

Student's Right to Know and Campus Security Act

In compliance with federal regulations, WNCC annually compiles reports that indicate the College's graduation rates and the institution's current security program and crime statistics.

The Campus Security Act of 1994 (34 CFR Part 668) requires the College to report campus crime statistics for the following categories: murder/non-negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and negligent manslaughter.

- The campus crime statistics reports are available from Student Services or online through the Office of Postsecondary Education at: ope.ed.gov/campussafety/#/.
- The graduation completion rate report is available from Student Services.
- WNCC encourages all students to exercise their right to vote. To make this process as streamlined as possible, a link has been provided on the WNCC website to download a voter registration form: sos.state.ne.us/forms.

Traffic Regulations & Parking

Students at all campuses should park only in designated parking spaces. Red curb areas are designated as "No Parking" and blue curb areas are designated as "Handicapped Parking Only," where a special sticker or license plate is required. The police will ticket all violators of red and blue curb parking and crosswalk areas.

In the event of an accident at the College, those persons involved should notify the appropriate police/sheriff's department and Student Services.

Weapons

The illegal possession, use or sale of firearms, ammunition, major or minor explosives or any lethal weapon is forbidden and subject to College discipline as well as criminal sanctions. The College prohibits permit holders who are authorized to carry a concealed handgun from carrying a concealed handgun into or upon the property of Western Community College Area, which operates WNCC.

Student Code of Conduct Policy & Procedures

I. Statement of Policy

As an educational institution of higher education, Western Nebraska Community College seeks to provide the best educational environment for its students, faculty, and staff. It is mindful that academic freedom is an essential element of college life. The purpose of this Code is to help ensure a safe and educationally productive environment for students, employees and visitors. Conduct that adversely affects a student's responsible membership in the academic community shall result in appropriate disciplinary action.

To carry out its goal the College requires each student to obey the rules and regulations established by the College and all local, state, and federal laws. The College will not tolerate deliberately disruptive words, actions, violence or physical interference with the rights of any member of our College community or with any of the facilities of the College, or with any authorized functions being carried out on the College campus or at any college sponsored event.

Therefore, in furthering the educational aims of the College and in compliance with state and federal law, the College President is empowered to establish, publish and disseminate Student Code of Conduct procedures establishing the rules and regulations concerning conduct, the means of enforcement, and penalties for any violations thereof.

The College will have jurisdiction over misconduct that occurs on the College campus and/or premises, at College sponsored activities (on or off campus), with the use of College property, and may also address off-campus behavior if the College determines that the student's conduct, or the continued presence of the student, adversely affects the educational environment, processes or functions of the College.

I. Introduction

II. Definitions

III. Administration of Discipline

IV. Academic Misconduct

V. Non-Academic Misconduct

VI. Sexual Misconduct Policy and Procedures

VII. Retaliation

VIII. Interim Safety / Protective / Remedial Measures

IX. Interpretation

X. Amendments and / or Revision to the Code of Conduct

XI. Statement of Limitations

II. Definitions

A. Student — For the purpose of application of this Code of Conduct, “student” means any person enrolled or taking a course at WNCC, which includes all campuses and all other WNCC instructional locations, and any student organization recognized by WNCC.

Any person who is not officially enrolled, admitted to or registered with WNCC for a particular term but who is, has been or intends to be a student is considered a student. Students who violate the Code of Conduct can expect prompt and deliberate adjudication, whether or not they choose to be present or remain at WNCC. Furthermore, if a decision has been made within the disciplinary process which impacts a person who is not currently enrolled, he/ she still remains subject to the determination upon re-enrollment. Students are responsible for maintaining their current address with WNCC.

B. Students’ Rights and Responsibilities — By enrolling at WNCC, a student accepts responsibility for compliance with all local, state and federal laws and with WNCC’s regulations while retaining the rights guaranteed under the Constitutions of the United States and the state of Nebraska. A student alleged to have engaged in any misconduct shall have the right of due process and appeal as delineated in this Code. The College expects all students to show respect for the rights of others and for authority, to protect private and public property, to carry out contractual obligations and to take responsibility for their own actions and the actions of their guests.

C. Student Organizations — A student organization and its officers and members may be held collectively and individually responsible when violations of this Code by those associated with the organization occur and when such violations are authorized, encouraged, directed, tolerated, supported by or committed on behalf of the organization. For purposes of the interpretation and administration of the Code of Conduct, the term “student” shall also mean “student organization.”

