



**WE ARE**

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# Student Code of Conduct

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UNIVERSITY OF WYOMING



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## University of Wyoming Student Code of Conduct and Community Standards

### I. COMMUNITY STANDARDS

The University of Wyoming is an academic community dedicated to teaching, scholarship, research, service, inclusion, and the holistic development of students. As an academic community, the University has an interest in the safety, welfare, success, and education of the members of this community and in fostering an environment consistent with the educational mission, purpose, and processes of the University. When students voluntarily enter the University, they assume obligations of performance and behavior relevant to the University's mission, processes, and functions. Expectations of students in an academic community are higher than those of other citizens.

As members of the University of Wyoming Community, students are expected follow and promote:



**Community:** Students are expected to build and enhance their community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community.



**Integrity:** Students are expected to exemplify honesty, honor, and respect for the truth in all of their actions.



**Social Consciousness:** Students are expected to recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing University community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others.



**Respect:** Students are expected to show positive regard for each other and for the community.



**Responsibility:** Students are expected to accept responsibility for their learning, personal behavior and future success, and students should appropriately challenge others to do the same. Students should use judgment, be trustworthy and take personal responsibility for their actions.

The University of Wyoming has a history of students who engage in exemplary behavior toward their peers, staff, faculty, and community members. As members of the University of Wyoming Community, students are expected to follow and promote our shared values. Additionally, University of Wyoming students are responsible for knowing the information, policies, and procedures outlined in this document. The University reserves the right to make changes to the Student Code of Conduct and Community Standards (SCCCS) as necessary and once those changes are posted online they are in effect. Students are encouraged to check online for the updated versions of all policies and procedures.

### A. PHILOSOPHY AND MISSION

The mission of the Dean of Students Office is to educate students and student organizations about community standards and prohibited conduct, promote student learning, success, and accountability, and facilitate the development of thoughtful, responsible, and engaged members of the community. The Student Code of Conduct is a key component of the Dean of Students Office effort to reduce and prevent behavior that undermines academic success and that detracts from the educational mission of the University; ensures the health and safety of students and the community; provides timely support and resources for students; and prevents violence in and around the University community. The Student Conduct Code defines University intervention, resolution options, and possible action related to the behavior of both individual students and student organizations.



## **B. GOALS OF THE STUDENT CODE OF CONDUCT**

The goals for Student Code of Conduct are as follows:

1. to protect the safety and welfare of the University community;
2. to facilitate an understanding of the campus values outlined in the Community Standards;
3. to help bring the student's behavior into alignment with the Community Standards;
4. to help the student reflect on their responsibility for their behavior;
5. to address impacts of a student's behavior on those impacted, including the Community;
6. to help the student consider the consequences of their behavior in advance; and
7. to assist the student in making future choices that will enable them to be successful.

The University of Wyoming educates students who violate the community standards of the Student Code of Conduct through education and support, conduct review, and imposition of sanctions, including suspension or dismissal from the University. Decisions made using the Student Code of Conduct take into consideration both the rights of the student(s) and the needs of the University in accomplishing its educational goals and mission.

In exercising its disciplinary authority, the University is committed to the principle of fundamental fairness. The Student Code of Conduct is administered without regard to race, gender, religion, color, national origin, disability, age, protected veteran status, sexual orientation, gender identity, genetic information, creed, ancestry, political belief, or any other applicable protected category or participation in any protected activity, as defined in [UW Regulation 4-2](#). Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities upon request.

## **II. INTRODUCTORY INFORMATION**

### **A. DEFINITION OF A STUDENT**

For the purposes of the Student Code of Conduct, a "student" means the following:

- any person who is admitted to the University of Wyoming;
- any person who is enrolled at the University of Wyoming and is pursuing undergraduate, graduate, or professional studies, including full-time and part-time status;
- any person who is taking or auditing class(es) through the University; or
- any person who was enrolled in the University at the time of the misconduct or is within one calendar year of their last date of attendance.

### **B. STUDENT ORGANIZATIONS**

Student Organizations (including club sports and fraternities/sororities) are held to the same behavioral expectations as individual students. These organizations are afforded the same rights and obligations under the Code, including being subject to the conduct proceedings outlined herein, and would be subject to the same conduct sanctions. As with individual students, student organizations are responsible for knowing the community standards, expectations for conduct, and procedures outlined in this Code. They should also be aware of the other University regulations or policies, departmental policies or procedures, rules or governing documents for which the group may be accountable. Failing to follow any of the aforementioned policies may be a violation of the code.

