

STUDENT CODE OF CONDUCT AND DISCIPLINE

UA Cossatot is committed to the academic achievement, growth, and development of its students, and the wellness and safety of the members of its community. In addition, the College is committed to preserving peace, maintaining a civil and respectful academic atmosphere, supporting a moral and just climate, and protecting its property and that of its community members. The College, therefore, has established this Student Code of Conduct to communicate its expectations of students as positive members of the College community and to ensure a fair process for determining responsibility and appropriate actions when a student's behavior may have deviated from these expectations. The Vice Chancellor for Academic Services serves as the Dean of Students and holds authority for student disciplinary actions. When a violation is reported, the Dean of Students will investigate the matter and follow the established procedures for resolution.

Prohibited Conduct

Although not exclusive, the following actions, activities, behaviors, or attempts are expressly prohibited:

1. Acts of dishonesty, including but not limited to, the following:
 - a) Cheating, plagiarism, or other forms of academic dishonesty as described in the College Policy 532 Student Academic Integrity;
 - b) Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
 - c) Having false or misleading information furnished to the College through a third party on behalf of the student; and/or
 - d) Forging, altering, or misusing any College document, record, or instrument of identification.

2. Disorderly or disruptive conduct: violent, abusive, indecent, unreasonably loud, or otherwise disorderly conduct (e.g., causes alarm, concern, or nuisance) that interferes with College activities, College officials, or with the legitimate activities of any member of the College community. While the College provides a public place for discussion, dissent, and demonstration, guidelines for the expression of free speech exclude the use of violence, intimidation, disruption of classes, takeover of buildings, interference with campus communication, or any other activity that interferes with the ability of students, faculty, or staff to perform their work.

3. Sexual misconduct and/or sexual assault: Sexual misconduct refers to physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent. This includes sex-based violence and sexual harassment as defined by College Policy 206. Incidents of sexual misconduct that fall within the definition of "sexual harassment" prohibited by Title IX will be referred to the Title IX Coordinator.

4. Harassing behavior: any severe or pervasive verbal, written, or electronic communication or

action that causes a reasonable person to feel emotionally or mentally distressed or frightened. Harassment also includes communication or action that creates an intimidating, hostile, or offensive learning or working environment, or as described in the College Policy 206. In some instances, insisting upon or badgering an instructor for a grade or grade change may constitute harassing behavior under this policy.

5. Discriminatory conduct: any conduct that is directed at a person because of their age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity, military status, or veteran status that creates an intimidating, hostile, offensive learning or working environment, or as described in the College Policies 204, 205, and 206.

6. Stalking: engaging in an intentional pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action and includes cyber stalking, which is defined as any type of stalking by any electronic forum.

7. Intimidation or Violence: threatening to cause harm or behaving so as to cause reasonable fear of such harm through actions or communications.

8. Endangering behavior: intentionally, knowingly, or recklessly causing or attempting to cause physical harm to any person; behaviors that put self or others at risk of harm

9. Theft: attempted or actual theft of property of the College or property of a member of the College community or other personal or public property. This includes 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 or for any other purpose;
- b) Use of another individual's identification and/or password;
- c) Use of computing facilities and resources to interfere with the work of another student, faculty member or College official;
- d) Use of computing facilities to send or view obscene images or content, or to send abusive, insulting, or profane messages;
- e) Use of computing facilities and resources to interfere with normal operation of the College computing and/ or email systems;
- f) Use of computing facilities and resources in violation of copyright laws; and/or
- g) Any violation of the College Policy 465 Acceptable Computer Use.

10. Destruction of Property: attempted or actual destruction, defacing, tampering with, materially altering or otherwise damaging property not one's own; and/or creating a condition that endangers or threatens property not one's own.

11. Trespassing/Unauthorized Entry: unauthorized entry or providing another person unauthorized access to College premises, buildings, offices, information systems; unauthorized possession, duplication or use of keys for any College premises; or continued occupation of any College premises after being requested to leave by any College official.

12. Hazing: behavior or attempted behavior, regardless of intent, that endangers the mental or physical health of a student as a condition to initiation, admission into, or continued membership in any group or organization. For example, behavior that is degrading, causes embarrassment or ridicule, or results in destruction of property.