D. Faculty — For purposes of interpretation and administration of this Code, the term “instructor” and “faculty member” will have the same meaning.

E. Complainant means any person or group who submits a charge alleging that a student violated the Student Code.

F. Respondent means any student or group accused of allegedly violating this Student Code.

G. Advisor means a person who accompanies a respondent, complainant, or victim to a hearing for the limited purpose of providing support and guidance. NOTE: An advisor may not directly address the student conduct administrator, student conduct board, question witnesses, or otherwise participate in a student conduct hearing.

H. Business day means any day, Monday through Friday, that the College is open to conduct normal business.

I. Preponderance of evidence represents the standard of proof governing the student conduct system and means that “more likely than not,” a violation of the Student Code has occurred.

III. Administration of Discipline

The responsibility of administering the discipline system is delegated by the president of WNCC to the vice president for student services. In turn, this officer may delegate authority to other groups or individuals for handling violations of the Student Code of Conduct. All Student Code activities shall be monitored by the Dean of Students to ensure fairness and consistency. All discipline sanctions imposed Institute-wide will be reported to the Dean of Students for record-keeping purposes. The College attempts to handle discipline matters at the lowest possible level by recognizing a variety of hearing officers. Each hearing officer is a WNCC official who is an administrator, faculty/staff member or student. Hearing officers adjudicate cases when violations are alleged. The hearing officer is authorized to exercise active control over the proceedings in order to elicit relevant information, to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

Disciplinary regulations at WNCC are set forth in writing in order to give students general notice of prohibited conduct. These rules and regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. It is recognized by WNCC that students are adults and are expected to obey the law and take personal responsibility for their conduct. A student is therefore subject to two sources of authority: civil–criminal authority and WNCC’s authority.

When charged with a violation, a student has the right to notice of the violation and an opportunity to be heard. For infractions where suspension, dismissal or expulsion may be imposed, a student will have additional rights as set forth in section V, 2., below.

IV. Academic Misconduct

Any student suspected of academic misconduct will be subject to the investigative and disciplinary process outlined in the WNCC Academic Integrity Policy.

Academic Integrity Policy

Academic integrity forms a fundamental bond of trust between colleagues, peers, instructors, and students, and it underlies all genuine learning. At WNCC, there is no tolerance for plagiarism or academic dishonesty in any form, including unacknowledged “borrowing” of proprietary material, copying answers or papers, using crib sheets or unauthorized help during exams, altering tests, or passing off someone else’s work as one’s own. A student can be accused of an academic integrity policy violation by an instructor, staff member or another student(s).

A breach of ethics or act of dishonesty can result in:

- Failure of a paper, quiz or an exam within a course (instructor level)
- Failure of an entire course (institutional level)
- Suspension or expulsion from the College (institutional level)

Any form of academic dishonesty represents a grave breach of personal integrity and of the rules governing WNCC's community of learners. Academic dishonesty includes, but is not limited to:

- Cheating in any form
- Plagiarizing in any form
- Aiding someone else in cheating or plagiarizing

Cheating is the giving or receiving of any unauthorized aid, assistance, or unfair advantage in any form of academic work, such as in-class quizzes and tests, take-home tests, lab assignments, problem sets, term papers, and research projects. "Unauthorized" means without the instructor's permission.

Common examples of cheating include:

- Using unauthorized materials or information during a quiz or exam (e.g., material written on a "cheat sheet", bluebook, desk, piece of clothing, etc.)
- Looking at another student's quiz or exam (or knowingly allowing him/her to look at yours)
- Telling students in another section of the same course what questions were on an earlier exam (or willingly receiving such information from another student)
- Changing answers on a quiz or exam and claiming the changed answer was the original answer

Ordinarily, cheating also includes submitting work that counts towards a grade or degree that is not the sole product of individual effort (unless, for example, the instructor explicitly allows group work or other forms of collective or cooperative efforts). It may also mean submitting work done in a previous course in response to an assignment required in a class in which a person is currently registered.

Plagiarism consists of using — WITHOUT providing proper attribution — someone else's proprietary material in the form of:

- Words
- Ideas (even paraphrases of general ideas, if they derive from a proprietary source)
- Information
- Facts (those not in the realm of common knowledge (e.g. things like folklore, common sense observations, myths, urban legends, and historical events) but not historical documents)

Plagiarism also includes:

- Copying passages from any course texts or materials without giving proper attribution to the author(s)
- Using material from the Internet without providing proper acknowledgment to the Internet site

If a student has any doubts about what constitutes plagiarism, he/she must consult the instructor immediately.

