

STUDENT CONDUCT CODE

STUDENT CONDUCT AND CAMPUS DISCIPLINE POLICY

(Effective May 1995, revised May 2009)

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

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

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

CASPER COLLEGE STUDENT CONDUCT AND JUDICIAL CODE

(Effective August 1, 2001, Revised April 2006, May 2009)

Preamble

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

Article I: Definitions

1. The term "administrative tribunal officer" means a college official authorized on a case-by-case basis by the vice president for student services (VPSS) to investigate alleged violations of the student conduct and judicial code, to administratively dispose of any cases by mutual consent of all parties involved and to impose sanctions upon students found to have violated the student conduct and judicial code. The VPSS may serve, or may authorize another college official to serve, simultaneously as an administrative tribunal officer. Nothing shall prevent the VPSS from authorizing the same administrative tribunal officer to impose sanctions in all cases. Generally, the judicial affairs officer shall serve as the administrative tribunal officer.

2. The term “disciplinary body” means any person or persons authorized by the VPSS or judicial affairs officer to consider the assertion of the administrative tribunal officer’s determination that a student has responsibility for violating a section of the student conduct and judicial code.
3. The term “appellate review board” means a person or panel of persons appointed by the VPSS to review written documentation asserting that there is cause for an appeal of a finding of responsibility for violation of the student conduct and judicial code and/or sanctions assessed by the administrative tribunal officer.
4. The term “code” refers to the Student Conduct and Judicial Code of Casper College.
5. The term “conspiracy” means an agreement between two or more people to commit a violation of the student conduct and judicial code and making an overt attempt amounting to more than mere preparation in furtherance of their plan.
6. The term “cheating” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the Casper College faculty or staff.
7. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of papers or other academic materials.
8. The term “college” means Casper College, also known as Casper Community College
9. The term “college official” includes any person employed by the college performing administrative or professional duties on behalf of the college, or who has the authority to issue instructions on behalf of the college. This term includes, but is not limited to, the college president, college vice presidents, deans, directors, department heads, security officers and custodial staff who, as part of their duties, secure or unsecure facilities.
10. The term “college premises” (also referred to as “campus” or “college property”) includes all land, buildings, facilities and other property owned, leased, operated or controlled in any other manner by the college. This term also includes all adjacent and coterminous streets and sidewalks.
11. The term “faculty member” means any person hired by the college to conduct activities found in the faculty job description.
12. The term “hazing” means any act which is required of a student as a condition to join or affiliate with any organization or group, whether based on campus or not, whether formally constituted under college policies or not, that requires the student to violate the law or college rules and regulations, endangers the physical or mental well-being of the student, endangers the safety of any individual or the community at large, requires the student to engage in the consumption of alcohol, drugs or food, requires the student to engage in feats of physical strength, calisthenics, sleep deprivation, or other physical or mental activity potentially injurious to the mind or

- body, engage in sexual behavior, or destroy or remove public or private property. The proscribed activity does not have to occur on college premises to constitute a violation of this section.
13. The term "interim suspension" means that a specific suspension has been imposed upon a person prior to a formal disciplinary tribunal so as to ensure the health and safety of the members of the college community.
 14. The term "judicial affairs officer" means the person appointed by the college who oversees all matters related to the student conduct and judicial code. This person oversees compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, investigates or delegates the investigation of allegations of violations of law or student conduct and judicial code violations, determines when to refer a case to outside law enforcement and administratively resolves or issues sanctions for violations of the student conduct and judicial code. This person reports to the VPSS. This person also serves in the capacity of director of campus security.
 15. The term "may" is used in the permissive sense.
 16. The term "shall" or "will" is used in the imperative sense.
 17. The term "member of the college community" includes any person who is a student, faculty member, college official, staff member, or any other person employed by the college. The registrar and/or director of human resources shall determine a person's status in a particular situation.
 18. The term "organization" means any number of persons who have complied with the formal requirements for college recognition.
 19. The term "policy" is defined as the written regulations of the college as found in, but not limited to, the student conduct and judicial code, residence hall terms and conditions of occupancy, college catalog, the college policy manual and such procedural statements as may be developed to implement institutional policies.
 20. The term "sexual assault" includes, but is not limited to, (1) unwanted touching of a sexual nature including, but not limited to the breasts, the buttocks or the genital area of any person; (2) unwanted touching which produces sexual arousal, gratification or abuse; (3) the penetration, however slight, of a person's genital or anal opening by any means or with any object; (4) the contact, however slight, of the mouth of any person by the genitals or anus of any other person, when these acts are committed upon a subject who is physically or mentally helpless, intoxicated by means of liquor or drugs, asleep, unconscious, submitting due to a reasonable fear of bodily injury to herself/himself or another, submitting due to threatened bodily injury or harm, is physically restrained, is not capable of giving informed consent, or who has verbally refused consent to engage in these actions.
 21. The term "sexual harassment" includes, but is not limited to, (1) unwanted and unwelcome conversation, behavior, displays or references to a person's sexuality, sexual orientation or gender, or to sexual activity in such a manner as to create a sexually intimidating, hostile or offensive work, educational or living environment; (2) an attempt to coerce an unwilling person into a sexual relationship; (3) subjecting a person to unwanted sexual attention within the context of a relationship in which there is a power differential; (4) punishing a refusal to comply with or respond to unwanted sexual attention and/or advances.