13. Refusal of Reasonable Request: failure to comply with a reasonable request from College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

14. Violation of any Federal, State, or Local Laws and College rules/policies: an act or omission that constitutes a violation of federal, state, or local laws, and/or College rules or policy, which is not otherwise covered in this Code.

15. Possession/Use of Controlled Substances: use, possession, manufacturing, distribution, or being under the influence of narcotics, or other controlled substances, and/or related paraphernalia while on a UAC campus, or while conducting business on behalf of UAC, except as expressly permitted by law.

16. Possession/Use of Alcohol: use, possession, manufacturing, or distribution of alcoholic beverages, or public intoxication while on a UAC campus or while conducting business on behalf of UAC.

17. Possession/Use of Weapons: illegal or unauthorized possession, distribution, use, or attempted use of firearms, explosives, other weapons including but not limited to slung shots, sand clubs, metal knuckles, daggers, dirks, spring blade knives, nun-chu-ka sticks, throwing stars, air guns, stun guns, and devices intended to injure a person by an electric shock, or dangerous chemicals on College premises.

18. Fire/explosive devices: any action that causes or attempts to cause a fire or explosion (including bomb threats), false reporting of a fire; tampering of safety devices; and/or the failure to leave a College building during a fire alarm.

19. Gambling: illegal gambling or wagering on UAC property or while participating in a College sponsored event or activity.

20. Smoking: smoking or use of tobacco products or electronic cigarettes on College property or in a College vehicle in violation of state law or College Policy 782.

21. Retaliation: A student shall not retaliate against any member of the College community who files, is the subject of, or participates in the investigation of an incident report, or who brings forward a complaint or concern.

22. Abuse of the student conduct system, including but not limited to:

- a) Falsification or intentional distortion or misrepresentation of information when reporting an incident or before the Student Conduct Administrator and/or a student conduct board;
- b) Disruption or interference with the orderly process of a student conduct investigation; attempting to discourage an individual's proper participation in, or use of, the student conduct system;
- c) Attempting to influence the impartiality of the Student Conduct Administrator and/or a member of a student conduct board prior to, and/or during the course of, the student conduct process;
- d) Harassment (verbal or physical) and/or intimidation of the Student Conduct Administrator and/or a member of the investigation, during, and/or after a student conduct process;
- e) Failure to comply with the action(s) imposed under the Student Code of Conduct; and/or
- f) Influencing or attempting to influence another person to commit an abuse of the student conduct system.

Student Code of Conduct Procedures

Reporting: Any member of the College community may report inappropriate or concerning student behavior. A report of the behavior or incident shall be prepared in writing and submitted to the Dean of Students/Vice Chancellor for Academics. Reports may be submitted at any time after an incident has occurred but should be submitted as soon as possible after the event takes place, preferably within 24 hours of occurrence. Students who have an accommodation with the Disability Services are entitled to reasonable accommodations for all stages of the student conduct process. If possible, requests for accommodations should be made to the Dean of Students at the beginning of the process.

Presumption of non-responsibility: Subject to all other provisions of the Code or College Policy, any student charged with an infraction under this Code shall be presumed not responsible for a violation until determined to be responsible by a preponderance of evidence; for a student to be found responsible for a violation, the evidence must indicate that it is more likely than not that a violation occurred.

Initial Investigation: Once a report has been received, the Dean of Students or his/her designee will make an initial determination as to whether there is sufficient basis to believe that a policy violation(s) of the Student Code of Conduct has occurred. The Dean of Students may informally interview the complainant and or other witnesses may request additional information from the complainant as needed. If there are insufficient grounds to believe that a violation occurred, the complaint may be dismissed.

Disciplinary Proceedings/Notification: If it is determined that there are sufficient grounds to believe that a violation of the Student Code may have occurred, the Dean of Students will proceed with formal disciplinary proceedings.