Process for Handling Alleged Violations of the Academic Integrity Policy

MINOR OFFENSES

These are offenses that the instructor determines are not severe and can be addressed informally with the student(s) involved. The assignment grade does not put the student in any danger of failing the class.

1. An instructor has reason to believe that a student has violated the Academic Integrity Policy
2. The instructor requests an informal meeting with the student to discuss the details of the alleged violation and the student is informed of his/her rights (see below)*
3. If, after completing the informal meeting with the student the instructor believes there is a preponderance of evidence that the student violated the Academic Integrity Policy, the instructor imposes a sanction(s). The student has the right to appeal the faculty decision
4. The instructor informs the student that he/she has five business days to meet with the Academic Supervisor if he/she wishes to appeal the sanction for the violation, once determined. All appeals must be in writing. If appealed, the Academic Supervisor's decision is final. Academic Supervisor will notify faculty of outcome.
5. The instructor will not assign a sanction until after meeting with a student, the appeal process has been exhausted or 10 business days have expired.

6. The instructor informs the Dean of Students in writing of the situation and the resulting sanction or action. The Dean of Students determines if additional sanctions are necessary under other portions of the Student Code of Conduct.

7. In cases where the student declines to discuss the matter or attend a meeting with the instructor, or is unavailable for more than ten (10) business days, the instructor shall make a determination as to whether a violation of the Academic Integrity Policy occurred and the appropriate sanction.

**In some instances for online students the meeting/process may occur in a manner other than face to face.*

Student Rights

- Review the written evidence in support of the allegations
- Ask any questions
- Offer an explanation as to what occurred
- Present any material that would cast doubt on the accuracy of the allegation
- Receive a determination of the validity of the allegation without reference to any past record of misconduct

Student Responsibilities

- Provide truthful information regarding the allegation
- If appropriate, admit the violation and accept the decision of the instructor and corresponding sanctions
- Deny the allegation or if appropriate, deny the allegation and file an appeal

MAJOR OFFENSES — these are offenses that are more serious in nature. The instructor assigns an F as a course grade or an F on an individual project or assignment which carries sufficient points to result in the eventual failure of the course.

1. An instructor has reason to believe that a student has violated the Academic Integrity Policy.

2. The instructor requests a formal meeting with the student to discuss the details of the alleged violation and the student is informed of his/her rights (see below).*

3. If, after completing the meeting with the student the instructor believes there is a preponderance of evidence that the student violated the Academic Integrity Policy, the instructor will inform the student of his/her intention to assign a failing grade or failure of the class and explains why that is the appropriate action to be taken. At that time, the student has the right to appeal the faculty decision.

4. In cases where the student declines to discuss the matter or attend a meeting with the instructor, or is unavailable for more than ten (10) business days, the instructor shall make a determination as to whether a violation of the Academic Integrity Policy occurred and assign the failing grade or failure of the class.

5. The instructor will not assign a sanction until after meeting with a student, the appeal process has been exhausted or 10 business days have expired.

6. A letter will be sent to the student informing him/her of the process to appeal the failing grade awarded, he/she should continue to attend class until the appeal is resolved and the student should continue to engage fully in the class by submitting assignments, participating in discussions, taking exams, etc. The instructor will inform the student that he/she has five business days to (1) meet with the Academic Supervisor and (2) file an appeal for the failing grade sanction with the Dean of Instruction. All appeals must be in writing.

7. In the rare event that a student can't discuss the situation with the Academic Supervisor within the specified five days, his or her right of appeal is not suspended as long as he or she has made a good-faith effort to do so. Once a student notifies the Academic Supervisor in writing that he or she wishes to file an appeal, no time limitations are placed upon the process for the student.

8. The instructor informs the Dean of Students of the situation as soon as possible and gathers information for presentation to the Dean of Instruction and the panel assembled for the appeal, if necessary. The Dean of Students meets with the student to reiterate the student's rights to an appeal and the procedures involved. The Dean of Students also determines if additional sanctions are necessary under other portions of the Student Code of Conduct.