In addition to conduct proceedings for student organizations, individual students who are members of a student organization may also be held responsible for their personal actions under this Code. Conduct proceedings for fraternities and sororities will be overseen by the Fraternal Standards Board and the Dean of Students Office at the sole discretion of the Dean of Students.

### **C. UNIVERSITY CONDUCT PROCESS VS. LEGAL PROCEEDINGS**

The procedures described in this Code are administrative procedures designed to create opportunities for members of the University community to evaluate alleged violations and determine appropriate sanctions if necessary. They are not legal proceedings. Although many elements of the law (such as due process) influence and inform our campus conduct proceedings, campus conduct procedures do not follow all the



rules and procedures of a formal legal proceeding, nor are they intended to. The University conduct process operates separately and independently from the criminal justice process and civil proceedings. The student conduct process may happen before, during, or after criminal proceedings. Since the student conduct process is entirely separate from criminal or civil litigation, legal outcomes do not affect the student conduct process nor will pending criminal or civil litigation stop or delay the student conduct process.

All members of the University of Wyoming community are also subject to relevant local, state, and federal laws. Alleged violations that are also violations of local, state, or federal laws may be prosecuted separately through the criminal justice system. Because the University's proceedings are administrative and not legal proceedings, many legal rules of procedure and evidence are not applicable or required. The University may use, among other things, information from third party sources, such as law enforcement agencies, reports of investigation, the courts, and other witnesses to help determine whether the Student Code of Conduct has been violated. In cases where one student (the "Impacted Party") files a complaint against another student (the "Responding Party"), the University may proceed with the case on the basis of other evidence and testimony, even if the Impacted Party does not wish to participate or continue in the process.

#### **D. ADMINISTRATIVE RESPONSIBILITY**

As prescribed by [UW Regulation 11-1](#), the Vice President for Student Affairs is responsible for the overall administration of the Student Code of Conduct and campus conduct proceedings related to general misconduct. The Dean of Students is responsible for day-to-day administration of the Student Code of Conduct and for managing and adjudicating cases of general misconduct. The Prohibited Conduct section of this Code provides a detailed description of expected standards of general behavior and procedures.

The Provost and Executive Vice President is responsible for the overall administration of academic misconduct. Individual cases of academic misconduct are initially handled in the schools and colleges by the faculty in collaboration with the faculty member's department head. As outlined in [UW Regulation 2-114](#), academic disciplinary records will be maintained in the Dean of Students Office.


The Equal Opportunity Report and Response (EORR) office is responsible for the overall administration of sexual misconduct and discrimination policy. See UW Regulation 4-2 and UW Regulation 4-3 and learn more about those policies at the Report It website here (<http://www.uwyo.edu/reportit/>).

#### **E. AUTHORITY & JURISDICTION**

Authority and jurisdiction for student discipline is prescribed by [UW Regulation 11-1](#). Students are expected to comply with all University policies, procedures, and instructions of University officials acting in the performance of their duties. Failure to do so may result in the student conduct proceedings outlined in this code. Conduct allegations may arise for any violation on or off campus, which adversely impacts the University community or the pursuit of the University's educational mission, process or function. The University shall review each off campus incident reported to the University on a case-by-case basis to allow for consideration of the unique facts of each situation involving student behavior. The University will take necessary and appropriate action to protect the safety and well-being of the University community. In addition, if credible information indicates that a student broke local, state or federal law, the University reserves the right to notify the appropriate authority and may be legally required to do so depending upon the alleged behavior.

Any misconduct occurring when the person is a student is covered by the Student Code of Conduct. This includes conduct occurring on University breaks and during summer between enrolled semesters. The University retains jurisdiction over students who choose to withdraw or have graduated from the University while a conduct matter is pending.

The Dean of Students has delegated to the Director of Residence Life the authority to develop and enforce rules and procedures to address the unique needs and management of University residential premises under



the control of the Director of Residence Life. Such [rules and procedures](#) shall be complementary to this Code. Any question of interpretation regarding the Student Code of Conduct will be determined at the discretion of the President or designee, in consultation with the Office of General Counsel.

#### **F. REPORTING OPTIONS**

Any member of the University community (faculty, staff or student) or any person unaffiliated with the University who has knowledge of an alleged violation of the Student Code of Conduct may file a complaint alleging that a violation of the Student Code of Conduct has occurred. Such complaint should be filed with the Dean of Students Office as soon as possible. The University may itself initiate a complaint. There is no timeframe on reporting incidents of misconduct; however, the more time that has elapsed the more difficult it may be to resolve the allegation as supporting information may have been lost.

