



STUDENT CODE OF CONDUCT



WESTERN NEBRASKA COMMUNITY COLLEGE

Student Code of Conduct

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Article I. Mission Statement

WNCC assures learning opportunities for all – *enriching lives, invigorating communities, creating futures.*

Section I.1 Vision

To positively impact the education and well-being of every student, employer, and community member in the Nebraska Panhandle region.

Section I.2 Values

- Lifelong Learning
- Student and Community Service
- Honesty, Integrity, and Transparency
- Collaboration and Communication
- Innovation and Continuous Improvement
- Respect for All People and Perspectives

Section I.3 Core Themes

- Student Access and Success
- Academic Excellence and Workforce Readiness
- Economic and Community Development

Section I.4 Focus Areas

- Engaged Teaching and Active Learning
- Student Recruitment, Retention, and Completion
- Diversity, Equity, and Inclusion
- Seamless Academic and Career Pathways
- Community and Employer Responsiveness
- Operational Efficiency and Effectiveness

Article II. Disclaimer

Western Nebraska Community College students are responsible for knowing the information, policies, and procedures outlined in this document. WNCC reserves the right

to amend and change this document as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at www.wncc.edu/about-wncc/leadership/board-of-governors/policies for the updated versions of all policies and procedures.

Article III. Non-Discrimination Statement

Western Nebraska Community College does not discriminate on the basis of race, color, religion, national origin, sex or gender, age, disability, marital status, military veteran status, sexual orientation, gender expression/identity, or political affiliation, in its policies, practices, and activities related to employment, admissions, educational services/programming, student services/activities, or financial aid; as expressly prescribed by Institutional policy, state and federal laws, regulations, and executive orders. Inquiries concerning the application of these policies, laws, and/or regulations to the College may be directed to the College's Compliance Officer for the Civil Rights Act(s), Title IX of the Education Amendments of 1972, Americans with Disabilities Act(s), and Section 504 of the Rehabilitation Act of 1973; Kathy Ault, Human Resources Executive Director, 1601 East 27th Street, Scottsbluff, NE 69361-1815; aaultk@wncc.edu; 308.635.6350 or to the Director, Office of Civil Rights, U.S. Department of Education, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, MO, 64106-2106.

Article IV. Purpose

Western Nebraska Community College's mission focuses on the assurance of learning opportunities for all - enriching lives, invigorating communities, creating futures. To achieve this mission, the College fosters opportunities for the acquisition of knowledge and the development of student learners in a global society.

WNCC supports the inquiry of knowledge and the freedom of expression to obtain the learners pursuit. A core value of the College is to show respect towards others and towards self, utilizing the highest level of civility, while demonstrating a commitment to personal integrity, honesty, and resilience.

The purpose of this Code is to ensure a safe and educationally productive environment for students, employees, and community. Behaviors (conduct) that adversely affects a student's

membership in the academic community shall result in appropriate disciplinary action.

All students at WNCC are expected to familiarize themselves with the policies and regulations that make up the code of conduct. The Student Code of Conduct at WNCC supersedes all program handbooks, policy manuals, etc., regarding student behaviors and expectations. Student conduct regardless of affiliation, association, or participation is subject to the disciplinary action.

All allegations of sexual harassment, including the offenses of sexual harassment, sexual assault, dating violence, domestic violence, and stalking are investigated and addressed following the procedures set forth in the College's "Sexual Harassment Grievance and Investigation Procedures."

Article V. Statement of Authority

Authority of the President

The President of Western Nebraska Community College is empowered to establish, publish, and disseminate policies and procedures establishing the rules and regulations concerning student conduct, the means and expectations for enforcement, and penalties for any violations thereof.

The responsibility of administration of the discipline system delegated by the President of WNCC has been given to the Dean of Students. 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 disciplinary sanctions imposed institution-wide will be reported to the Dean of Student Services 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 to order to elicit relevant information, to avoid needless consumption of time and to prevent harassment or intimidation of witnesses.

Section V.1 Jurisdiction and Standard of Proof

Scope

The Student Code of Conduct at Western Nebraska Community College applies to all students and student organizations as defined by this document and the Western Community College Area Board of Governors.

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.

The Dean of Students/Office of Student Life may initiate disciplinary action and impose sanctions against a student or a student organization for the violation of any conduct regulation that occurs on or off campus when the alleged conduct would, if true, affect, interfere with or obstruct the missions, processes, or functions of the College or when the alleged conduct would, if true, endanger the health, safety, or welfare of the student or others or would endanger any College property. Conduct associated with computer networks and online environments are included in the Student Code of Conduct jurisdiction.

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. A student is therefore subject to two sources of authority: civil-criminal authority and Western Nebraska Community College's authority.

A student when charged with an allegation of a violation 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 the subsequent sections.

The Student Code of Conduct applies to student conduct, which occurs from the time of enrollment through the actual awarding of a certificate or degree, even if the conduct

occurs prior to the start of classes or is discovered after a certificate or degree is awarded.

A recognized student organization is responsible for a member's conduct from the time the student is admitted to membership until the earlier of the student's permanent termination from membership or is awarded a certificate or degree.

Section V.2 Standard of Proof

The College utilizes a standard of a preponderance of the evidence for the adjudication of alleged violations of Student Code of Conduct. This means that cases shall be determined on the basis of whether it is more likely than not that, the Respondent violated the Student Code of Conduct. "More likely than not" means that after assessing the quality of the evidence, the adjudicator will only find a Respondent responsible for the alleged policy violations if the evidence leaves them reasonably convinced that a finding of responsibility is justified. That is, the adjudication (determination) must find that there is sufficient evidence that is relevant, probable, and persuasive to convince the adjudicator that the Respondent committed the alleged policy violations, and that the evidence supporting a finding of responsibility outweighs any evidence that the Respondent is not responsible for the alleged misconduct.

The Office of Student Life may initiate disciplinary action and impose sanctions against a student or student organization for the violation of any conduct regulation that occurs on or off campus when the alleged conduct would, if true, affect, interfere with or obstruct the missions, processes, or functions of the College or when the alleged conduct would, if true, endanger the health, safety, or welfare of the student or others or would endanger any College property. Conduct associated with computer networks and online environments are included in the Student Code of Conduct jurisdiction.

Article VI. Pending Civil or Criminal Action

The College must act promptly to address any issue of misconduct. Therefore, discipline proceedings and actions are not subject to challenge or postponement on the grounds that civil action or criminal charges involving the same incident have been dismissed, reduced, or are pending in civil or criminal court.

Article VII. Definitions

Advisor: An individual who accompanies a respondent, complainant, or victim to a hearing for the limited purpose of providing support and guidance. It is important to know an advisor may not directly address the student conduct administrator, Student Conduct Board, question witnesses, or otherwise participate in a student conduct hearing.