22. The term “student” includes all persons enrolled for courses through the college, whether enrolled as degree-seeking, nondegree-seeking, full time, part time, credit, noncredit, distance education, customized training, continuing education or community service students, in addition to those who are enrolled through post secondary educational institutions other than Casper College and who attend classes at or reside in Casper College facilities. Person who are not officially enrolled for a particular term but who have a continuing relationship with the college are considered students for the purposes of this code.
23. The vice president for student services (VPSS) is that person designated by the college president to be responsible for the administration of the student conduct and judicial code.
24. The term “working day” or “business day” means a day when the college’s administrative offices are open for regular business. This term is exclusive of weekends and holidays and of days when the college is closed or operating at a reduced capacity due to man-made or natural causes beyond the ability of the college to control.

Article II: Judicial Authority

1. Under the auspices of the student conduct and campus discipline policy adopted by the Casper College Board of Trustees, the president has designated the VPSS as the person responsible for developing and implementing standards and procedures addressing student conduct and campus discipline issues.
2. The VPSS shall determine the composition of judicial bodies and appellate boards and determine which administrative tribunal officer or appellate review board shall be empowered to hear any given case. The VPSS may choose to serve as an administrative tribunal officer or as a member or the sole member of an appellate review board.
3. The VPSS in conjunction with the judicial affairs officer shall develop policies for the administration of the judicial program and procedural rules for the conduct of disciplinary tribunals consistent with the provisions of this code.
4. Decisions as to code violations made by an administrative tribunal officer shall be final. If an appeal is to be submitted in accordance with Article IV, Section D, the VPSS may implement or hold in abeyance the imposed sanctions while the appeals process proceeds.
5. The judicial affairs officer may serve as arbiter of disputes within the student community in cases which do not involve a violation of the student conduct or judicial code, or which involve a code violation against an individual, but not against the college, provided that all parties involved agree to binding arbitration with no right of appeal.

Article III: Proscribed Conduct

A. Jurisdiction of the College

1. The college jurisdiction and disciplinary system will primarily focus on conduct that occurs on college premises during classes, college activities and events.
2. The jurisdiction of the college is in effect for conduct that occurs off college premises whether in Natrona County or elsewhere within the state of Wyoming or in any other state or in a foreign nation if the person against whom a code violation is alleged was participating in a college activity or event, including but not limited to, an athletic

event, a cultural event, a class, a trip, or any other officially-sponsored or directed activity of the college. The college's jurisdiction is in effect regardless of whether outside law enforcement becomes involved.

3. In exceptional circumstances, the jurisdiction and disciplinary procedures of the college may be expanded to encompass students whose off-campus personal conduct endangers the health or safety of college employees, adversely affects the college community and/or the pursuit of its objectives. Each circumstance involving alleged code violations off-campus will be evaluated within the totality of the situation to determine:
 - a. Whether the situation is a case of "exceptional circumstances", and
 - b. Whether the use of the student conduct and judicial code will have any impact to protect the individual(s) and/or the campus community.
4. The judicial affairs officer may enlist the assistance of outside law enforcement to aid in addressing conduct that occurs off-campus that appears to be beyond the scope of the student conduct and judicial code to resolve.

B. Conduct-Rules and Regulations

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

1. Acts of dishonesty, including but not limited to:
 - a. Cheating, plagiarism or other forms of academic dishonesty
 - b. Furnishing information to any college official, faculty member, or institutional office that the student knows or should reasonably believe to be false.
 - c. Providing information during an investigation by campus security, the judicial affairs officer, a disciplinary body tribunal, an appellate review board hearing, or to outside law enforcement that the student knows or should reasonably believe to be false.
 - d. Forgery, alteration or misuse of any college document, record or instrument of identification, or possession or use of any fraudulent identification document to campus security during an investigation.
 - e. Tampering with the election of any recognized student organization
 - f. Violation of copyright laws
2. Disruption or obstruction of any teaching, research, administration, disciplinary proceeding, athletic event, cultural event, guest speaker, presentation or speech by any person invited to campus by the administration or recognized organization or any other authorized event on college premises, regardless of whether the event is a college function or a private function. Disruption of any officially sponsored or recognized college function off-college premises.
3. Fighting, verbal abuse, physical or psychological intimidation, harassment, coercion, threats, or other conduct that threatens or endangers a person, or causes him/her to leave a place or event or withdraw from classes rather than continue to tolerate the conduct, or conduct that creates a climate of fear or conduct that endangers the health or safety of any member of the college community, including the actor.

