditions, a student's continued ability to live in residential housing is contingent upon him/her abiding by acceptable standards of conduct and adherence to institutional and housing rules and regulations. Failure to do so will result in suspension or removal from residential housing.

4. Restriction of privileges – Denial of specified privileges, such as attendance at dances, sporting events, or other such activities, for a specified period of time.
  5. Community Service – The student is required to donate a specified amount of his/her time in the furtherance of a college or community purpose, without compensation. This term of hours may range from four (4) hours to one hundred (100) hours, depending upon the severity of the code violation. Community service may be performed on or off campus and the entity for which the service is performed is subject to the approval of the administrative judicial officer.
  6. Education – The student may be required to attend a class or seminar germane to this issue for which he/she was sanctioned, including but not limited to alcohol or drug assessment, domestic violence awareness, anger management, or interpersonal skills. Any costs for such education will be borne by the student.
  7. Fine – a monetary fine may be assessed for certain code violations. Whether a fine is imposed or offered in lieu of other sanctions and the amount of any such fine will be decided by the VPSS.
  8. Suspension – Separation from the college for a definite period of time, after which the student may petition for readmission. Conditions for readmission may apply.
  9. Housing Suspension – Separation from residential housing for a definite period of time, after which the student may petition for readmission. Conditions for readmission may apply.
  10. Housing Removal – Permanent separation from residential housing for grievous misconduct. \*  
\*This differs from removal from housing for reasons of safety. Circumstances which make it necessary to remove a student from residential housing to protect the life or safety of any person or the community at large, including the removed student, or to protect institutional or private property from major damage. Such a removal is not considered a disciplinary sanction and is not subject to review or appeal.
  11. Expulsion – Permanent separation from Casper College with no ability to petition for readmission. May only be imposed by the college president.
3. The VPSS will be immediately notified of the removal of the student and will review the evidence in the case that led to the student's removal.
  4. The VPSS will determine whether the student has grounds for appeal and will notify the affected student of the process that will be followed, including the date, time and place of any hearing and the conditions under which the student will be allowed to return to campus for such hearing.
  5. The VPSS may choose to hear evidence or may designate a person or body to hear the evidence from the affected student and/or any witnesses. Students or others wishing to provide evidence of why the interim sanction of removal from the campus should stand as issued may also be heard from.
  6. In the event that the incident requiring the removal of the student from the College or part of the College is a sexual assault or sexual harassment, the victim will not be required to appear before the hearing body but may meet with the VPSS privately.
  7. In the event that the incident involves a sex offense or a crime of violence, the victim(s) of the incident will be notified in writing of the determination of responsibility of the accused student and the sanctions issued. Additionally, the VPSS may disclose the final results of the discipline including the name of the student disciplined, the Code violation for which the student was found to have violated and the sanctions imposed. The name of the victim(s) may not be released.

#### **F. Contempt or Abuse of the Judicial System**

1. If a student refuses to cooperate with the Director in the investigation of the alleged Code violation the sanction will be imposed based on the evidence available to the Director.
2. If the student fails to appear at any appellate proceeding as directed, the sanction issued by the Director will stand.
3. Any person attempting to intimidate, bribe or otherwise influence witnesses, College personnel involved in the judicial process, or any other person relevant to the proceedings will be subject to enhanced penalties including involuntary removal from Casper College.
4. Any accused person who attempts to disrupt any disciplinary or appellate proceeding will have additional sanctions levied against them
5. Persons filing false complaints against another student, filing a complaint in bad faith, giving evidence or testimony they know to be false, or deceiving or attempting to use the judicial system in a malicious manner will be subject to sanctions

#### **E. Interim Sanctions**

1. When a student's conduct is severe enough to require his/her immediate removal from the College or from any part of the College it will be done.
2. The student removed from the College or some part thereof retains his/her appellate rights.

## G. Housing Issues

1. The Director or his/her agents may assist the Department of Housing and Student Life with investigations of the Housing Terms and Conditions, and matters which initially appear to be Housing related may be referred to the Director if evidence of broader misconduct is revealed as a result of investigation.
2. The Director of Housing and Student Life or her/his agents retain the right to investigate matters which directly affect the Housing environment and issue sanctions in compliance with the Terms and Conditions
3. Any person residing in College Housing may be removed from College Housing without notice if his/her conduct is determined to endanger any person residing in College Housing or his behavior is inimical to the good order and safety of the Housing environment. Such removal requires approval from the VPSS or her/his designee and is not subject to appeal and is not considered a disciplinary matter.