Alleged Victim: Any person alleged to have experienced physical injury, harassment, or other forms of misconduct, or the theft of or damage to personal property; or to have been the object of direct threats of such actions; committed by a student or student organization.

Appellate Officer: This term refers to the College administrator who has been designated to hear appeals of students receiving a discipline decision from the Dean of Students/Hearing Officer or Student Conduct Board.

Business Day: Timeframe in which the College is open to conduct normal business. This does not include weekends, holidays, or inclement weather days when the College is closed.

Chairperson of the College Student Conduct Board: It is the duty of the Dean of Students or designee to preside as Chairperson of all the meetings of the Student Conduct Hearing Board. The Chairperson shall act as the Hearing Officer and shall answer any questions concerning the interpretation of the non-academic Misconduct Policy that one 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. 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 special procedures are fully explained to all persons immediately concerned in the hearing.

College: The terms "College" and "WNCC" shall mean Western Nebraska Community College.

College campus / premises / property: These terms include all land, buildings, facilities, and other property in the possession of or owned, used, or affiliated with the College (e.g. Residence Halls, College vehicles, or off-campus facilities including adjacent streets and sidewalks).

College Official: The term "college official" includes any person employed by the College or performing assigned administrative or professional responsibilities.

Complaint: An allegation of a Student Code of Conduct violation.

Complainant: Any person or group who submits a charge alleging that a student violated the Student Code of Conduct.

Faculty: Faculty refers to any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty. For purposes of interpretation and administration of this Code, the term "instructor" and "faculty member" will have the same meaning.

Hearing Officer: Dean of Students or designee who conducts disciplinary meeting or conduct board hearing.

Investigator: Person or persons authorized by the College to conduct an investigation into an allegation of Student Code of Conduct violation.

Party: This term can be utilized for the Complainant or Respondent.

Reporting Person: A person who files a complaint alleging a violation of the Student Code of Conduct.

Respondent: A student or student organization alleged to have committed a violation of the Student Code of Conduct.

Student: The term "student" includes all persons enrolled at the College, either as a resident student or an online student, whether full-time or part-time. The term "student" also includes (a) A person who withdraws from enrollment at the College after allegedly violating the Student Code of Conduct, but before the charge is adjudicated; (b) A person once enrolled as student, not officially enrolled for a particular term in which an offense is committed, but who has a continuing relationship with the College; (c) A person living in

any College residence hall, although not enrolled at the College; and (d) A person participating as a learner in a program or activity sponsored by the College, even if such program is conducted away from College premises, in any location, including other states and countries.

Student Conduct Hearing Board: The terms "Conduct Board," "Hearing Board," "Hearing Panel," or "Student Conduct Hearing Board" refer to that body of College employees which presides over hearings conducted as part of Student Discipline Procedures. Membership shall be composed of 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 or Hearing Officer.

Student Organization: This term means any recognized student organization where any number of persons have complied with the formal requirement for recognition by the College.

Article VIII. Sanctions

A student admitted, enrolled, or registered at Western Nebraska Community College accepts the responsibility to uphold all College rules and regulations. Failure to meet this obligation will justify appropriate disciplinary sanctions. Failure to satisfactorily complete a disciplinary sanction may result in more severe sanctions. The following sanctions or any combination thereof may be imposed upon any student determined to have violated any conduct regulation.

Sanctions are imposed immediately upon a determination of responsibility and may be retroactive to the date of the report. Graduation, extracurricular participation, study abroad, etc. do not in and of themselves constitute an exigent circumstance and students may not be able to participate in those activities during their appeal.

Students who are under investigation or otherwise involved in conduct proceedings will not have degrees issued until the conduct processes have been concluded.

Section VIII.1 Written Reprimand

An official written statement to the student stating that conduct regulations have been violated. This statement will remain on file for six (6) years from the date of reprimand.

Section VIII.2 Loss of Privileges

Denial of specified privileges for a designated period of time.

Section VIII.3 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.

Section VIII.4 In-kind Restitution

An order may be issued requiring a student to make restitution when the student has engaged in conduct that includes, but is not limited to, physical harm to any person resulting in injury, damage to or destruction of College property or property of any person, the theft or misappropriation of property, or fraudulent behavior.

Restitution may be in the form of financial payment, appropriate service to the College, relocation of the student within College housing, required attendance of the student to the appropriate educational programs based on the circumstances of the case, or other special activities designated by the hearing officer.

Section VIII.5 Restriction of Privileges

The restriction of College privileges for a specified period of time. These restrictions may include, but are not limited to, the following:

- a. Denial of the privilege to live in College housing;
- b. Denial of the privilege to represent the College to anyone outside the College at any official function or in intercollegiate athletics or any forms of intercollegiate competition or representation;
- c. Denial of residence hall visitation;
- d. Denial of the use of College vehicles; or
- e. Restriction of room and/or roommate choice in room assignment within College housing.

Section VIII.6 No Contact

An order of "no contact" with any individuals who are Complainants, victims, or witnesses

in the student conduct process. This includes, but is not limited to, verbal, written, electronic, cellular, physical, or social contact; contact with second or third parties; or allowing others to make any contacts on the Respondent's behalf. This can also be issued as an interim sanction prior to the completion of the disciplinary process.

Section VIII.7 Disciplinary Probation

A specified period of review and adjustment during which a student is under an official warning that one's violation was very serious. While on disciplinary probation, a student will be considered to be "not in good standing" with the College and may face specific restrictions on one's behavior and/or College privileges. Students involved in similar or additional disciplinary incidents while on probation may be recommended for immediate suspension or dismissal.

Section VIII.8 Eviction

Eviction from College housing without a refund if the student is currently residing in College-owned housing.

Section VIII.9 Suspension

The denial of enrollment, attendance, and/or other privileges at the College for a specified period of time. Permission to apply for re-admission upon the termination of the period may be granted with or without conditions/restrictions. A student who has been issued a suspension sanction is deemed "not eligible to return" to the College during the suspension period.

Section VIII.10 Dismissal/College Expulsion

The dismissal of a student from the College without the ability to apply for re-enrollment. A student who has been dismissed is deemed "not eligible to return" to the College. Permanent separation of the student from WNCC without the possibility of re-admission.

Section VIII.11 Discretionary Sanctions

As needed to maintain a healthy and safe educational and work environment for students, visitors, faculty, and staff at WNCC, discretionary sanctions may include a letter of apology, restitution, no contact, counseling referral, community service, paper, behavioral agreement, alcohol and other drugs class, substance abuse assessment,

random drug testing, create a program presentation, or creation of a sign / flyer.