Promptly after the conclusion of the initial investigation, the responding party will receive written notice of the alleged violations of the Student Code of Conduct, along with a copy of this policy, to the student's home address by certified mail or delivered in-person. The notice will contain a summons for the respondent to appear at a meeting with Dean of Students, with date, time and place of the meeting. The meeting should be scheduled within 5 days after the responding party's receipt of the notice, allowing adequate time for the respondent to prepare. At the meeting with the Dean, the allegations will be reviewed with the student, and the student will be notified of possible sanctions and of the student's rights and responsibilities under this procedure. The student will be given the opportunity to respond to the allegations, and to present any evidence or witnesses not already provided for consideration. The student may also submit a written response to the allegations. If a responding party does not appear at the Administrative meeting, the Dean of Students shall proceed with a determination based on the information available.

Determination: Within 3 business days of the Administrative meeting, the Dean of Students shall make a determination of responsibility on the basis of whether it is more likely than not that the accused student violated the Code of Student Conduct. Written notice of the decision and any sanctions imposed will be delivered by certified mail to the respondent's home address or in person. In situations where a student is found "not responsible" for the charged violations, but it is determined that the student would benefit from an educational conversation with appropriate University officials, the student may be required to participate in such a conversation.

Appeals: In the event the charged student disagrees with a finding of "responsible" or the sanction(s) imposed, the charged student may request an appeal within five (5) business days after notification of the decision. Appeals of all decisions shall be submitted in writing to the Dean of Students, stating clearly the grounds for appeal and remedies sought. The Dean of Students will gather an appeals committee to schedule a hearing. If the student does not appeal within the stated time, absent good cause, the decision of the Dean of Students is final.

The appeals committee includes: the Dean of Students (Vice Chancellor for Academics); Vice Chancellor for Finance or proxy; Student (selected by VC-A); Faculty or staff (selected by VC-A); Faculty or staff (selected by student appealing)

At the hearing, the student charged may be accompanied by one advisor or support person at the appeal hearing, which person may be an attorney. The advisor or support person may not speak on behalf of the student throughout the appeal hearing proceeding or otherwise participate in the hearing, beyond privately communicating with the party that the advisor is supporting. **If the student has received a suspension of ten (10) or more days or expulsion, the advisor/attorney may fully participate during the appeal hearing proceeding.**

Following the Appeal Hearing, the Committee will render a decision within five working days. The decision by the Dean of Students may be approved, rejected, or modified. The Respondent shall be notified of the outcome in writing. The decision rendered by the Committee is final.

Sanctions

- The following action(s) or sanctions may be imposed upon any Student after being found responsible for violating the Student Code of Conduct:
- Conversation – A conversation with the student regarding the violation and steps to prevent a violation from occurring again.
 - Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.
 - Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of progressively more severe disciplinary actions if the student is found to violate any institutional regulation(s) during or after the probationary period.
 - Loss of Privileges – Denial of specified privileges for a designated period of time.
 - Restitution – Compensations for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - Discretionary Actions – Work assignments, essays, service to the College, or other related discretionary assignments.
 - College Suspension – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Following a suspension, students must request re-admission to the College. The written request must be submitted to the Dean of Students (Vice Chancellor for Academics). To be eligible for re-admission, all actions and conditions related to the suspension must be completed. After the written request is received, a committee will review the request and meet with the student. As a condition of re-admission, a readmission plan may be made. The student will be notified of the decision in writing.
 - College Expulsion – Permanent separation of the student from the College
 - Academic Misconduct Actions – see Policy 532 Student Academic Integrity.
- Sanctions will not ordinarily be imposed until any appeal is concluded and the decision becomes final.
 - More than one of the actions listed above may be imposed for any single violation. Only disciplinary actions resulting from academic misconduct or involving expulsion from the College or revocation or withholding of a degree, shall be made part of the student's permanent academic record. All student conduct actions, shall become part of the student's disciplinary record.
 - A Vice Chancellor Hold may be placed on a student account pending the completion or end date of a sanction.

HLC Criterion: 2A

Policy History:

September 12, 2020
January 12, 2015 December 3, 2012
October 31, 2014 January 1, 2001

STUDENT CONDUCT AND DISCIPLINE

Information on student conduct and disciplinary actions are disseminated to UA Cossatot students through the below channels:

- Academic Catalog—available in hardcopy or www.cccua.edu/catalog
- An email generated to all students on the 11th class day
- Through the Blackboard learning platform

Procedure History:

May 21, 2018