### Article V: Interpretation and Revision

- A. Any question of interpretation regarding the code shall be referred to the VPSS. His/her interpretation shall be final.
- B. Every recognized college group has the responsibility to take all reasonable steps to ensure that their collective and individual conduct is not in violation of college rules and regulations and federal, state, or local law, statute or ordinance. The following sanctions may be imposed upon College groups or organizations:
  1. Section D (Sanctions), subsections 1, 2, 4, 5, 6, 7, and 8.
  2. Deactivation - Loss of all privileges, including college recongition, for a specified period of time.
- B. The code shall be reviewed every three years, or as needed, by the director of security and judicial review and/or the VPSS. Changes shall be made as appropriate.

## STUDENT GRIEVANCES

### Expression of Student Concerns

#### Statement: An Invitation to Dialog

##### Purpose:

This statement is to identify the processes through which students may express their concerns, voice complaints, and/or seek resolution of conflicts involving the operations and/or employees of Casper College.

##### Statement:

Given that one of the standard objectives of higher education is to encourage responsible citizenship through open discussion and the use of effective problem solving strategies, Casper College seeks to improve its operational and employee effectiveness by informing students about how they may enter into a responsible dialog to address issues, express concerns, and/or resolve conflicts with institutional procedures or employee actions. Students have three recognized ways in which they may open a dialog about their area of concern: (1) speak directly with the employee most directly involved with the issue; (2) consult with appropriate supervisory level personnel who oversee the employee or topic involved with the issue; (3) use the relevant established complaint or grievance procedures. Although students are not required to begin at any given point within this feedback/resolution model, it has been our experience that the more directly the students address their issue, concern, or conflict with the person most specifically involved, the more quickly the issue, concern, or conflict can be heard, reviewed, and/or resolved.

If students are uncertain as to who, or how, they should begin to address their issue, concern or conflict, they are encouraged to talk with their academic advisor, the information center in the admissions office or the vice president for student services for advice on where and/or how to begin their dialog.

## Student Grievances Procedure

Revision Date: June 4, 1997

Reviewed: May 2007

### Scope

This procedure pertains to all grievances brought by students against employees of Casper College.

### Responsibility

The director of human resources and the vice presidents are responsible for insuring compliance with this procedure.

### Procedure

When a student has a grievance against a Casper College employee, arising from actions other than those taken under recognized student disciplinary procedures, the following procedural sequence needs to be used in processing the grievance.

### Receiving Grievances Phase:

1. Students wanting to grieve about the actions of specific college employee(s) need to consult with the appropriate person from one of the following offices within twenty (20) working days from the date of the occurrence: the Casper College Office of the Vice President for Student Services, the Office of the Vice President for Academic Affairs, the Office of the appropriate Academic School Dean, the Office of Human Resources, or the Office of the Vice President for Administrative Services.

2. During the initial interview the person receiving the report will ask the student to complete a student grievance form and gather information as to the nature of the grievance, the identity of the employee(s) involved and the actions taken, thus far, by the student(s) to resolve the grievance.
3. The person receiving the report will alert the student(s) as to the various channels available to her/him for an informal resolution prior to proceeding with the grievance. These aforementioned various channels include, but are not limited to: (for faculty) direct discussion with the identified faculty member, discussion with the appropriate department chair or dean, discussion with the vice president for academic affairs, or his/her designee; or (for nonteaching professional or classified staff employees) direct discussion with the identified employee, discussion with the appropriate immediate supervisor, discussion with the appropriate administrative level supervisor.

#### **Assessing Grievances Phase:**

1. The person receiving the report will have ten (10) working days to conduct an administrative inquiry to determine if the grievance has merit. If the person the investigating the report determines that the grievance does not appear to have merit, and the student filing the grievance does not object, then the proceedings are terminated. However, if the grieving student disagrees with the determination of "no merit," then, within five (5) working days, the student may request, in writing, that the president, or his/her designee, review the grievance and the information gathered through the administrative inquiry. The president, or his/her designee, will have five (5) working days to make a determination as to the necessity to proceed further with the grievance process.
2. The person receiving the student grievance form report will maintain a record of facts related to the grievance and any administrative inquiry, including, but not limited to: the name of the grieving student(s), a record of the student(s) actions, a record of their own actions following the receipt of the grievance, a list of the persons interviewed during the administrative inquiry, and the involvement of any administrative supervisory personnel, as well as any noncampus resources accessed during the inquiry. This record is to be considered private information, i.e., shared only with those people who have an established need to know, and is to be maintained accurately.

#### **Informal Resolution Phase:**

1. If, after inquiry, the student's grievance is deemed to have merit, the student(s), the employee(s), and the person who received the student grievance form report will meet within five (5) working days to determine potential informal resolution alternatives.

2. If appropriate resolution alternatives are developed, they will be presented to all principles involved within three (3) working days. After one alternative has been agreed upon by all involved parties, a notice of resolution acceptance will be prepared by the appropriate administrative personnel and signed by the grieving student and the College employee(s) involved. Final agreement and implementation of the resolution will be documented by the administrative supervisory personnel.