Section VIII.12 On-Campus Housing Relocation

Moving a student from one room to another and/or from one campus residence hall to another.

Section VIII.13 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 re-entry may be specified.

Section VIII.14 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.

Section VIII.15 Interim Measures

The Office of Student Life may impose interim measures upon notification of alleged student misconduct. These interim measures do not replace the student conduct process. Interim measures may be imposed effectively immediately, without prior notice, when in the judgment of the Office of Student Life, the seriousness of alleged behavior threatens the safety and well-being of members of the College community, threatens College property, or has the potential to disrupt or interfere with normal College operations.

The student or organization will be informed in writing of the terms of the interim measures and the reason for the interim measures. Interim measures are reviewed if new information becomes available and will be adjusted accordingly. If the student or organization wishes to appeal the appropriateness of any interim measures imposed, they may submit in writing to the Dean of Students the reasons why the interim measures are not appropriate. Thereafter there will be a review of the information, and the student or organization will be notified in writing of the decision of whether or not any interim measure will be removed or adjusted.

Interim measures include, but are not limited to, an interim no contact order, interim trespass order, interim residential relocation, or interim restriction of organizational activity.

The College President or Dean of Students may also impose an immediate suspension on

a student pending a hearing when the College President or Dean of Students finds and believes, from information coming to his or her attention, that the presence of the student on the College campus would seriously disrupt the College or constitute a danger to the health, safety, and welfare of other persons, the students, or property of the College or members of the College community. If a student is temporarily suspended by the President or Dean of Students, the College shall promptly initiate appropriate disciplinary proceedings and the student has a right to a prompt hearing before the Dean of Students or designee on the questions of identification and whether the interim suspension should remain in effect until a full hearing is completed. If a student placed on temporary suspension is ultimately found not responsible of misconduct, such student shall be allowed to make up academic work missed while on temporary suspension.

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Article IX. Witness

A person called to meet with an investigator or is called upon to testify before the hearing board. Witnesses may include a reporting person, a complainant, alleged victims, a respondent, or other person that a Chairperson determines to be helpful to the investigation or adjudication process.

Article X. Ethical Standards

Section X.1 Conduct Regulations

Students and student organizations are expected to adhere to all established regulations. WNCC is committed to maintaining a high standard of ethical integrity. A student will be assessed and evaluated based on the actions of the individual not on their status, or role or other identifiers. Character is developed through experience and integrity is cultivated through adversity. At WNCC, we feel students are a product of their collective experiences and must claim responsibility for their own conduct.

The regulations established are not designed to define prohibited conduct in absolute terms and therefore should be interpreted broadly. Moreover, the College cannot foresee each and every circumstance that may arise. A student or student organization may be subject to disciplinary action for conduct not specifically delineated in the Code when such conduct is deemed detrimental or disruptive to the mission, purposes, or goals of the College.

Attempting, abetting, or being an accessory to any act prohibited by these conduct regulations shall be considered the same as a completed violation.

Any student found to have committed or have attempted to commit the following misconduct is subject to disciplinary sanctions as outlined below.

Section X.2 Abuse of the Student Conduct System

No student shall abuse the College disciplinary or student conduct system, including but not limited to:

- a. Filing a malicious or frivolous complaint;
- b. 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;
- c. Falsification, distortion, or misrepresentation of information before a Student Conduct Board;
- d. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding;
- e. The institution of a student conduct code proceeding in bad faith;
- f. Attempting to discourage an individual's proper participation in, or use of, the student conduct system;
- g. 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;
- h. Harassment (verbal or physical) and/or intimidation of a witness or member of a Student Conduct Board prior to, during, and/or after a student conduct code proceeding;
- i. Failure to comply with the sanction(s) imposed under the Student Code of Conduct; or
- j. Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code.

Section X.3 Aiding or Abetting

Helping, procuring, or encouraging another person to engage in non-academic misconduct.

Section X.4 Arson and Fire Hazard

No student shall start a fire or create a fire hazard on College owned/operated property. Willful damage to property by fire shall be prosecuted as arson when appropriate. No student shall turn in a false fire alarm or bomb threat or misuse fire safety equipment or fail to report a fire or other extremely dangerous condition when known or recognized on WNCN property.

Section X.5 Assault

Intentionally and unjustifiably pushing, striking, or causing reasonable apprehension of such harm to any person.

Section X.6 Bullying

Engaging in repeated and/or severe, aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally, that is not speech or conduct otherwise protected by the First Amendment.

Section X.7 Computer Misuse

No student shall use another individual's identification or password; create access into the computing network in such a way that will bypass the College security systems; attempt unauthorized access or use of College computing resources or data; gain unauthorized entry into a file to copy, use, read, change the contents, or for any other purpose; conduct an unauthorized transfer of a file; violate software licenses or copyrights while using College equipment; or use computing services in any way which may violate College policy or federal, state, or local laws.

Section X.8 Damage to Property

No student shall take any action which willfully or accidentally damages, or has the potential to damage, public or private property.

Section X.9 Disorderly Conduct

No student shall engage in conduct that is disorderly or indecent, including public urination; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the College community.

A person commits disorderly conduct if she or he:

- a. Engages in fighting, assault, and battery;
- b. Makes unreasonable noise and continues to do so after being asked to stop; or
- c. Disrupts a lawful assembly of persons.

Section X.10 Disruption of Ethical Standards Process

No student shall willfully show disrespect or provide false and/or misleading information to any College official, Hearing Officer, or member of the Conduct Hearing Board.

No student shall disrupt the College student conduct process.

Section X.11 Drugs and Alcohol

WNCC policy prohibits the use, possession, or sale of alcoholic beverages on College property (except as expressly approved by the Board of Governors) or public intoxication. Equally, WNCC 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 off-campus functions.

- a. No student shall unlawfully manufacture, use, possess, distribute, or dispense alcohol or any controlled substance or illegal drug or misuse any legal substance for the purpose of intoxication.
- b. No student under the legal age shall possess, sell, purchase, or consume alcoholic liquor, beer, or wine.
- c. No student of legal age shall purchase for or sell or provide to a person under legal age any alcoholic liquor, beer, or wine.
- d. No student shall alter or be in possession of an altered driver's license or other form of identification for the purposes of acquiring alcohol or for the purposes of gaining entry into any place where alcohol is being served.
- e. No student shall misuse or abuse legal drugs or narcotics.
- f. No student shall be in possession of a device(s) (drug paraphernalia) that has been used to ingest an illegal drug or narcotic.