** In some instances for online students the meeting/process may occur in a manner other than face to face.*

Student Rights

- Review the written evidence in support of the alleged violation
- Ask any questions
- Offer an explanation as to what occurred
- Present any material that would cast doubt on the accuracy of the alleged violation
- Receive a determination of the validity of the allegation without reference to any past record of misconduct

Student Responsibilities

- Provide truthful information regarding the allegation
- If appropriate, admit the violation and accept the decision of the instructor and sanctions
- Deny the allegation or if appropriate, deny the allegation and file an appeal
- Continue to attend class until a final decision is made

V. Non-Academic Misconduct

A. Persons or Groups Involved in Non-Academic Misconduct Cases

1. Dean of Students — The Dean of Students or his/her designee will dispose of any non-academic misconduct violations referred by the vice president for student services or other WNCC officials, and also has responsibility for maintaining all student records relating to student non-academic misconduct. Within this capacity, the Dean of Students (or designee) serves as a resource person for administrators, faculty, staff and students to promote consistency throughout the College community in adjudicating cases of student non-academic misconduct. The Dean of Students also can act as a hearing officer and may appoint other hearing officers.

2. Student Conduct Board — The Dean of Students or his/her designee may hear discipline issues or may refer the issue to a WNCC Student Conduct Board. The Board hears non-academic misconduct issues referred to it by the Dean of Students. Committee membership shall be composed of the following members of the College Community: Dean of Instruction, or designee, Dean of Students, or designee, and Assistant Dean of Students, or designee. The Dean of Students or designee shall serve as the Chairperson.

3. Chairperson of the College Student Conduct Board — It is the duty of the Dean of Students or designee to preside as Chairperson of all meetings of the Student Conduct Board. The Chairperson shall answer any questions concerning the interpretation of the Non-academic Misconduct Policy which he/she deems advisable, applicable, and practical during the course of the hearing. The Chairperson shall have the authority to remove any person from the hearing who is disruptive. The Chairperson shall reserve the right to suspend and reconvene a hearing for any compelling reason as deemed appropriate by him/her and the Student Conduct Board. The Chairperson shall have the right to seek advice and assistance from College legal counsel and adopt any special procedures, as needed, provided these procedures are consistent with the Non-academic Misconduct Policy and provided that these are consistent with the Non-Academic Misconduct Policy and provided that these special procedures are fully explained to all persons immediately concerned in the hearing.

4. Vice President of Student Services — The Vice President for Student Services will hear any appeals from decisions of the Dean of Students, or his/her designee or the Student Conduct Board.

B. What Constitutes Non-Academic Misconduct

1. Abuse of the Student Conduct System, including but not limited to:

- a. Failure to obey the notice from a Student Conduct Board or College official to appear for a meeting or hearing as part of the Student Conduct System.
- b. Falsification, distortion, or misrepresentation of information before a Student Conduct Board.
- c. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
- d. Institution of a student conduct code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
- f. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct code proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Code.
- i. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