4. Sexual assault, sexual harassment, violence, threats or intimidation based upon a person's sexuality, sexual orientation or gender.
5. Theft or attempted theft of property or services or the damage or destruction of property belonging to or controlled by the college, any member of the college community, any vendor or contractor doing business with the college, any public entity or political subdivision, any private business or personal property belonging to any individual.
6. Engaging in hazing as defined by this code, whether or not the activity occurs with the consent of the person(s) hazed, whether or not the activity occurred on college premises, and whether or not the activity took place with the knowledge of the officers or membership of the organization, as a condition for membership, initiation, affiliation or condition for continued membership in an organization, group, team, or any other body.
7. Failure to comply with the directions or requests of college officials, campus security officers, law enforcement officers, or other public safety personnel acting in the performance of their duties, and/or behavior that demonstrates disrespect for college officials, campus security officers, law enforcement officers, or other public safety personnel acting in the performance of their duties. Failure to identify oneself correctly upon request, attempting to conceal the identity or presence of any other person, refusing or attempting to deny entry into any area, or resisting a search or seizure under college policy or law constitute violations of this section.
8. Unauthorized possession, use or duplication of any college key(s) or entry or attempted entry into areas of the college to which the person has no authorization to enter by use of keys. Providing keys to a person whom one knows is not authorized to possess them or otherwise aiding or abetting unauthorized entry into any area.
9. Entering or remaining in any building or area within a building without authorization after established business hours or refusing to leave a building upon the request of a college official, campus security officer, or faculty or staff member with control over the area. Accessing exterior areas of any building, such as the roof, without authorization. Climbing out of windows or access hatches without authorization.
10. Violation of any published college policies, rules or regulations.
11. Violation of federal, state, county or local law, statute or ordinances on college premises or at college events on or off-college premises.
12. Manufacture, use, possession or distribution, with or without remuneration, of any illegal drugs or narcotics, hallucinogens or controlled substances or the use or facilitation of the use of any over-the-counter drug in a manner inconsistent with its recommended use for the purpose of intoxication or altering the state of one's being. This activity is prohibited on Casper College premises and at college events, on or off-college premises.
13. Conspiracy to manufacture, use, possess, distribute or conceal, with or without remuneration, of illegal drugs or narcotics, hallucinogens or controlled substances, or to use or facilitate the use of any over-the-counter drug in a manner inconsistent with its recommended use for the purpose of intoxication or altering the state of one's being. This activity is prohibited on college premises and at college events.

14. Possession, use, manufacture or distribution of alcoholic beverages, including but not limited to distilled spirits, wine, beer or cereal malt beverage on college premises or at college events. The fact that the person possessing, using or distributing the alcoholic beverage may be of legal drinking age does not mitigate a violation of this section.
15. Conspiracy to possess, use manufacture or distribute alcoholic beverages, including but not limited to distilled spirits, wine, beer or cereal malt beverage on college premises or at college events. The fact that the person(s) engaged in the conspiracy are of legal drinking age does not mitigate a violation of this section.
16. Possession of weapons on college premises or at college events including but not limited to firearms, operable or inoperable, a knife designed or adapted for combat or use against another person, a club or other impact weapon, an explosive device or bomb, a bow and/or arrow, a slingshot or other weapon capable of causing death or serious bodily injury, except:
 - a. The holder of a Wyoming Concealed Firearm Permit does not commit a code violation if he/she possesses a weapon consistent with the provisions of the laws governing such possession at an event off-college premises, and the possession of the weapon does not come into conflict with the policies and procedures of the location where the event is hosted. **Concealed firearm permit holders may not carry their weapons on the Casper College premises under any circumstances.**
 - b. The student is a law enforcement officer employed by a federal, state, or local law enforcement agency.
 - c. The student is a residence hall student who possesses the weapon only for the purpose of storing it with campus security, or removing it from storage pursuant to the policies of the college.
 - d. The weapon is possessed pursuant to classroom instruction.
 - e. The weapon is possessed pursuant to a theatre production as a prop.
17. Possession of other dangerous or prohibited articles on college premises, including but not limited to: replica firearms, Airsoft or similar weapons, blackpowder weapons, paintball guns, BB/pellet guns, potato guns*, fireworks, soda bottle bombs*, swords (decorative or real), machetes, nunchuks, other martial arts weapons (practice or functional), knives intended for combat (including but not limited to daggers, dirks, poniards, stilettos, switchblades, or bayonets), mock or fake explosive devices (inert hand grenades, clocks in the shape of time bombs, etc.), poison or any substance purported to be poison or biologically hazardous (real or simulated)*, dangerous chemicals outside laboratory settings*.