Section X.12 College amnesty/diversion policy:

Students calling 911 (or similar police/emergency medical services) to assist another person experiencing adverse drug reactions or acute alcohol poisoning or other serious alcohol/drug-related injury are eligible to participate in an alternative to the normal Student Code procedure. Students seeking to participate in this alternative must meet with the Dean of Students or designee to discuss openly and honestly the circumstances surrounding the incident and the decision to call 911/seek emergency medical services. Students who qualify for and complete alternative requirements will have their Student Code charges set aside provided the student commits no additional major violations of the Student Code within a 12- month period.

Section X.13 Failure to Comply with Official Request

No student shall fail to comply with any reasonable and lawful request (verbal, written, or other) of the College officials including, but not limited to, College Resource Officers (police), first responders (fire and paramedic personnel), Residence Life staff, College maintenance staff, security officers, and other College administrators acting in an official capacity of their duties.

Section X.14 Fire Alarms and Safety Equipment

No student shall make, or cause to be made, a false fire alarm or emergency report of any kind.

No student shall tamper with, alter, damage, disable, or misuse fire safety equipment.

Section X.15 False Information, Forgery, and Fraud

No student shall misrepresent oneself in, or with regards to, any transaction with the College, whether oral, written, or by other means. No student shall furnish false information to any College official, faculty member, or office. No student shall forge, alter, or misuse any College document, record, or instrument of identification.

Section X.16 Gambling

Nebraska state statute deems gambling for money or other items of value for chance to be illegal.

Section X.17 Harassment

No student shall engage in discrimination, harassment, or retaliation as defined in the College's Equal Opportunity Employer/Non-Discrimination Policy (BP-720).

Section X.18 Harm to Person

No student shall cause physical harm or threaten to cause physical harm to another person, nor shall any student take any action which creates a danger to any person's health, safety, or personal well-being.

Section X.19 Hazing

No student shall engage in hazing. Hazing is 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 the failure to act (acquiescence) in the presence of hazing are not neutral acts they are violations of this rule.

Section X.20 Keys

No student shall use or possess any College key, key card, or key fob (hereinafter "key") without proper authorization.

1. No student is allowed under any condition to have a College key duplicated.
2. A student who has been issued a key by the College agrees to utilize the issued key appropriately and will take all necessary precautions to assure the College issued key is safeguarded.

In the event the College issued key is unaccounted for and/or missing, the student will immediately notify the College or the department to which the key was issued to inform them of a missing key.

The College retains the right to assess the student the cost to replace a key or to rekey the College facility to which the key provided access (sub-master key).

Section X.21 Mental or Bodily Harm to Others

Conduct that includes but is not limited to the following:

- 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; or
- 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.

Section X.22 Misuse of Identification

Transferring, lending, borrowing, misrepresenting, or altering College identification is strictly prohibited at Western Nebraska Community College.

Section X.23 Misuse of Safety Equipment

Unauthorized use or alteration of firefighting equipment, safety devises, or other emergency safety equipment.

Section X.24 Misuse or Abuse of Computers or Computer Networks

Tampering with or misuse, alteration, 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; or
- c. use of another.

Section X.25 Obstruction/Disruption of College Activity

Obstruction or disruption of any College activity, including, but not limited to, academic, administrative, athletic, business, or social activities at the College.

Section X.26 Physical abuse, verbal abuse, threats, and other related conduct

No student shall engage in physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct that threatens or unreasonably endangers the mental or physical health, safety, or reputation of any person or oneself, including any such conduct achieved through means of social media or any other means of electronic communication.

Section X.27 Posting

No student or student organization shall post flyers, posters, banners, or any other material without prior approval from the Office of Student Life or Student Services.

Section X.28 Retaliation

No student shall retaliate against members of the College community who make reports regarding potential violations of law or violation of College policy. Retaliation is any conduct causing any interference, coercion, restraint, or reprisal against a person making a complaint or against a person assisting in any way in the investigation and resolution of the complaint.

Section X.29 Sexual Exploitation of Adults

Occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit or advantage anyone other than the one being exploited.

Occurs when a person, for any purpose, knowingly engages in or condones acts or behaviors including, but not limited to:

- a. Allowing other individuals to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., FaceTime, Snapchat, Skype, or live-streaming of images) without consent of all participants;
- b. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts [including genitalia, groin, breasts, or buttocks] in a place where that person would have a reasonable expectation of privacy);
- c. Non-consensual digital, video, or audio recording of nudity or sexual activity;
- d. Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity; or

- e. Intentionally or recklessly exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals.

Section X.30 Sexual Exploitation of Minors:

When a person, for any purpose, knowingly engages in or condones acts or behaviors including but not limited to:

- a. Causes, induces, entices, coerces, or permits a minor to engage in, or be used for, the making of child pornography;
- b. Causes, induces, entices, or coerces a minor to engage in, or be used for, any explicit sexual conduct;
- c. Manufactures, generates, creates, receives, distributes, reproduces, delivers, or possesses with the intent to deliver, including through digital or electronic means, whether or not by computer, any child pornography; or
- d. Possesses child pornography.

Section X.31 Sexual Harassment

Sexual harassment, as defined in College policies and procedures, is an umbrella category that includes the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. All allegations of sexual harassment, including sexual assault, stalking, dating violence, and domestic violence are investigated and addressed following the procedures set forth in the College's "Sexual Harassment Grievance and Investigation Procedures" adopted pursuant to the Board of Governor's Policy Number BP-721 (Sexual Harassment Policy [Regulatory Policy Standards]) or as said procedure may hereafter be amended by the College.

Section X.32 Skateboards/Bicycles/Motorcycles/Rollerblades

No student shall utilize skateboards, bicycles, rollerblades, or any motor or other propelled vehicle or otherwise undertake any act in unauthorized spaces or in a manner that threatens physical safety; damages College or personal property; or disrupts classes, activities, or the "normal" flow of pedestrian or vehicular traffic.

Section X.33 Smoking (Tobacco-, Smoke-, and Vape-Free)

The College prohibits tobacco use and the purchase of tobacco on all property owned or

operated by the College. The College's Tobacco-, Smoke-, and Vape-Free College policy is found in the Board of Governor's Policy Manual at Number BP-311.

Section X.34 Stealing

No student shall steal or attempt to steal public or private property.

No student shall be in possession of stolen property.

No student shall steal or attempt to steal the intellectual property of any person or the College.

No student shall knowingly give assistance or information to aid in the action of theft.

Section X.35 Student ID Card

No student shall refuse to present their College identification to a College official upon request. WNCC Student ID cards are nontransferable, and students may not lend their ID cards or use the ID cards of other students for any reason.

Section X.36 Student Housing

No student shall violate any College housing / residence life policy or regulation; any such violations will be subject to the disciplinary action.