Complaints may be submitted in writing via email to [dos@uwyo.edu](mailto:dos@uwyo.edu) or submitted via the [UWYO CARES online form](#) and should include the date, time, place, name(s) of person(s) involved (e.g., the alleged, witnesses) and sufficient detail to assist in the resolution of the allegation as outlined in this Code. Complaints can also be given to the Dean of Students in person or by calling 307.766.3296. Reports of discrimination, work-place violence or sexual misconduct can be submitted using the online [Report It form](#).

Students should be advised that University employees are considered mandatory reporters, and must report any disclosure of sexual misconduct, civil rights discrimination and workplace violence to the Equal Opportunity Report and Response (EORR) office. A full list of confidential and anonymous reporting options is available on the EORR [website](#).

#### **G. ROLE OF AN ADVISOR VS. UNIVERSITY PROCESS ADVISOR**

Advisors serve to provide process and/or legal advice to students involved in the investigation of allegations or conduct proceedings. Students may have an advisor of their choice to assist them throughout the investigatory and/or student conduct processes at their own expense. The advisor may not serve in a dual role as a witness in the hearing. The advisor is generally a silent and non-participating presence who is there to observe the proceedings and provide support, guidance, or advice to their student. The University reserves the exclusive right to determine what constitutes appropriate behavior on the part of the advisor. The availability or lack of availability of an advisor will in no way impact or impair the investigation or student conduct process, and all requests for extensions remain within the sole discretion of the Dean of Students or the appointed Hearing Officer. Advisors may not participate in the process in the absence of the student.

Students will receive direct communication from the University. Upon request, communication may be limited to written format on which advisors can be copied. Advisors may accompany students at any meetings or conduct proceedings, but are limited to non-speaking roles. During a hearing, either party may request a brief recess to consult with their advisor. This request may be granted at the discretion of the Hearing Officer.

Students may also request a process advisor by the university. The process advisor will not provide legal advice, speak on behalf of, advocate for, or work with a student's other advisor/support person(s). The process advisor's role is only to advise the student about University process. More information on the role of a process advisor and how to request one can be found on the Dean of Students website at [www.uwyo.edu/dos](http://www.uwyo.edu/dos)

#### **H. HEALTH & SAFETY EXEMPTION**

The health and safety of University of Wyoming students is of the utmost priority. To encourage students to offer help and assistance to others, the University may choose not to pursue conduct violations for (1) a student who may be hesitant to report misconduct because they themselves have committed a minor violation at the time of a more serious incident or (2) a student who may have committed a minor violation while actively assisting those who need medical aid, or (3) a student who may have committed a minor



violation while seeking help for themselves. Consideration will be given to students who act responsibly to aid other persons when determining appropriate sanctions and conduct outcomes.

The Dean of Students or designee will make the determination about when the exemption will be applied. Abuse of health and safety requests can result in a decision by the Dean of Students not to extend this exemption to the same person repeatedly. The University's actions do not have an impact on any legal action as a result of law enforcement responsibilities. Students may still be assigned educational or intervention services but will not have a disciplinary conduct record on file with the University.

#### **I. RIGHTS AND RESPONSIBILITIES IN AN INSTRUCTIONAL SETTING**

The primary responsibility for managing the instructional environment rests with each faculty member. The student has the right to participate in relevant and civil discussions, inquiry, and expression activities in their academic endeavors. Students have the responsibility to respect the instructor's freedom to teach and the right of other students to learn. Students may take reasoned exception to the data or views offered in any course of study. They are responsible for learning the content of any course of study for which they are enrolled.

Students who engage in acts that result in the disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Repetition of such behavior or egregious classroom offenses may result in termination of a student's enrollment in the class as provided through this Code. Additional disciplinary sanctions may also apply.

#### **J. STUDENT ACTIVISM AND FREEDOM OF EXPRESSION**

The University of Wyoming supports student activism on campus and the right to free expression under the [First Amendment of the United States Constitution](#). Student participation in community and political events is a fundamental component of students developing their own voice on current social and political issues. Furthermore, student activism creates the opportunity for the exchange of ideas through dialogue, which is critical in an educational environment. Students involved in the planning or participation of activism-related events or disseminating messages on campus are responsible for knowing and following all relevant policies and procedures. Students may not inhibit others' First Amendment rights as a result of their actions. The Dean of Students office can serve as a resource to students in determining how University policies may apply to proposed student activism initiatives on campus.