*Law enforcement will be called if any person is found in possession of these items.

18. Participation in a demonstration which disrupts the normal operations of the college or infringes upon the rights of other members of the college community; leading and/or inciting others to disrupt normal operations of the college or scheduled activities, unauthorized occupation or "sit in" of any college building or area; intentional obstruction which interferes with pedestrian or vehicular movement, ingress or

egress from any building, parking lot, street, roadway, or entrance/exit on or to the campus.

19. Disorderly conduct or breach of the peace, unreasonable noise, including but not limited to, music, PA or other amplification system, vehicle engine or exhaust noise, or chanting.
20. Lewd, lascivious or indecent conduct in a public place or in a nonpublic place when the circumstances indicate that the participants are reckless or negligent about being viewed by others, including but not limited to, sexual intercourse, sexual contact, indecent exposure, urination or defecation, sexually explicit displays or demonstrations, viewing of pornography in print or electronic forms.
21. Aiding, abetting, procuring or conspiring with another person or persons to breach the peace on college premises or at functions sponsored by or participated in by the college.
22. Theft or abuse of computer account privileges, equipment, software, network resources or time, including but not limited to:
 - a. Unauthorized entry into an account, file or network to read, use, or change the contents or for any other purpose.
 - b. Unauthorized transfer of copying of accounts, programs or files.
 - c. Unauthorized use of another individual's account, identification or password.
 - d. Use of computing facilities to interfere with the work of another student, faculty member, college official, or computer network operations.
 - e. Use of computing facilities to send obscene, abusive or threatening messages, or to threaten or harass public officials.
 - f. The downloading, storage, viewing, transmission, production, sale, purchase or trading of sexually explicit material which includes the images or purported images of people under 18 years of age or any other sexually explicit material that shows or purports to show the death or torture of any person, regardless of whether the images are of an actual person, whether they are simulated, or whether they are composite images.
 - g. The solicitation or attempted solicitation for sexual conduct, visitation or travel for sexual activity, including the transmission of sexually explicit images of any person under the age of 18 or purported to be under the age of 18 regardless of the physical location of such person and regardless of whether the person is actually under the age of 18.
 - h. Conduct that violates federal Department of Homeland Security provisions concerning engaging in or supporting terrorist activity or violations of national security provisions.
 - i. Conduct that constitutes a violation of federal, state, county or city laws, statutes or ordinances concerning theft, fraud, money laundering, identity theft or other financial crimes.
 - j. Conduct that constitutes a violation of federal, state, county or city laws, statutes or ordinances concerning harassment, intimidation or hate crimes.

- k. Use of computing facilities to interfere with the normal operation of the college or network computing systems.
23. Abuse or misuse of the campus telephone or telecommunications systems, including but not limited to:
- a. Unauthorized use of another person's telephone equipment, access identification numbers, billing cards, or phone numbers.
 - b. Making obscene, harassing, or abusive contact via telephone.
 - c. Unauthorized access to telecommunications cable systems.
 - d. Unauthorized recording from or copyright infringements on telecommunication systems.
24. Abuse or contempt of the Judicial system, including but not limited to:
- a. Failure to obey the summons of a disciplinary body or a college official
 - b. Falsification, distortion or misrepresentation of evidence or information before a disciplinary body.
 - c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
 - d. Institution of a disciplinary proceeding or complaint when the person knows that no legitimate cause exists.
 - e. Harassing, intimidating, threatening and/or in any way attempting to discourage an individual from properly participating in or availing himself/herself of the use of the judicial system.
 - f. Attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the course of a disciplinary proceeding.
 - g. Verbal or physical harassment and/or intimidation of a member of a disciplinary body prior to, during or following the conclusion of a disciplinary proceeding.
 - h. Retaliating against the person, property or reputation of any member of a disciplinary body, any administrative tribunal officer, any college official, any complainant, any witness or any other person involved in a disciplinary proceeding.
 - i. Failure to comply with the sanctions imposed under the student conduct and judicial code.
 - j. Influencing or attempting to influence another person to commit an abuse of the judicial system, including but not limited to, altering or retracting a statement once given or providing false or misleading testimony.