Section X.37 Student Organization Alcohol

No College funds, including those raised by a student organization, may be used either directly or indirectly for the procurement of alcoholic beverages or other drugs.

No student organization shall sell alcoholic beverages or other drugs.

No student organization may utilize alcoholic beverages or other drugs as contest prizes.

No student organization shall enter into an agreement with any establishment regarding the sale of or distribution of alcoholic beverages or other drugs.

Section X.38 Student Organization Conduct

No student organization shall act in a manner that does not promote responsible citizenship or uphold the spirit and expectations of Western Nebraska Community College.

All student organizations must develop and assure new members are on-boarded to what the student organization's mission, purpose, academic expectations, bylaws, non-

discrimination policy (College), and utilization of funds entails.

Section X.39 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.

Section X.40 Theft or Possession of Stolen Property or Service

Conduct that includes, but is not limited to, taking without consent the property or service of the College, another person, business, or organization; or possessing property that can reasonably be determined to have been stolen from the College, another person, business, or organization.

Section X.41 Theft or Other abuse of Computer Facilities and Resources

Theft or other abuse of computer facilities and resources, including, but not limited to:

- a. Unauthorized entry into a file, to use, read, or change the contents of for any other purpose.
- b. Unauthorized transfer of a file;
- c. Use of another individual's identification and/or password;
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member, or College official;
- e. Use of computing facilities and resources to send obscene or abusive messages;
- f. Use of computing facilities and resources to interfere with normal operation of the College computing system; or
- g. Use of computing facilities and resources in violation of copyright laws.

This includes, but is not limited to, the computer resources of students, faculty, staff, or visitors. Any violation of the College Computer Use Policy will result in disciplinary action.

Section X.42 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.

Section X.43 Trespassing/Unauthorized Entry

No student shall gain access to any College facility in a forcible or unauthorized manner.

No student shall occupy a College facility that has not been reserved through the appropriate College office.

Section X.44 Vandalism

No student shall engage in willful or malicious destruction or defacement of College owned/operated property. This includes, but is not limited to, physical destruction using paint or sidewalk chalk or damage created by skateboards or rollerblades.

Section X.45 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.

Section X.46 Violation of Federal, State or Local Law

No student shall engage in conduct that is sufficient to constitute a violation of federal, state, or local law that causes, or could cause, harm to the campus community to the extent the College's interests are distinctly and clearly involved.

Section X.47 Weapons, Firearms and Explosive Materials

No student shall unlawfully possess or use firearms, explosive devices, or weapons of any kind.

The following weapons are prohibited on all properties owned, rented or leased by Western Nebraska Community College but not limited to the following items:

- a. guns
- b. BB guns
- c. air pistols
- d. rifles
- e. knives with at least a 2½ inch blade
- f. martial art devices
- g. bows and arrows

No student shall use a weapon or instrument to simulate a weapon in acts that endanger

or threaten any person.

The College prohibits permit holders who are authorized to carry a concealed handgun pursuant to Nebraska law from carrying a concealed handgun into or upon the property of Western Nebraska Community College.

Article XI. Student Discipline Procedures

Section XI.1 Purpose

Western Nebraska Community College embraces the duty to develop policies and procedures which cultivate an environment that is conducive to learning and promote a sense of community. The College reserves the right to convene hearing boards and/or to waive or extend any deadline or take any other action provided such action does not unduly prejudice the affected students.

Section XI.2 Administration of Cases

All Student Code activities shall be monitored by the Dean of Students in the Office of Student Life to ensure fairness and consistency. The Dean of Students or designee has the authority to determine the appropriateness of a referral, issue any notice referenced in this Code, accept a student's admission(s) to a violation(s), impose sanction(s), and hear cases involving alleged violations of the general student regulations, as well as alleged violations by student organizations.

Students who have been suspended from the College must petition for re-admission through the Dean of Student Services or designee. Re-admission may be granted with conditions or restrictions and a period of disciplinary probation may be imposed at the time of return.

Section XI.3 Rights and Responsibilities of Complainant and Respondent

A. General Information

The Complainant and the Respondent will be listened to and treated with respect, and shall be granted the opportunity to participate in any hearing regarding the alleged conduct. The Complainant and the Respondent have the right to be informed of the discipline process prior to any disciplinary action involving the incident. Except in cases of specified interim measures and/or temporary suspension ordered by the Dean of

Students as provided herein, suspension, expulsion, or other disciplinary sanction for misconduct may not be imposed without a disciplinary proceeding in accordance with these rules.

In investigating alleged violations of conduct regulations, College hearing officials, and members of administrative hearing boards shall respect the right of the Respondent to remain silent.

Pending action on alleged violations of conduct regulations or pending final disposition of any appeal, the status of a student shall not be altered, nor shall the right to be present on the campus to attend classes be suspended, except when an interim suspension or other interim measure has been imposed.

In cases of alleged violations of conduct regulations, the Respondent is required to meet with a College official and/or the Student Conduct Hearing Board to facilitate the resolution of the case. Failure to meet with a College official will result in an additional charge of Failure to Comply and may result in forfeiture of certain procedural rights.

Prior cases of discipline cannot be used against a student in determining whether the action is a violation of a conduct regulation; however, prior discipline can be used in determining the sanction if found in violation of a conduct regulation.

B. Access to Information

To the extent permitted by law, the Respondent and the Victim in cases alleging sexual harassment, including sexual assault, stalking, dating, and domestic violence, or other cases where violence is alleged, shall be informed in writing of the outcome of the disciplinary hearing and any appeal.

C. Right to and Role of the Advisor

The Complainant and the Respondent may have the assistance of an advisor. A party may, at their own expense, choose an external advisor, who may be an attorney. Either party may also choose any other willing person to serve as an advisor. Any such advisor or legal counsel may advise the student or student organization but may not directly participate in the hearing. The advisor shall provide guidance throughout the conduct process, including through any investigation, adjudication, or appeal.

In no instance can any advisor be a potential witness or additional Complainant or Respondent. Advisors have the right to communicate orally or in written form with the student they are advising during all meetings or proceedings associated with the conduct process. The questioning of parties and all other witnesses during administrative hearings is subject to the control and discretion of the Chairperson of the Hearing Board or designee.

In cases involving Sexual Harassment (Title IX), a Party may select an advisor from a list maintained by the College; these individuals are trained in Title IX procedures and conduct select cross-examination as set forth in the College's "Sexual Harassment Grievance and Investigation Procedure."

D. Waiver of Rights

Accused students may voluntarily waive any right to a disciplinary conference or hearing under this policy. A waiver of a student's right to a hearing on the factual allegations does not prohibit the student from proceeding under this policy as to a conference or hearing on the appropriate sanction.