Students have the right to be free from unlawful retaliation for exercising their right to free speech consistent with law, regulation, and policy. However, the Dean of Students office may follow up on reports of concern to ensure all students are focused on maintaining open expression and a respectful academic environment so that all students' free speech rights may be protected.

#### **K. BIAS-MOTIVATED VIOLATIONS**

Any violation of this Code that is determined to have been motivated by bias based on a protected class may result in enhanced sanctions above those typically assigned for the same violations when not motivated by bias. Any information related to bias will be considered only after an initial determination of responsibility.

### **III. PROHIBITED CONDUCT**

The following list describes conduct that is prohibited for all members of the University community and for which students may be subject to sanctions under this Code.

#### **A. COMMUNITY**

*University of Wyoming students build and enhance their community.*



1. **Classroom Disruption:** Engaging in behavior(s) that a reasonable person would view as substantial disruption or repeated interference with the instructor's ability to teach the class or the ability of other students to benefit from the instruction.
2. **Disorderly Conduct:** Behaving in a way that is considered to be disorderly, lewd, or indecent by a reasonable person, or breaching the peace.
3. **Disruption or Obstruction:** Disrupting or obstructing normal University or University-sponsored or University-hosted activities, including, but not limited to: studying, teaching, research, University administration, fire, police or emergency services or events and programs.
4. **Fire Safety:** Engaging in misuse or unauthorized use of firefighting, fire sprinkling systems, and other safety equipment or warning devices, engaging in behavior that creates a fire hazard, and failure to evacuate when a fire alarm is activated.
5. **Interfering with active bystander:** Intentionally interfering with, intimidating, threatening, harassing, or retaliating against others for engaging in bystander intervention to prevent or report potential harm, violence, or sexual misconduct.
6. **Property Damage:** Defacing, damaging, or destroying property.
7. **Retaliation:** Retaliating against a person who, acting in good faith, has participated in an investigation or conduct process. For more information, see [UW Regulation 4-2](#) and [UW Regulation 4-3](#).
8. **Unauthorized Entry:** Entering into, or using without proper authorization, any physical property, vehicle, equipment, building, or area. This includes unauthorized possession or use of University keys, ID cards, computers, lock combinations or other special access codes, or passwords.
9. **University Policies:** Failing to comply with University policies, rules, regulations, or other guidelines, including but not limited to syllabi and other classroom policies. See the Other Important Policies section of this Code for links to some of these relevant University policies.
10. **Weapons:** Possessing, using, or storing firearms, explosives (including firecrackers), weapons, ammunition or dangerous chemicals in University facilities or in the course of any University activity. This includes, but is not limited to, BB guns, paintball guns, knives in excess of 3 inches, swords, crossbows, handguns, shotguns, and rifles. See [UW Regulation 6-4](#) for more information. Note that any object perceived to be a weapon or used with the intent to cause bodily harm is considered a weapon.

## B. INTEGRITY

*University of Wyoming students are expected to exemplify honesty, honor and a respect for the truth in all of their dealings.*

1. **Attempts:** Attempting to or encouraging others to commit acts prohibited by this Code. Complicity with known or obvious violations of the *Student Code of Conduct* or law.
2. **False Reporting:** Knowingly making a false report of an emergency, crime, or violation of the Code. A determination that the reported emergency or conduct cannot be proven does not necessarily indicate a knowingly false report.
3. **False Representation(s):** Knowingly making false representation(s) to the University in any form. Submitting false information, documentation or withholding information. False representation at the





time of admission or readmission may cause an individual to be ineligible for admission to, or continuation at, the University of Wyoming.

4. **False Identification:** Use or possession of false identification (fake ID).
5. **Failure to Disclose:** Failure to disclose to the Dean of Students in writing, within five business days, any felony related conviction, plea of guilty or deferred judgement occurring after admission to the University; failure to fully disclose conduct information in the University admissions process.
6. **Forgery or Unauthorized Use:** Forging or using without authorization any University documents or records, financial aid documents, computers, electronic mail, telephones, identification, or property.
7. **Interfering with the Conduct Process:** Interfering with conduct procedures or outcomes, including, but not limited to: falsification; distortion or misrepresentation of information; knowingly initiating a complaint without good cause; harassment or intimidation of a Hearing Officer, participants, or University personnel before, during, or after a proceeding; violating interim measures; and failure to comply with the sanction(s) imposed by either the Dean of Students, their designee, or Hearing Officer.
8. **Misuse or Theft of Computer Data, Equipment, Programs, Time and/or Violation of Information Technology Policies:** Violations including but not limited to ([UW Regulation 8-1](#)):
  - a. Unauthorized entry into a file to use, download, read, transfer or change the content, or for any other unauthorized purpose.
  - b. Unauthorized use of another individual's identification and password.
  - c. Use of technology resources to interfere with the work of another student, staff, faculty member or University official.
  - d. Use of technology resources to cyber stalk, send obscene messages, or otherwise violate the law.
  - e. Use of technology resources to interfere with normal operation of the University computing system.
  - f. Attempting to modify system facilities including the introduction of electronic vandalism, e.g. "viruses," "worm," or other destructive or disruptive programs and devices, into University computing resources, whether on its premises or connected to it by network.
  - g. Unauthorized use of technology resources for personal profit, to commit crimes and/or otherwise engage in unlawful conduct.
  - h. Unauthorized copying, reproduction, or file sharing of licensed software on University computing equipment.
9. **Theft:** Engaging in theft, attempted theft or unauthorized possession of property.