C. Violation of Law and College Discipline

1. If a student is cited and/or arrested for an off-campus violation of federal, state or local law, statute or ordinance, but not with any other violation of this code, disciplinary action may be taken and sanctions imposed for personal conduct that has endangered or has the potential to endanger the physical health or safety of college employees, has negatively affected or has the potential to negatively affect the college community or has disrupted or has the potential to disrupt the pursuit of its objectives. If the VPSS determines that the health and safety of the college community and/or that of any individual member thereof can be protected through the use of the disciplinary system, he/she will authorize that campus disciplinary action

be undertaken without regard to the pendency of civil litigation and/or criminal justice system proceedings.

2. College disciplinary proceedings may be instituted against a student charged with a violation of the law that is also a violation of this code without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this code may be carried out prior to, simultaneously with or following civil or criminal proceedings off-campus.
3. When a student is charged by federal, state or local authorities with a violation of law, statute or ordinance, the college will not request or agree to special considerations for that individual because of his/her status as a student. However, if the alleged offense is also the subject of a proceeding before a disciplinary body under the code, the college may advise off-campus authorities of the existence of the code and of how such matters will be handled by the college. The college will cooperate fully with outside law enforcement, prosecutorial and other authorities in regard to the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for the rehabilitation of student violators. Individual students and faculty members remain free to interact with governmental representatives as they deem appropriate.

D. Rights of Students

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

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

3. Academic Rights: A student shall have the right, regardless of the instructional delivery modality, to:
 - a. Be informed of course requirements through a written syllabus.

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

Article IV: Judicial Policies and Procedures

A. Charges and Tribunals

1. Any member of the college community may file a complaint against a student for misconduct under the code.
2. Students wishing to file misconduct complaints against a college employee shall follow the student grievance procedure. NOTE: A grievance may not be initiated simply as a result of the student disagreeing with the issuance of disciplinary action. Grievances filed against college employees as a result of their role in the disciplinary process will be automatically denied. Grievances which contain malicious or false accusations may be actionable under the code.
3. All allegations and complaints brought under this code by a member of the college community shall be prepared in writing and given to the VPSS. Any allegations or complaints should be submitted as soon as possible after the event takes place or is discovered, but no longer than ten (10) working days. The college will have up to ten (10) working days to conduct an inquiry into the allegations or complaints and make a determination as to how to proceed.

4. At the conclusion of the inquiry, the VPSS, or the administrative tribunal officer to whom he/she has tasked with the inquiry, will determine whether the written complaints or allegations have sufficient foundation to go forward.
 - a. If they are found not to have sufficient foundation to go forward, the VPSS or administrative tribunal officer will notify both the complainant and the accused party and the allegation or complaint will be dismissed.
 - b. If they are found to have sufficient foundation to go forward, the VPSS or Administrative tribunal officer will prepare a written statement of charges and options for disciplinary actions for the accused student.
 - c. If the VPSS or administrative tribunal officer is unable to make a determination as to the sufficiency of the foundation to go forward, he/she may refer the case to another disciplinary tribunal body.
5. If the accused student(s) elects to dispose of the charges administratively by mutual consent, the accused student(s) are assuming responsibility for the charges. Sanctions assigned after such a disposition shall be final and there shall be no subsequent appeal proceedings. If the charges cannot be disposed of by mutual consent, the administrative tribunal officer may later serve in the same matter as a member of the appellate review board.
6. If the accused student(s) request a tribunal before an administrative tribunal officer, a tribunal time shall be set not less than three (3) working days nor more than ten (10) working days after the accused student(s) has chosen the tribunal option. The administrative tribunal officer, upon agreement by all, may alter the time frame for the scheduling of tribunals.
7. When the accused student(s) request a tribunal, the VPSS or administrative tribunal officer will empanel a disciplinary body from benefitted Casper College employees who will receive instruction concerning their role and responsibilities prior to the tribunal. The disciplinary body will include the administrative tribunal officer and two other persons.
8. Tribunals shall be conducted by a disciplinary body according to the following guidelines:
 - a. Tribunals will normally be conducted in private.
 - b. Admission of any person to the tribunal shall be at the discretion of the administrative tribunal officer. Additionally, the administrative tribunal officer will remind all participants and information providers that they are expected to present information in an accurate and truthful manner.
 - c. In tribunals involving more than one accused student, the administrative tribunal officer may elect to conduct separate tribunals of each student or may choose to consolidate them.
 - d. The complainant and the accused have the right to be present throughout the tribunal, but not during those times when the disciplinary body may convene an executive session for the purposes of consultation or deliberation. Each party may be assisted by any member of the college community who may attend the tribunal as a support person. When the accused student has been officially charged with a violation of local, state, or federal law for the same events for which the disciplinary tribunal has been convened, the accused student