Article XII. Procedures for Non-Academic Misconduct Complaints

WNCC 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 as set forth herein.

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 campus 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 the Office of Student Life, the following procedures will apply.

Article XIII. Student Conduct Procedures

Section XIII.1 Reports / Complaint

The student conduct process begins when the College receives a report or written account of an alleged incident. The Dean of Students, Assistant Dean of Students, or designee will review the information available and determine next steps.

Complaints alleging violation of the Student Code of Conduct must be filed with the Dean of Student's Office / Office of Student Life. A complaint may be filed by any person, to be designated the "reporting person." A reporting person may or may not be an alleged victim.

In cases alleging a violation of a student housing regulation or occurring in the residence halls, the initial incident report shall be submitted to a Residential Life staff member.

Section XIII.2 Review and Procedural Overview

If it is determined following review that misconduct did not occur, no action will be taken. If, however, it appears that the student may have engaged in prohibited conduct as identified in the Student Code of Conduct, the subsequent process will depend on potential sanction that may be imposed for the alleged conduct.

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:

1. Oral or written notice of the charges against the student; and
2. 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 a full and fair opportunity to be heard.

3. As a result of the investigation and conference with the student, any of the following actions may be taken:
 - a. The matter may be continued for further investigation;
 - b. The charges may be dismissed as unfounded or for lack of evidence;
 - c. The student may admit responsibility for violating the Student Code of Conduct and a sanction will be imposed; or
 - d. 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.

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 any interim suspension, and will provide:

1. Written notice of the charges against the student.
2. Written notice of the date, time, and place of Student Conduct Board hearing.
3. 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:
 - a. An explanation of the evidence against the student.
 - b. The right to question witnesses in a manner determined by the Dean of Students or the Student Conduct Board.
 - c. The right to examine, in advance of the hearing, documentation submitted relating to the charges.
 - d. The right to present a defense at the hearing.
 - e. The student may call their own witnesses and present relevant information or documentation.

- f. The student may have legal counsel, or another advisor, present at the hearing solely to advise, but such counsel or advisor may not directly participate in the hearing.
 - g. A recording of the hearing shall be made. The recording is WNCC property.
4. As a result of the investigation and hearing, one of the following actions may be taken:
- a. The charges may be dismissed as unfounded;
 - b. The student may admit responsibility for violating the Student Code of Conduct and appropriate sanctions may be imposed; or
 - c. 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.
5. 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.

Section XIII.3 Informal Resolution

At any stage in the investigative process, if deemed appropriate, an informal resolution process may be initiated and an informal resolution agreed upon. Informal resolution will only be initiated after all parties have been provided a notice of investigation, been provided a description of the informal resolution procedures, advised of their right to decline informal resolution and pursue formal resolution through the investigation and adjudication process, and voluntarily agreed to participate in informal resolution. The parties must be informed that they can withdraw from the informal resolution process at any time at which point the formal investigation and adjudication process will resume.

Section XIII.4 Notice of Hearing and Charges

Written notice of the hearing and the charges alleged against the Respondent will be sent to the parties by the Office of Student Life. The notice will include the following: the date, time, and location of the hearing; a description of the alleged misconduct; the date, time, and location of the alleged misconduct; the specific sections of the Code and other

applicable policies alleged to have been violated; links to the Code and any other policies alleged to have been violated; and a description of the possible sanctions if a student is ultimately found responsible for the alleged policy violations; and a notice of non-retaliation.

Section XIII.5 Withdrawals/Completion of Semester with Pending Disciplinary Action

Should a Respondent be academically dismissed or otherwise withdraw from WNCC before pending disciplinary charges have been resolved, the Dean of Students Office may proceed with disciplinary action in accordance with the procedures herein; a disciplinary hold may be placed on the student's records, including future registration and/or the granting of a degree, until the case is resolved.

A student who has a disciplinary charge pending at the end of an academic semester/term may have a disciplinary hold placed on their records, including the posting of grades and the granting of a degree, until the disciplinary charge has been resolved and/or sanctions completed.

Article XIV. Hearing Procedures

Section XIV.1 Confidentiality

All Hearing Board meetings are closed to the public. Only Hearing Board members, the parties, their advisors, witnesses, and authorized College personnel may be present. To the extent permitted by law, all statements, information, or comments given during hearings shall be held in strict confidence by those in attendance before, during, and after deliberations.

Section XIV.2 Standard of Proof

In order to find a student or organization has violated the Student Code of Conduct, the standard of proof required is preponderance of the evidence. The information must demonstrate that it is more likely than not that the violation occurred.

Section XIV.3 Evidentiary Rules

Those charged with engaging in violations of the Student Code of Conduct will have the opportunity to receive a fair hearing. The formal rules of process, procedure, and evidence

used by the criminal justice system do not apply to the student conduct process.

Section XIV.4 Recording

The Chairperson or designee presiding over the Hearing Board has the authority and will serve as the manager for recording the proceedings and, if a matter is appealed, will obtain a transcript.

Section XIV.5 Sequestration of Witnesses

The parties and their advisors have the right to be present throughout the hearing. Normally, subject to the discretion of the Chairperson or designee, other witnesses will be allowed in the hearing room only during the time they are being questioned.

Section XIV.6 Participation by the Parties

The student accused of violations of the Student Code of Conduct or a student officer of a recognized student organization will be expected to be present at the hearing before the Dean of Students or designee or the Conduct Board. Upon their appearance, the student or student organization accused of misconduct is under no obligation to admit the truth of the alleged misconduct or to make any other statement at the hearing relevant to the alleged misconduct, and that refusal to testify or make a statement will not be considered an indication of responsibility.

If the student or student officer of the student organization fail to appear at the time and place designated for the hearing, the Hearing Officer / Conduct Board shall proceed with the hearing if satisfied that the student or student organization received the written notice established by these procedures. The Hearing Officer / Conduct Board will then proceed in the absence of the student or organization and render a decision based upon the information presented at the hearing.

In addition, at the discretion of the Chairperson, they may direct that the questioning of the Complainant or Respondent take place remotely by means of available technology provided the party might be seen by the Hearing Board and the other party throughout the testimony.

If live video of a party's testimony is not reasonably practicable, the Chairperson has the discretion to permit audio testimony.

Section XIV.7 Participation by Witnesses

The Conduct Board, the Complainant, and the Respondent may arrange for witnesses to present pertinent information to the Conduct Board. Witnesses will provide information to and answer questions from the Conduct Board. Questions may be suggested by the Complainant or the Respondent to be answered by each other or by other witnesses. This will be conducted by the Conduct Board with such questions directed to the Chairperson, rather than to the witness directly. If for good cause a witness is unable to be present at the hearing, the Chairperson may allow testimony and questioning via available technology, provided the witness may be seen by the Hearing Board and the parties throughout their testimony. If live video of a witness's testimony is not reasonably practicable, the Chairperson has the discretion to permit audio testimony.