#### C. SOCIAL CONSCIOUSNESS

*Respecting the dignity of every person is essential for creating and sustaining a flourishing university community. Accordingly, it is important that all students understand and appreciate how their decisions and actions impact others and that they are just and equitable in their treatment of all members of the community. This includes acting to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others.*

1. **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.



2. **Discrimination:** Engaging in behaviors or decision-making that result in an individual experiencing an adverse consequence on the basis of the individual's Protected Class, including but not limited to failure to be hired or promoted or denial of admission to an academic program. See [UW Regulation 4-2](#).
3. **Hostile Environment Harassment:** Engaging in unwelcome conduct against another individual based upon the individual's Protected Class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances include, but are not limited to, the frequency of the conduct, its severity, and whether it is threatening or humiliating. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise.
4. **Threatening Behaviors:**
  - a. **Threat.** Written, graphic or verbal conduct that causes a reasonable expectation of harm to the health or safety of any person or damage to any property.
  - b. **Intimidation.** Intentional behavior that would cause a reasonable person to fear that they are in danger of injury or harm.

#### D. RESPECT

*University of Wyoming students are expected to show positive regard for each other and for the community.*

While the following definitions pertain to Respect and the Student Conduct generally, there are limited circumstances where federal Title IX law requires additional procedures for addressing formal complaints of sexual harassment. Federal definitions of terms and policies, reporting requirements, investigations, and adjudication methodologies must be utilized in those instances. For more information, please refer to Appendix 1 and the [Equal Opportunity, Harassment and Nondiscrimination policy](#).

1. **Dating and Domestic Violence:** Engaging in physically or verbally abusive behavior in any current or former relationship that is used by one partner to gain or maintain power and control over another intimate partner.
  - a. Dating and domestic violence can be physical, sexual, emotional, economic, psychological, or academic actions, or threat of actions. Actions include but are not limited to:
    - i. Physically abusing, threatening to physically abuse, attempting to cause or causing physical harm or acts which unreasonably restrain the personal liberty of any partner or former partner;
    - ii. Placing a partner or former partner in reasonable fear of imminent physical harm;
    - iii. Causing a partner or former partner to engage involuntarily in sexual activity by force, threat of force, or duress;
    - iv. and/or intentionally interfering with a partner or former partners' ability to meet academic obligations.

The existence of such a relationship shall be determined based on consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

2. **Hazing:** Any intentional act or situation that (a) causes embarrassment, harassment, or ridicule and/or, (b) risks emotional, mental, or physical harm, and is committed for the purpose of membership into, affiliation with, or continuation of membership with a group or team, regardless of the person(s)'s willingness to participate. Apathy or deference in the presence of hazing is not neutral; both are also violations.
3. **Physical Violence:** Engaging in physical violence of any nature against any person. This includes fighting; assaulting; battering; using or threatening to use a knife, firearm, or other weapon; physically abusing, restraining or transporting someone against their will; acting in a manner that threatens or endangers



the physical health or safety of any person or causes reasonable apprehension of such harm or injuries resulting in death.

4. **Sexual Assault:** Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. These behaviors may include:
  - a. **Non-consensual Sexual Contact** Any intentionally touching (however slight) without consent a person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same). This includes non-consensual touching with any of these body parts, or making another touch you or themselves with or on any of these body parts or any other intentional bodily contact in a sexual manner.
  - b. **Non-Consensual Penetration:** Penetrating any bodily opening without the consent with any object or body part.
5. **Sexual Exploitation of Adults:** Occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. When a person for any purpose, knowingly:
  - 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;
  - e. Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
  - f. Prostituting another person or engaging in sex trafficking
  - g. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising the person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
  - h. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
  - i. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
6. **Sexual Exploitation of Minors:** When a person for any purpose, knowingly:
  - 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 (except as outlined in Wyoming Statute 6-4-303 (b)(iv)).
7. **Sexual Harassment:** Unwelcome or coercive sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature.
8. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer significant emotional distress.
  - a. Course of conduct means two or more acts, including, but not limited to, acts in which the responding party directly, indirectly, or through third parties, by any action, method, device, or



means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property.