- 2. Aiding or Abetting** — Helping, procuring, or encouraging another person to engage in nonacademic misconduct
- 3. Alcohol** — College policy prohibits the use, possession, or sale of alcoholic beverages on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions.
- 4. Destruction of Property** — Damaging, destroying, defacing, or altering the property of the College or the property of another person or entity.
- 5. Discrimination/Harassment** — Discriminatory Conduct, including race, color, national origin, sexual orientation, disability, religious, or gender- based harassment or harassment on any other grounds, directed toward another person that has the purpose or effect of creating an intimidating, hostile, or demeaning environment and/or that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource. This also includes intimate partner violence (domestic or dating), bullying, and stalking. Other conduct that is extreme and/or outrageous, exceeding bounds usually tolerated by polite society and that has the purpose or the substantial likelihood of interfering with another person’s ability to participate in or benefit from the College’s educational programs or activities.
- 6. Dishonesty and Misrepresentation** — Furnishing false written or oral information including false identification to College officials, faculty, or staff; forgery, alteration, or misuse of university documents or records.
- 7. Disorderly Conduct** — Disorderly conduct is not permitted. Violation of the orderly operation of the College includes, but is not limited to:
 - a. Excessive noise, which interferes with classes, College offices, residence hall neighbors, or other campus and community activities;
 - b. Unauthorized entry into or occupation of a private work area;
 - c. Conduct that restricts or prevents faculty or staff members or student employees from performing their duties, including interruption of meetings, classes, or events;
 - d. Failure to maintain clear passage into or out of any College building or passageway; and
 - e. Failure to disperse when a building, office, or campus space is closed.
- 8. Disruption or Obstruction** — Disrupting, obstructing, or interfering with university functions, activities, or the pursuit of the College mission, including, teaching, research, administration, or disciplinary proceedings.
- 9. Disturbing the Peace** — Disturbing the peace of the college, including disorderly conduct, failure to comply with an order to disperse, fighting, or public intoxication
- 10. Unauthorized Demonstrations** — No rally, parade, demonstration, or similar activity shall be held at the College or at any College sponsored event unless organizers file an activity plan with the Dean of Students office in advance of the event.
- 11. Drugs** — College policy prohibits the consumption, possession or sale of controlled substances and/or the presence of persons under the influence of controlled substances on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions. Conduct covered by this offense includes but is not limited to:
 - a. Manufacture, distribution, sale, offer for sale, possession, or use of any illegal drug or narcotic, including but not limited to barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana;
 - b. Misuse or abuse of legal drugs or narcotics;
 - c. Possession of a device (drug paraphernalia) that has been used to ingest an illegal drug or narcotic.
- 12. Failure to Comply** — Failure to comply with directions of a College official or law enforcement officers acting in the performance of their duties and or failure to identify oneself to these persons when requested to do so.
- 13. False Reporting of an Emergency** — Causing, making or circulating a false report or warning of fire, explosion, crime, or other catastrophe.
- 14. Gambling** — Gambling on College property is prohibited.
- 15. Hazing** — Defined as an act which endangers the mental or physical health or safety of a student, or which 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. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
- 16. Mental or Bodily Harm to Others** — Conduct that includes but is not limited to: a) Intentionally inflicting mental or bodily harm upon any person;b) attempting to inflict mental or bodily harm upon another person; c) taking reckless, but not accidental action from which mental or bodily harm could result to another person; d) causing a person to believe that the offender may cause mental or bodily harm; e) non-academic assault; f) coercing another to engage in an act of membership in a student organization that causes or creates a risk of mental or bodily harm to any person; hazing, defined as an act which endangers the mental or physical health or safety of a student, or which 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.

- 17. Mental or Bodily Harm to Self** — Conduct that includes but is not limited to: a) intentionally inflicting mental or bodily harm upon one's self; b) taking reckless, but not accidental action from which mental or bodily harm could result to one's self (e.g. *abuse of alcohol or drugs*).
- 18. Misuse of Identification** — Transferring, lending, borrowing, or altering College identification.
- 19. Misuse of Safety Equipment** — Unauthorized use or alteration of firefighting equipment, safety devises, or other emergency safety equipment.
- 20. Misuse or Abuse of Computers or Computer Networks** — Misuse, alteration, tampering with, or abuse of any computer, computer system, service, program, data, network, cable television network, or communication network including telephone or computer lines and wireless networks. Conduct covered by this offense includes but is not limited to: a) unauthorized entry into a file, to use, read, or change the contents, or for any other purpose; b) unauthorized transfer of a file; c) use of another individual's identification and/or password; use of computing facilities and resources to interfere with the work of another student, faculty members or College official; e) use of computing facilities and resources to send obscene or abusive messages; use of computing facilities and resources to interfere with normal operation of the College computing system; g) use of computing facilities and resources in violation of copyright laws; any violation of the College Computer Use policy.
- 21. Traffic Obstruction** — Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
- 22. Obstruction/Disruption of College Activity** — Obstruction or disruption of any College activity academic, social, or administrative.
- 23. Possession of Dangerous Weapons or Materials** — Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
- 24. Retaliation** — Retaliation of Person filing a complaint or involved in a complaint of prohibited conduct is prohibited.
- 25. Sexual Harassment** — Sexual harassment, defined to include unwelcome Sexual advances, requests for sexual favors, and other verbal, physical, or unwelcome conduct of a sexual nature.
- 26. Theft/Vandalism** — Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus
- 27. Theft or Possession of Stolen Property or Service** — Conduct that includes but is not limited to: a) taking without consent the property or service of the College, another person, business or organization; possessing property that can reasonably be determined to have been stolen from the College, another person, business, or organization.
- 28. Theft or other abuse of computer facilities and resources** — Theft or other abuse of computer facilities and resources, including but not limited to:
- Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - Unauthorized transfer of a file.
 - Use of another individual's identification and/or password.
 - Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
 - Use of computing facilities and resources to send obscene or abusive messages.
 - Use of computing facilities and resources to interfere with normal operation of the College computing system.
 - Use of computing facilities and resources in violation of copyright laws.
 - Any violation of the College Computer Use Policy.
- 29. Threat, Physical Harm or Abuse** — Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or conduct which threatens or endangers the health or safety of any person.
- 30. Trespassing** — Forcible or unauthorized entry into any College, public, or private facility, room, or grounds
- 31. Unauthorized Use of College Keys or Other Access Devices** — Unauthorized possess, duplication or use of keys or pass codes to any College premises or unauthorized entry to or use of College premises.
- 32. Violation of any College policy, rule, or regulation** — Violation of any College policy, rule, or regulation published in hard copy or electronically on the College website.
- 33. Violation of Disciplinary Probation** — Violation of the Student Code of Conduct while on disciplinary probation, or violations of the terms of one's probation.
- 34. Violation of any federal, state or local law**
- 35. Violation of Rules Regarding Residence Halls and Dining Facilities** — Violation of the WNCC Housing Contract, Guide to Residential Living, or other published rules and regulations of College residence halls and dining facilities.