- may elect to have an attorney serve as his/her support person at his/her sole expense. If a student wishes to use an attorney as his/her support person the attorney must meet with the VPSS prior to the tribunal for a review of tribunal procedures.
- e. The complainant and the accused are responsible for presenting their own cases. Support persons are not permitted to speak or participate directly in any tribunal before a disciplinary body, unless either the complainant or the accused are unable to present their own case(s) due to disabling conditions or injuries. Any request that a support person be allowed to present the case for either the complainant or the accused must be made in writing to the VPSS at least 24 hours prior to the scheduled time of the tribunal. The VPSS will review the request and determine whether the request is legitimate.
 - f. The complainant, the accused and the disciplinary body shall have the privilege of presenting witnesses, provided that they have direct knowledge of the incident for which the disciplinary body has been convened. Persons whose input consists solely of hearsay or opinion will not be permitted to give information. Persons who witnessed the incident, were present when statements or actions were made by participants in the incident that have bearing on the tribunal, persons who have knowledge of evidence related to the incident or whom, in some other substantive way, have knowledge that is relevant and germane to the outcome of the tribunal will be heard.
 - g. Pertinent records, exhibits, and written statements will be reviewed by the members of the disciplinary body, subject to the same standards as live witnesses regarding substantive relevance to the outcome of the tribunal.
 - h. All procedural questions are subject to the final decision of the administrative tribunal officer.
 - i. Following the conclusion of the tribunal, the disciplinary body shall determine by majority vote whether it is "more likely than not" that the accused student has responsibility for violating each section of the code with which the student has been charged.
 - j. The disciplinary body shall submit a written summary of the board's findings as to whether the accused student "more likely than not" violated each section of the code to the VPSS, and shall clearly explain why or why not the disciplinary body determined that a violation of each section of the code was committed.
9. The disciplinary body shall maintain a tape-recorded record of its proceedings. The record shall not include the deliberations of the disciplinary body in which the information is weighed and a decision is made as to whether the accused student "more likely than not" violated the code. The record shall be the property of the college and shall be stored in the files of the VPSS. The accused student may request access to the record for assistance in preparing his/her appeal. The student will be provided the opportunity to listen to the tape and take notes, but the tape will not leave the location in which it is stored.
 10. If an accused student fails to appear at the designated place and time of the disciplinary body, he/she shall be contacted by the administrative tribunal officer to determine whether there is a legitimate reason that he/she did not arrive on time. A second opportunity for the accused student to appear before the disciplinary body

shall be scheduled. If the accused student fails to appear the third time before the disciplinary tribunal body then the sanctions issued by the administrative tribunal officer shall stand and the disciplinary body tribunal option for the accused student shall be negated.

11. If a student refuses to participate in the judicial system by refusing to sign his/her student discipline form indicating his/her acceptance of the sanctions or requesting a disciplinary body tribunal, the sanctions issued by the administrative tribunal officer shall stand. The VPSS may choose to allow a student who initially refused to participate in the judicial system, but who made arrangements to meet with the VPSS to request an appeal at a later date, to appear before a disciplinary body to have his/her case heard.
12. All records pertaining to disciplinary actions shall be maintained for seven years, with the exception of records relating to expulsion from the college, suspension from the college, or removal from residential housing. These records shall be retained indefinitely.

B. Sanctions

1. The following sanctions may be imposed upon a student found to have responsibility for violating the code:
 - a. Warning – A notice in writing to the student that the student has violated institutional regulations, coupled with a statement that the violation is not to occur again.
 - b. Probation – A statement in writing that, for a designated period of time, and subject to certain conditions, a student's continued affiliation with Casper College is contingent upon him/her abiding by acceptable standards of conduct including adherence to all institutional rules and regulations. Violation of these standards of conduct and/or failure to adhere to institutional rules and regulations will result in suspension from the college.
 - c. Housing Probation – A statement in writing that, for a designated period of time, and subject to certain conditions, a student's continued ability to live in residential housing is contingent upon him/her abiding by acceptable standards of conduct and adherence to institutional and housing rules and regulations. Failure to do so will result in suspension or removal from residential housing.
 - d. Restriction of privileges – Denial of specified privileges, such as attendance at dances, sporting events, or other such activities, for a specified period of time.
 - e. Community Service – The student is required to donate a specified amount of his/her time in the furtherance of a college or community purpose, without compensation. This term of hours may range from four (4) hours to one hundred (100) hours, depending upon the severity of the code violation. Community service may be performed on or off campus and the entity for which the service is performed is subject to the approval of the administrative tribunal officer.
 - f. Education – The student may be required to attend a class or seminar germane to this issue for which he/she was sanctioned, including but not limited to alcohol or drug assessment, domestic violence awareness, anger management, or interpersonal skills. Any costs for such education will be borne by the student.