Section XIV.8 Accommodations

The College is committed to providing necessary accommodations to ensure a fair and safe process for participants. Accommodations will take into consideration disabilities, personal safety, and language differences.

Section XIV.9 Questioning of Witnesses

Members of the Conduct Hearing Board may directly question the parties and all other witnesses. The parties are only entitled to directly question their own witnesses. All other questions must first be submitted to the Chairperson.

The Chairperson or designee has discretion to ask, rephrase, or reject a proposed question, and any proposed follow-up questions. Questions of parties and all other witnesses is at all times subject to the control and discretion of the Chairperson/Hearing Officer or designee.

Article XV. Adjudication

Section XV.1 Assessment of Evidence Presented

The Student Conduct Hearing Board should evaluate the relative quality of the evidence without regard to who provided it. Any evidence the Hearing Board determines to be of high quality should be given more weight than evidence it determines to be low quality. Quality may or may not be identical with quantity, and sheer quantity alone should not be

the basis of a finding of responsibility. In assessing any testimony and written statements, the Hearing Board members must evaluate the credibility of witnesses, taking into account their ability or inability to question any witness.

Section XV.2 Determination of Responsibility, Sanctions and Rationale

If, after assessing the evidence and applying the standard of proof, the Student Conduct Hearing Board determines that no policy violation occurred or that the Respondent was not responsible for the conduct constituting the policy violation, the Hearing Board must issue a determination of non-responsibility.

If, after assessing the evidence and applying the standard of proof, the Hearing Board determines that a policy violation occurred and the Respondent was responsible for the conduct constituting the policy violation, the Hearing Board must issue a determination of responsibility. The Hearing Board will determine the appropriate sanction.

An appropriate sanction should be decided on an individualized basis, taking into account the facts and circumstances including any mitigating or aggravating factors, the nature and seriousness of the offense, the Respondent's prior disciplinary history, and the effect on the victim or the College community. The determination of an appropriate sanction is made by a majority vote of the board members.

Article XVI. Appeals Process

Section XVI.1 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 Administrative Services within three (3) working days after notification of the decision.

Section XVI.2 Contents of the Appeal Request

The student appeal must contain the following information:

- a. The name of the individual/organization requesting the appeal;
- b. The disciplinary action being appealed;
- c. The date the disciplinary action took place; and
- d. The grounds for the requested appeal.

An appeal can be made only on the following grounds and must state which ground is being alleged.

- a. A procedural or prejudicial error so substantial that the student did not receive a fair hearing. The specific errors alleged must be stated. Minor deviations from the designated procedures will not be a basis for supporting an appeal unless there is an adverse effect on the outcome of the hearing.
- b. The information presented in the case, if believed by the decision maker(s), was insufficient to establish that a violation of the Student Code of Conduct occurred.
- c. Significant information or evidence has become available that was not available previously at the original administrative hearing. The reason why the information was not offered during the original hearing must be stated.
- d. The sanction imposed is excessive or inappropriate. The reason for believing this must be stated.

Article XVII. Decision on Appeal

Upon review of the appeal, the Vice President of Administrative Services, or designee, may take any of the following actions:

1. Deny the appeal request.
2. 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 Administrative Services (or designee) will provide a written rationale for the referral, in accordance with one or more of the grounds for appeal detailed above.

Except as required to explain the basis of new information, an appeal shall be limited to review of the official recording and transcripts of the hearing and supporting documents. 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

Article XVIII. Student Conduct Records

Section XVIII.1 Confidentiality of Disciplinary Process Records

Under federal law protecting the privacy of student records, all documents prepared by the College in connection with a student's misconduct complaint, investigation, adjudication, and appeal are confidential and may not legally be disclosed to persons not involved in the process. Federal law allows certain limited exceptions.

Section XVIII.2 Disclosure to an Alleged Victim

To the extent permitted by law, the College reserves the right to disclose the final results of the student disciplinary proceedings involving a crime of violence or a non-forcible sex offense to the alleged victim and to the alleged victim and to others the College deems to be appropriate of that information.

Section XVIII.3 Transcript Notation of Disciplinary Action

In the case of suspension or dismissal, notification is sent to several College departments. In the case of suspension or dismissal, a notation is placed on the student's official transcript describing the suspension period or dismissal.

The Student Code of Conduct is intended to be educational rather than punitive in nature. College discretion will permit only a suspension of two semesters or more or dismissal to

be considered a permanent part of the student's record after graduation or leaving WNCC for other reasons.

When responding to requests from other institutions for disciplinary records, WNCC either will only comment if a student is currently on disciplinary probation or received at any time more than one semester of disciplinary probation, suspension, or dismissal.

Article XIX. Conduct of Student Organizations

This policy sets forth the rules governing the conduct of student organizations and sets forth the sanctions that may be imposed on student organizations for violations of College rules and regulations.

The organization must ensure that members acting individually or as a group reflect the WNCC core values. An organization's leader(s) bears a special responsibility for ensuring that constituents recognize and embrace these values in carrying out the organizations mission. Student organizations are not afforded the same rights and responsibilities as individual students.

Isolated violations of individuals should not be chargeable to the student organizations, but evidence of organizational misconduct exists when:

- a. Members of the organization are acting together in violating a conduct regulation;
- b. A violation of a conduct regulation arises out of an organization-sponsored, financed, or endorsed event;
- c. An organization's leader(s) has knowledge of the potential for a violation of conduct regulations before it occurs and fails to take corrective action;
- d. A violation of a conduct regulation occurred on the premises owned, leased, or operated by the organization;
- e. A pattern of individual violations of conduct regulations is found to have existed without proper and appropriate organizational control, remedy, or sanction; and

- f. The organization, or members of the organization, provides the impetus for a violation of conduct regulations.

Cases involving student organizations are not considered confidential under the Family Educational Rights and Privacy Act (FERPA), therefore, the College does not protect the confidentiality of the disciplinary records regarding the conduct of student organizations.

Article XX. Sanctions for Student Organizations

All sanctions may be imposed individually or in combination. Disciplinary sanctions are imposed for the purpose of holding student organizations accountable for their actions of their guests, whether on campus or at any organizational event. Failure to satisfactorily complete a disciplinary sanction may result in more severe sanctions.

Section XX.1 Reprimand

An official statement to the student organization explaining that they have violated the College regulation and any further misconduct could result in additional disciplinary action.

Section XX.2 Restitution

When an organization has damaged or destroyed College or personally owned property, the organization may be required to make restitution or receive additional educational sanctions.