#### **Formal Hearing Phase:**

1. If no informal resolution of the grievance is possible, the grieving student(s) may make a formal written request within three (3) working days to the person receiving the grievance that a formal hearing body be appointed by a vice president who has been minimally involved with the process up to this point.
2. The appointed vice president will institute a hearing body of at least five persons. Two people will be chosen by the grieving student(s), two people will be chosen by the identified employee(s), and one person will be chosen by the appointed vice president. All members of the hearing body must be currently enrolled students and/or Casper College benefited employees. The appointed vice president will convene the hearing body within five (5) working days and facilitate the selection of a body chair.
3. The hearing body's meetings will be conducted according to the following guidelines:
  - a. Hearings will normally be conducted in private;
  - b. Admissions to the hearing shall be at the discretion of the hearing body chair;
  - c. The chair will remind all participants and information providers that they are expected to present information in an accurate and truthful manner;
  - d. The grieving student(s) and the identified employee(s) may be assisted by any advisor they choose, provided they give prior notice and identity, of the advisor's presence and identity to the hearing board; however, both parties are responsible for presenting their own case and the advisor(s) are not permitted to speak or participate directly in the hearing body's meetings;
  - e. The grieving student(s) and identified employee(s) may present witnesses, subject to the right of cross examination;
  - f. Members of the hearing body have the right to ask clarifying questions of the grieving student(s), the identified employee(s), and witness about presented information;

- g. All procedural questions are subjected to final decision by the hearing body chair;
  - h. After hearing and reviewing the pertinent information the members of the hearing body shall develop a resolution for the grievance and the resolution shall be adopted by three of the five appointed hearing body members;
  - i. The hearing body shall maintain a tape recording of its proceedings. No record shall be maintained for resolution development and subsequent vote for adoption. The tape recording of the proceedings shall be the college's. The grievant and/or the employee against whom the grievance has been filled may request copies of the tape, at their own expense, to be made by the college.
4. Once a resolution for the grievance has been adopted, the hearing body chair will present the resolution to the parties involved. The grieving student(s) and the identified employee(s) will have two (2) working days to accept or reject the resolution proposal. Upon acceptance by both parties the matter will be forwarded to the convening vice president, who, after consultation with the college's legal counsel, will finalize the agreement.
  5. If the grieving student(s) and/or identified employee(s) reject(s) the proposed resolution, the rejection must be contained in a written and signed statement which rejects the proposed resolution, describes the rationale for the rejection, and requests a review by the president.
  6. If a proposed resolution is rejected, a copy of the proposed resolution, the written rejection statement, a copy of the transcript from the proceedings, and any other pertinent information received by the hearing body shall be forwarded to the president or his/her designee. Within ten (10) working days the president, or his/her designee, shall, after consultation with the college's legal counsel, submit a final resolution proposal which will be implemented to ensure that the institution is in compliance with any legal and/or legislative mandates.

## **STUDENT GOVERNMENT**

### **Constitution of the Students of Casper College and the Affiliated Institutions**

We the Students of Casper College and affiliated institutions, seeking to provide an effective organization which will coordinate student activities and advance the welfare of all the students, and recognizing that such an organization is necessary in building an institution of greater quality, do ordain and establish this constitution.

#### **Article I: Name, Purpose and Membership**

**Section A:** The name of this organization shall be the "Associated Students of Casper College and Affiliated Institutions", here after referred to as the "ASCC".

**Section B:** The purpose of this organization shall be to serve as the agency to recognize student organizations, coordinate student activities, and advance the welfare of all students.

**Section C:** All credit generating students of Casper College and students of Affiliated Institutions become members of the ASCC upon registration and payment of per credit student fees to Casper College.

**Section D:** The governing powers of the ASCC shall be vested in the Student Senate. The Student Senate is a representative body of the ASCC and will be referred to as Student Senate.

#### **Article II: Student Senate: Organizational Structure**

**Section A:** The elected membership of the Student Senate shall be composed of the following: individuals, who are required to be full-time, degree-seeking students at Casper College:

1. The President of the Student Senate (to be voted on by all Casper College students)
2. The Vice President of the Student Senate (to be voted on by all Casper College Students)
3. The Treasurer of the Student Senate (to be voted on by all Casper College students)
4. The Secretary of the Student Senate (to be voted on by all Casper College students)
5. Two Freshmen Student SAB Representatives and Two Sophomore Student SAB Representatives (to be voted on by eligible Casper College students during their respective elections.)
6. The Public Relations Coordinator of the Student Senate (to be voted on by all Casper College Students)
7. Freshman Class Representatives: There shall be a total of four Freshman Representatives (2 general representatives and 2 SAB representatives (to be voted on by all Casper College freshmen in the fall semester). A freshman is a student who has completed less than 30 Casper College credits at the time of election.
8. Sophomore Class Representatives: There shall be a total of four Sophomore Representatives (2 general representatives and 2 SAB representatives (to be voted on by all Casper College students in the spring semester).