- b. Reasonable person means a person under similar circumstances and with similar identities to the Impacted Party.
  - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - d. Stalking can include repeated, unwanted, intrusive and/or frightening communications by phone, text, social media, mail or email; following or waiting for a person at their home, school, work, or other locations, and other actions that control, track, or frighten the targeted individual.
9. **Technological abuse:** an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

#### E. RESPONSIBILITY

*University of Wyoming students are expected to accept responsibility for their learning, personal behavior and future success, and students should appropriately challenge others to do the same. Students should use judgment, be trustworthy, and take personal responsibility for their actions.*

1. **Adverse Impact:** Conduct that has a substantial adverse impact on the University community, its members, and/or the pursuit of its objectives, regardless of where such conduct occurs.
2. **Alcohol :** Consuming, possessing, manufacturing, distributing, selling, or serving alcoholic beverages on University premises (including University-managed housing) or at University-sponsored activities regardless of age, except as expressly permitted by University policy; Underage possession or consumption of alcohol; Possessing or transporting an open container of alcohol; Providing, distributing, or selling alcohol to individuals under 21; Providing a location for any individual under 21 to possess or consume alcohol
3. **Drug:** Illegal use, possession, selling, sharing, distributing, cultivating, manufacturing or being under the influence of any state or federally controlled drug or substance; possessing drug paraphernalia; knowingly providing a location for individuals to possess or consume drugs.
4. **Failure to Comply:** Failing to comply with the directions of any University employee acting within the scope of their official duties or failing to identify oneself to such a person when lawfully requested to do so.
5. **Gambling:** Illegal gambling for money or other items of value.
6. **Interfering with Freedom of Movement:** Intentionally interfering with another's freedom of movement, including the free flow of pedestrian or vehicular traffic.
7. **Reckless Endangerment:** Reckless endangerment of others including illegal driving under the influence of alcohol and/or controlled substances.
8. **Violations of Law:** Violations of federal, state, or local law on University premises, at University functions, or off campus that have an adverse impact on the University or community members.



#### **IV. STUDENT CONDUCT PROCEDURES**

The University views the conduct process as an educational experience that can promote growth in personal understanding of one's role as a member of an educational community and one's rights, responsibilities, and privileges therein. The following procedures are focused on addressing behaviors that fall within the aforementioned Prohibited Conduct and apply to individual students and student organizations.

##### **A. DUE PROCESS IN THE CONDUCT PROCESS**

Due process in a conduct proceeding includes a right to be heard and a right to adequate notice of the alleged conduct violation. For any conduct allegation involving an Impacted Party identified by the Dean of Students, or designee, the Responding Party and Impacted Party have equitable rights.

##### **B. RIGHTS & RESPONSIBILITIES IN THE CONDUCT PROCESS**

During the conduct process, the Responding Party (and Impacted Party, when applicable) is entitled to:

1. receive a written notice of the alleged violation(s) including time, date, place and those involved (if known);
2. request an explanation of the student conduct process and available resolution options;
3. be accompanied by a support person and advisor of their choosing during the conduct process. These persons are limited to a non-speaking advisory role;
4. receive access to the information and documents to be presented at the hearing in advance;
5. be present during the entire proceeding, except during the Hearing Officer deliberation;
6. choose not to participate or to discontinue participation in the process. However, the University may, at its discretion, continue to investigate and act;
7. have an opportunity to present information, respond to information submitted by the others (when another is involved), and identify witnesses who may have relevant information;
8. be provided with a copy of the completed investigation report (when investigations are initiated), as allowed by law;
9. receive a written notification of the outcome of the conduct process;
10. be informed of the procedures and deadline for appealing the outcome;

During a conduct process (including investigations), the Responding Party (and Impacted Party, when applicable) have the responsibility to:

1. be respectful and truthful in all interactions with the Hearing Officer, Appeals Officer and other participants;
2. read through the Student Code of Conduct and other documents related to a specific student's conduct proceeding;
3. adhere to the stated deadlines;
4. prepare documents and challenge information presented against them, if they so choose.