- g. Fine – a monetary fine may be assessed for certain code violations. Whether a fine is imposed or offered in lieu of other sanctions and the amount of any such fine will be decided by the VPSS.
- h. Suspension – Separation from the college for a definite period of time, after which the student may petition for readmission. Conditions for readmission may apply.
- i. Housing Suspension – Separation from residential housing for a definite period of time, after which the student may petition for readmission. Conditions for readmission may apply.
- j. Housing Removal – Permanent separation from residential housing for grievous misconduct.*
- k. Expulsion – Permanent separation from Casper College with no ability to petition for readmission. May only be imposed by the college president.

*This differs from removal from housing for reasons of safety. Circumstances which make it necessary to remove a student from residential housing to protect the life or safety of any person or the community at large, including the removed student, or to protect institutional or private property from major damage. Such a removal is not considered a disciplinary sanction and is not subject to review, tribunal, or appeal.

2. The administrative tribunal officer handling the administrative mutual resolution agreement or referring the case to a disciplinary body is the person responsible for developing and imposing disciplinary sanctions after a student has either accepted responsibility for a violation of the code or has been found “more likely than not” to have violated the code by a disciplinary body. The administrative tribunal officer may consider all past code violations or other misconduct by the student when assessing sanctions and may impose more than one of the above listed sanctions.
3. The administrative tribunal officer imposing sanctions may suspend an imposed sanction. This means that the sanction may be held in abeyance and not enforced unless the student is charged with another code violation. If the student is subsequently charged with another code violation, the suspended sanction shall be immediately imposed.
4. Other than expulsion, disciplinary sanctions shall not be made part of a student’s permanent academic record. However, they shall remain a part of the disciplinary files held by the judicial affairs officer for a minimum of seven years, except in cases of suspension or housing suspension which shall be held indefinitely. These records are subject to disclosure upon the presentation of an appropriate authorization to release information signed by the student, allowing a governmental entity or private business to whom the student has given authorization to view these records.
5. Every recognized college group has the responsibility to take all reasonable steps to ensure that their collective and individual conduct is not in violation of college rules and regulations and federal, state, or local law, statute or ordinance. The following sanctions may be imposed upon College groups or organizations:
 - a. Section B, subsections a., b.,d.,e.,f.,g., and h.

- b. Deactivation – Loss of all privileges, including college recognition, for a specified period of time.
6. In each case in which a disciplinary body determines that a student has responsibility for violating the code, the sanctions shall be determined and imposed by the administrative tribunal officer, except in cases of expulsion, which are administered by the president. The administrative tribunal officer will consider the recommendations of the disciplinary body, but is not limited to the sanctions recommended. However, if the administrative tribunal officer assesses sanctions more severe than those recommended by the disciplinary body, he/she shall prepare a document to be forwarded to the VPSS and included in the disciplinary file explaining the rationale for imposing more severe sanctions. The decision of the administrative tribunal officer shall be final. The administrative tribunal officer will advise the student in writing as to the determination of the disciplinary body as to the assignment of responsibility and the sanctions imposed, if any.
7. In cases in which a student is found responsible for a code violation related to a sex offense or an act of violence against persons, the complainant shall be informed in writing of the determination of responsibility and the sanction(s) imposed, if any. The complainant shall be advised that the information provided to them is not meant for public disclosure.
8. In cases in which a student is found responsible for a code violation related to an act of violence against persons, the VPSS may disclose the final results of the disciplinary proceedings. The disclosed information would consist of the name of the student disciplined, the code violation for which the student was found responsible and the sanctions imposed. In no case would the name(s) of the victim be released.

C. Interim Sanctions

In certain circumstances the VPSS or the administrative tribunal officer may impose college, residential, or activity sanctions up to and including suspension prior to a tribunal before a disciplinary body or an agreement for administrative resolution.