Section XX.3 Restriction of Privileges

Restrictions may be placed upon a student organization which limit the organization's access to certain College privileges for a specified period of time. These limitations may include, but are not limited to, the following:

- a. Prohibition from participating in College events;
- b. Denial to maintain a space or have access to College-owned property;
- c. Denial to receive or retain College funds;
- d. Denial to participate in intramural activities;
- e. Denial to sponsor, co-sponsor, and/or participate in any social event or activity;
- f. Denial to sponsor any speaker or guest on campus; or
- g. Denial to use College vehicles.

Section XX.4 Disciplinary Probation

A specified period of review, observation and/or restrictions during which a student organization is under official warning that its misconduct was very serious. Subsequent violations of College rules, regulations, or policies could result in more severe sanctions, including suspension or dismissal of recognition during the probationary period, if a student organization is deemed "not in good standing" with the College and may be subject to specific limitation upon its behavior or College privileges.

Section XX.5 Interim Suspension of Organization

An interim suspension may be imposed by the Dean of Students or designee prior to the beginning of the administrative process. The interim suspension may be imposed in cases where:

1. The alleged action of the student organization may pose a threat to the well-being of the College or any of its members, or to preserve College property.
2. The student organization poses a threat of disruption or interference with the normal operations of the College.

During any interim suspension, the organization shall be required to discontinue all organizational activities and will be denied access to all College activities and privileges.

A student organization shall be notified in writing of an interim suspension, its restrictions and the reasons for it, and shall also be notified of the time, date, and place of the subsequent meeting with the Dean of Students or designee at which the organization may

contest the grounds for the interim suspension.

Article XXI. Response to Allegations of Sexual Harassment

Western Nebraska Community College is committed to providing an environment free from discrimination on the basis of sex and provides resources and services to assist students, faculty and staff in addressing issues involving sex discrimination. The College strictly prohibits any form of sexual harassment, which includes sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation (also referred to herein collectively as Prohibited Conduct).

All reported incidents will be thoroughly investigated and those found responsible dealt with as necessary, whether criminally charged or handled through the College's Sexual Harassment Grievance and Investigation Procedure. Consistent with state and federal laws, this policy prohibits retaliation against a person for reporting discrimination and sexual harassment or participating in the investigation or adjudication of such a complaint.

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made to:

Kathy Ault, Title IX Coordinator

Human Resources

1601 E. 27th Street

Scottsbluff, NE 69361

Phone: 308.635.6350

Fax: 308.635.6161

aultk@wncc.edu

In addition, Institutional Officers listed below are designated as Title IX Deputy Coordinators and may be contacted for assistance:

- **Title IX Deputy Coordinator, Norman Coley, Jr.**, Dean of Students, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361, 308.635.6123 or coley@wncc.edu
- **Title IX Deputy Coordinator, Ryan Burgner**, Athletic Director, WNCC 1601 East 27th Street, Scottsbluff, NE, 69361 308.635.6798 or brugnerr@wncc.edu

- **Title IX Deputy Coordinator, Paula Abbott**, Partnership & Inclusion Executive Director, WNCC 371 College Drive, Sidney, Nebraska 69162 308.254.7404 or abbottp@wncc.edu
- **Title IX Deputy Coordinator, Lisa Gion**, HR Generalist (Recruitment), Title IX Deputy Coordinator, WNCC 1601 East 27th Street, Scottsbluff, Nebraska 69361 | 308.635.6105 or gionl0@wncc.edu

College policy prohibits retaliation against any person making a complaint of sexual harassment or against any person cooperating in the investigation.

Article XXII. Procedures for Sexual Misconduct Complaints

All allegations of sexual harassment, including sexual assault, stalking, dating violence, and domestic violence are investigated and addressed following the procedures set forth in the College's "Sexual Harassment Grievance and Investigation Procedures." These procedures and other Title IX resources are available on the College's website at the following:

<https://www.wncc.edu/about-wncc/consumer-information/title-ix-compliance>

A paper copy of the College's "Sexual Harassment Grievance and Investigation Procedures" are also available upon request from the College's Title IX Coordinator:

Kathy Ault, Title IX Coordinator
Human Resources
1601 E. 27th Street
Scottsbluff, NE 69361
Phone: 308.635.6350
Fax: 308.635.6161
aultk@wncc.edu

Article XXIII. Interpretation, Amendments and/or Revisions

Any question of interpretation or application of the Student Code shall be referred to the Dean of Students or his or her designee for final determination.

Recommendations for changes related to the non-academic discipline process will be

referred to the Dean of Students or designee. The Dean of Students reviews the Code of Conduct as needed and recommends changes to the College President.

The College Code of Conduct may be amended at any time in the discretion of Western Nebraska Community College. Changes made to the Code will be published to the College community.



Student Resources

Student Services

Phone: 308-635-6050

Counseling Center

Phone: 308-635-6090

Alcoholics Anonymous (locate registered groups by town in Nebraska)

<https://www.area41.org> (Meeting Locator)

1-877-AA-OF-NEB (1-877-266-3632)

Western Nebraska Panhandle Hotline: 308-631-9468

Community Action Partnership of Western Nebraska (CAPWN)

Main Admin. Phone: 308-635-3089

Health Center Phone: 308-632-2540

Toll Free Phone: 1-888-448-9665

<https://www.capwn.org>

Nebraska Family Helpline - 1-888-866-8660 <https://dhhs.ne.gov/Pages/Nebraska-Family-Helpine-About.aspx>

The Nebraska Family Helpline makes it easier for families to obtain assistance by providing a single contact point 24 hours a day, seven days a week. Trained Helpline operators screen calls to assess immediate safety needs, identify the potential level of a behavioral health crisis, make recommendations or referrals to appropriate resources, and help callers connect to emergency resources or providers. The Helpline is supervised by licensed mental health professionals.

Panhandle Partnership - <https://panhandlepartnership.com/directory/>

Western Nebraska Resource Guide (Addictions, Basic Needs, Counseling, Emergency Assistance, Mental Health Providers, and other services) Search services by category in the Panhandle of Nebraska or by County

Region 1 Behavioral Health Authority - <https://www.region1bhs.net/vnews/display.v/SEC/Who%20We%20Are>

Region I, is a political subdivision of the State of Nebraska, and has the statutory responsibility under Neb. Rev. Stat. 71-802-71-820 for organizing and supervising comprehensive mental health and substance abuse services in the Region I geographical area which includes the eleven counties of the Panhandle of Nebraska. 4110 Avenue D Scottsbluff, NE 69361 308-635-3173

Wyo-Braska Area Service Committee of Narcotics Anonymous (Meeting locator)

<https://www.wyo-braskana.org/meetings>