##### **C. CONDUCT ASSESSMENT AND PROCEEDINGS**

The University may initiate the conduct process on the basis of information received from any source, including but not limited to any individual, a University official, staff, faculty, student, social media, online reports, or a law enforcement agency. The Dean of Students appoints a designee to review all conduct allegations, determine whether they fall within the jurisdiction of the Code, and manage the proceedings. All reports of misconduct, regardless of the time elapsed between the date of the incident and the date of the report will be assessed. However, long periods of time between the date of incident and the date of report may limit the University's ability to thoroughly investigate and/or respond. When informed of a potential violation of the Code, the Dean of Students may assist in the resolution of the matter without referring the complaint to a conduct process. Additionally, conduct allegations will be resolved even when a student chooses to withdraw before the allegations have been resolved.



In these cases, the Dean of Students team may take the following actions for both students and student organizations:

1. **No Student Conduct Action:** If the reported conduct does not constitute a violation, or there is insufficient information to move forward with conduct proceedings, the Dean of Students will close the case, notify relevant parties as applicable, and offer all student(s) support resources or referrals.
2. **Notice of Alleged Violation and Community Values Intake Meeting:** The Dean of Students Office sends a notice of allegation to the student and/or student organization who is the subject of the report or complaint via the student's University email address. This action fulfills the obligation to provide notice to the Responding Party regarding conduct allegations. Some cases may involve additional inquiry, investigation, or information gathering. The notice of alleged violation shall include:
  - a description of the alleged misconduct;
  - a notation to the Code provisions that are alleged to have been violated;
  - information on how to receive an explanation of the conduct process;
  - information on the right to an advisor and how to request a Process Advisor; and
  - a scheduled meeting time, date, and location for a Community Values Intake Meeting with directions as to how a student can reschedule if needed.

During the Community Values Intake Meeting, the Dean of Students, or designee, will meet with the student and/or student organization to explain the handling of conduct matters and processes, student rights and responsibilities, available documents, possible sanctions, answer any questions the student may have, and determine next steps. The student may be advised by a support person/advisor of their choosing. However, the advisor is limited to advising the student and may not present information or make statements during this meeting or subsequent proceedings.

The student has an opportunity to respond to the alleged violations of behavioral expectations as outlined in the Notice during this meeting or can choose to wait until the alternative resolution/ informal resolution/ hearing as noted below. As part of this process, the student(s) will be asked to share their perspective related to the alleged violations and discuss personal responsibility as well as any community impact. Most students are apprehensive about coming into talk to a University official about their misconduct; yet, the conversation is meant to be educational, informal, and grounded in helping the student grow from the experience regardless of the outcome.

If a student requests additional time to prepare materials or meet with an advisor, the Dean of Students, or designee, can pause and schedule a follow-up meeting or provide a deadline for decision within ten (10) business days. For cases referred to a Student Conduct Hearing, the Hearing Officer will discuss and explain the hearing procedure and answer questions for the student. Timelines related to the Student Conduct Hearing are noted below.

Over the course of the Community Values Intake Meeting, one of the following outcomes may occur:

- a. **Use of the Health and Safety Exemption:** No formal conduct record or disciplinary sanction occurs based on the application of the policy, but educational and/or interventional sanctions may be assigned.
- b. **Alternative Resolution Pathway:** When informed of a potential violation of the Code, the Dean of Students or designee may assist in the resolution of the matter through an alternative resolution process without referring the complaint to a conduct process. If the student or organization chooses to participate in the alternative resolution option offered to them, and complies with all requirements, the incident will not be maintained as part of the reportable student conduct record. This resolution process will not be used in cases with significant and egregious adverse impact to the campus community or one of its members. Alternative resolution options are



binding and not subject to appeal. If the student or student organization does not complete the alternative resolution process, they may face additional disciplinary action. Alternative Resolution may include shuttle diplomacy, restorative practices, mediation, facilitated dialogue, conflict coaching, workshop, etc.