1. Interim sanctions may be imposed to:
 - a. Protect the safety and well-being of members of the college community or preservation of college property.
 - b. Attempt to protect the physical or emotional well-being of the student.
 - c. If the student poses a threat of disruption of or interference with the normal operations of the college or an event held on college premises.
2. During the period of interim sanctions, the student may be denied access to the residence halls, classes, cafeteria use, college activities or functions, and all other privileges for which students are eligible. The administrative tribunal officer and/or the VPSS will determine the extent to which access is denied by any given student.
3. Unless otherwise agreed to by the student who has been suspended on an interim basis and the VPSS or administrative tribunal officer, the student shall meet with the administrative tribunal officer as soon as possible following the interim suspension. If the student chooses to administratively resolve the issue during this meeting, the sanctions assessed by the administrative tribunal officer will take effect immediately and there will be no further right to appeal. If the student does not wish to administratively resolve the issue, a disciplinary body shall hear the charges against the student within three (3) working days. The Interim suspension shall remain in

effect until the disciplinary body has made a finding and the administrative tribunal officer has made the student aware of his/her official sanctions.

4. Sanctions imposed by the administrative tribunal officer shall take effect immediately upon the conclusion of the tribunal.
5. Interim sanctions take precedence over all other college processes, contracts, agreements or documents.

D. Appeals

1. A decision reached by a disciplinary body and the sanctions imposed by the administrative tribunal officer may be appealed by the sanctioned student or the complainant to an appellate review board within five (5) working days of the decision. Such appeals will be in writing and shall contain any relevant supporting documentation. The appeal will be delivered to the VPSS or the administrative tribunal officer.
2. The appellate review board will not normally hear any verbal testimony unless the members of the board request clarification of new information from the source. The purpose of the appellate review board is to conduct a review of the process and materials presented to the disciplinary body and determine whether grounds for an appeal exist.
3. An appeal may only be filed for one or more of the following reasons:
 - a. To determine whether the disciplinary body tribunal was conducted fairly in light of the charges and information presented, and in reasonable conformity with prescribed procedures such that the complainant had a reasonable opportunity to prepare and present information that the code was violated, and that the accused student had a reasonable opportunity to prepare and present a rebuttal of such allegations.
 - b. To determine whether the decision reached regarding the culpability of the accused student was based on an adequate amount of information, that is whether the finding that a violation of the code "more likely than not" occurred, and that the accused student was responsible for the violation.
 - c. To determine whether the sanctions imposed were appropriate for the code violation for which the student was found responsible.
 - d. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original tribunal because the appellant did not know such information at the time of the original tribunal. NOTE: The administrative tribunal officer may file an appeal to increase sanctions based on this section.
4. The VPSS will decide the composition of an appellate review board on a case-by-case basis. He/she may elect to serve as the sole member of such a board or elect to empanel not fewer than three or more than five benefits-eligible employees to review the information, appointing one employee as chair. In the event that the VPSS chooses to serve as the sole member of the appellate review board, his/her decision on the matter is final. If a board consists of three to five benefits-eligible employees, the board shall determine the legitimacy of the appeal by majority vote. Following this vote, the chair shall communicate their findings to the VPSS, along with a tally of votes in favor of confirming the appeal versus votes in favor of denying the appeal, and a rationale for their findings. Each member of the appellate review board may include a written statement of their rationale for voting in favor of or against the

appeal. The names of individual board members are not required. These documents will be included in the disciplinary proceedings file.

5. If an appellate review board finds that cause exists to support an appeal consistent with Article IV, Section D, Paragraphs 3(a), 3(b) or 3(d), the matter shall be remanded to the original disciplinary body for reconsideration.
6. If an appellate review board finds that cause exists to support an appeal based upon Article IV, Section D, paragraph 3(c), the VPSS shall review the case. The VPSS may choose to allow the existing sanctions imposed by the administrative tribunal officer to stand, or may choose to reduce the sanctions imposed.
7. If the appeal is brought by the administrative tribunal officer based upon new information that indicates that more serious code violations occurred than were brought to light at the original disciplinary body tribunal and the appellate review board finds cause to uphold this appeal by the administrative tribunal officer, the VPSS shall review the case. He/she may choose to allow the original sanctions to stand, or may choose to increase the sanctions.
8. If a student whose appeal has been denied by the appellate review board due to a lack of cause to support an appeal, he/she may ask the VPSS, in writing, for a final ruling. The decision of the VPSS shall be final. There is no other avenue for the appeal of a disciplinary sanction by a student.
9. Final dispositions related to appeals will be given to all concerned parties in writing by the VPSS.

Article V: Interpretation and Revision

- A. Any question of interpretation regarding the code shall be referred to the VPSS. His/her interpretation shall be final.
- B. The code shall be reviewed every three years, or as needed, by the judicial affairs officer and/or the VPSS. Changes shall be made as appropriate.