C. Procedures for Non-Academic Misconduct Complaints

Western Nebraska Community College strictly prohibits all acts of non-academic misconduct. When students are accused of having engaged in non-academic misconduct, the College may, depending on the facts alleged, issue interim safety measures and/or other accommodations prior to the resolution of the complaint. Such interim safety measures might include issuing No Contact orders between the parties, altering an individual's work or class schedule or a student's on-campus housing assignment, placing a student accused of non-academic misconduct on an interim suspension.

WNCC will investigate reported allegations of non-academic misconduct and may take appropriate remedial action even if the person allegedly subject to misconduct or the Complainant does not wish to pursue a formal complaint. Non-academic misconduct by or against a student may be investigated by the College whether it is alleged to have been committed on or off campus.

All alleged violations of non-academic rules and regulations contained herein will be referred to the Dean of Students' Office. Any alleged violation should be reported as soon as possible after the violation occurs. Upon violation of any of the provisions of the Student Code of Conduct during class or other WNCC activity, WNCC faculty and staff may remove the student from the class or other WNCC activity for the remainder of that class/activity period, and shall promptly notify the Dean of Students as to the action taken and the reason(s) therefore. Upon submission of the alleged violation to the Dean of Students or Student Life and Engagement Center, the following procedures will apply.

1. For behavior for which a sanction other than suspension, dismissal or expulsion may be imposed, after referral to the Dean of Students or designated Hearing Officer an investigation by the Hearing Officer will provide:

- a. Oral or written notice of the charges against the student
- b. An opportunity for the student to admit or deny the allegations in conference with the Dean or Hearing Officer. If the student denies the allegations, the student is entitled to an explanation of the evidence against the student and will be given an opportunity in the conference to rebut the charges.
- c. As a result of the investigation and conference with the student, any of the following actions may be taken:
 - i. The charges may be dismissed as unfounded or for lack of evidence
 - ii. The student may admit responsibility for violating the Student Code of Conduct and a sanction will be imposed; or
 - iii. The Dean of Students or Hearing Officer will deem the student responsible for Student Code of Conduct violations, based on a preponderance of the evidence, and an appropriate sanction will be imposed.

2. For behavior for which suspension, dismissal or expulsion may be imposed, after referral to the Dean of Students and after any investigation by the Dean or designated Hearing Officer, the Hearing Officer will establish a Student Conduct Board hearing date to occur as soon as practicable, or within ten (10) days of imposition of any interim suspension, and will provide:

- a. Written notice of the charges against the student;
- b. Written notice of the date, time and place of Student Conduct Board hearing;
- c. An opportunity for the student to personally participate in the Student Conduct Board hearing and to admit or deny the charges against the student. If the student admits the charges, discipline will be imposed. If the student denies the charges, the student will be entitled to:
 - i. An explanation of the evidence against the student;
 - ii. The right to question witnesses in a manner determined by the Dean of Students or the Student Conduct Board Hearing;
 - iii. The right to examine, in advance of the hearing, documentation submitted relating to the charges;
 - iv. The right to present a defense at the hearing;
 - The student may call his/her own witnesses and present relevant information or documentation;
 - The student may have legal counsel, or another advisor, present at the hearing, but such counsel or advisor may not participate in the hearing.
 - v. A recording of the hearing shall be made. The recording is WNCC property.
- d. As a result of the investigation and hearing, one of the following actions may be taken:
 - i. The charges may be dismissed as unfounded
 - ii. The student may admit responsibility for violating the Student Code of Conduct and appropriate sanctions may be imposed
 - iii. The Student Conduct Board will deem the student responsible for Student Code of Conduct violations based upon a preponderance of the evidence and appropriate sanctions may be imposed.
- e. The student will be notified of the discipline imposed, either orally following the hearing or sent in writing within five (5) working days of the hearing.

D. Non-Academic Discipline Appeal Process

Students receiving a discipline decision from the Dean of Students/Hearing Officer or Student Conduct Board may request an appeal. Any such request must be made in writing to the Vice President of Student Services within three (3) working days after notification of the decision.

1. Contents of the Appeal Request — The appeal request must include:

- a. The name of the individual/organization requesting the appeal
- b. The disciplinary action being appealed and the date the disciplinary action took place
- c. The grounds for the requested appeal. The appeal must be based on one or more of the following grounds:
 - i. Procedural or prejudicial error was committed. The specific errors alleged must be stated
 - ii. The facts upon which the decision was based included inaccurate information. The inaccurate information appealed from must be stated
 - iii. Specific information presented at the hearing/disciplinary conference is objectionable. The reason for the objection must be stated (i.e. why specific information should not have been considered)
 - iv. Information not offered at the hearing/ disciplinary conference is now available. The reason why the information was not offered during the original hearing/disciplinary conference must be stated
 - v. The sanction imposed is excessive or inappropriate. The reason for believing this must be stated

2. Decision on Appeal:

- a. Upon review of the appeal, the Vice President of Student Services, or his/her designee, may take any of the following actions:
 - i. Deny the appeal request.
 - ii. Grant the appeal request and refer the matter to the Dean of Students for reopening of the hearing/conference to allow reconsideration of the original decision and/or the sanctions imposed. In the event of such referral, the Vice President of Student Services (or his/her designee) will provide a written rationale for the referral, in accordance with one or more of the grounds for appeal detailed above.
- b. Except as required to explain the basis of new information, an appeal shall be limited to review of the tape recording of the most recent official hearing and supporting documents.
- c. Any review of the sanction(s) in a non-academic discipline process may not result in more severe sanction(s) for the accused student/ organization. On review, the sanction may remain as originally determined or may be reduced.

E. Disciplinary Actions and Sanctions

One or more of the sanctions listed above may be imposed by the College for any single violation of the College's Non-academic Misconduct Policy. The range of disciplinary actions may include, but are not limited to:

- 1. Verbal Warning** — A verbal notice that continuation or repetition of prohibited conduct may be cause for disciplinary action.
- 2. Warning** — A formal, written notice that the student is violating, or has violated, one or more College rules and regulations and that a continuance of the misconduct may lead to additional disciplinary action.
- 3. Loss of Privileges** — Denial of specified privileges for a designated period of time.
- 4. Discretionary Sanctions** — As needed to maintain a healthy and safe educational and work environment for students, visitors, faculty and staff and WNCC. Discretionary Sanctions may include: Apology Letter, Restitution, No Contact, Counseling Referral, Community Service, Paper; Behavioral Agreement, Alcohol class, Substance abuse assessment, Random drug testing, Create a program presentation, create sign/flyer.
- 5. Disciplinary Probation** — A written plan addressing a student's violations of the Student Code of Conduct and posted WNCC rules. Probation shall include specified conduct guidelines for a designated period of time.
- 6. On campus housing relocation** — Moving a student from one room to another and/or from one campus residence hall to another.
- 7. On campus housing suspension** — Separation of the student from on campus housing for a specified period of time, after which the student is eligible to return. Conditions of reentry may be specified.
- 8. On campus housing expulsion** — Permanent removal of a student from any and all on-campus housing options. The student so removed may not re- enter the residence halls, under any conditions, even as a visitor.
- 9. College Suspension** — Separation of the student from the College for a definite period of time, after which the student may be eligible for return, contingent upon meeting specified conditions for re-admittance.
- 10. College Expulsion** — Permanent separation of the student from Western Nebraska Community College without the possibility of re-admission.