- c. **Informal Resolution:** When informed of a potential violation of the Code, the Dean of Students or designee may assist in the resolution of the matter through an informal resolution process. The Dean of Students will evaluate whether this resolution process can be used in cases with significant and/or adverse impact to the campus community or one of its members (e.g. physical violence, sexual/interpersonal violence, bullying). The Responding Party may request if the case is applicable for this review. Impacted Parties have the right to review alternative resolution options with the Dean of Students or designee. However, proceeding with an informal resolution rests with the Dean of Students, or designee. Options may include restorative practices, shuttle diplomacy, mediation, etc. Informal resolution may still result in a status sanction. If the parties agree on a resolution, the parties shall sign a document indicating the terms of the agreement. There shall be no hearing or appeal and sanction(s), if any, shall be applied and become part of the Responding Party's conduct record. Informal resolution options are binding; if the Responding Party does not complete the informal resolution outcomes, they may face additional disciplinary action.
- d. **Student Conduct Hearing:** The case may move to a Student Conduct Hearing. A student can request to resolve the matter during the Community Values Intake Meeting, or the Student Conduct Hearing will be scheduled within thirty (30) business days. Any deviations to this timeline are up to the decision of the Hearing Officer. As part of this process, the Responding Party will be asked to share their perspective related to the alleged violations and discuss personal responsibility as well as any community impact. The Responding Party may choose to acknowledge responsibility for the alleged violation(s) or waive the Student Conduct Hearing and accept the sanction(s), otherwise the assigned Hearing Officer will determine the level of responsibility based on the available information. The Hearing Officer will determine responsibility using a preponderance of the evidence standard. The outcomes (findings and sanctions) of a Student Conduct Hearing can be appealed.

3. **Failure to Respond/Missed Hearings:** If the Responding Party does not attend the Community Values Intake Meeting or any subsequent meetings (e.g. Student Conduct Hearing), fails to follow instructions given in the notice or submit requested documentation within a reasonable specified time, fails to reschedule by the date specified in the notice, then the Dean of Students or designee may place a hold on the student's account or the Hearing Officer may proceed in the student's absence and will make a decision with the information available on record.

#### D. CONDUCT HEARINGS

##### 1. Prior to a Hearing

- a. The Dean of Students, or designee, shall notify the Responding Party of the relevant details and schedule the conduct hearing within (30) business days of the decision to move to a hearing. Exceptions to this timeframe or calls to reschedule may be made upon request in extraordinary circumstances and are up to the decision of the Hearing Officer. Accommodating an advisor's schedule does not normally constitute an extraordinary circumstance.
- b. The Dean of Students Office and the student(s) shall exchange all relevant documents no later than five (5) business days prior to the conduct hearing. Any participant who fails to submit information or exchange information as required by the deadline(s) may be barred from presenting that information in the hearing, at the discretion of the Hearing Officer.

##### 3. Hearing Participants and Roles



- a. Advisors are limited to advising the student and may not present information, question participants, or make statements during the proceedings. Other support persons may be allowed to observe the hearing at the Hearing Officer's discretion.
- b. Students may submit witness statements to be considered in the Hearing. Character witnesses are not allowed to participate in a hearing process, but may submit information in writing to the assigned Hearing Officer to be considered in sanctioning, should the Responding Party be found responsible.
- c. The Hearing Officer shall preside over the hearing, consider all relevant documents and statements, keep order throughout the hearing process, exercise control over the hearing for efficiency and relevancy and determine all relevant timelines including any appropriate extensions.
- d. The Hearing Officer will not hear arguments about the legality of the procedures. Technical departures from the hearing procedure will not invalidate a decision, recommendation, or proceeding unless they have prevented a fair determination of the issues.
- e. The Hearing Officer will make determinations about the facts and the credibility of the information and determine by a preponderance of the evidence whether the student has violated the Code. The Hearing Officer will also determine appropriate sanction(s), if applicable.

#### **5. During the Hearing**

- a. The Hearing Officer will explain the hearing procedure and review the alleged violation(s) which led to the hearing and summarize the record.
- b. The Responding Party shall present information related to the alleged violations of the Code.
- c. The Hearing Officer will question the Responding Party and will consider any relevant documents presented.
- d. All student conduct proceedings are closed to the public. The Hearing Officer may exclude from the proceedings any person who disrupts the hearing process or who fails to adhere to the explicit requests of the Hearing Officer.
- e. Technical rules of evidence and procedures applicable to civil and criminal court cases do not apply to hearings.

#### **6. Hearing Officer Decision**

- a. The Hearing Officer determines the finding of responsibility for each charge based on the preponderance of information standard—whether it is more likely than not that the Responding Party engaged in prohibited conduct. If found responsible for engaging in prohibited conduct as outlined in the Student Conduct Code, the Hearing Officer will determine appropriate sanctions based on the incident's severity, impact on others, and the Responding Party's student conduct record. A Hearing Officer has ten (10) business days from the date of the hearing to provide a decision in writing via email to the student's University email address. The number of days may be extended at the discretion of the Hearing Officer, who will notify all parties of any delay. In cases resulting in dismissal, the Hearing Officer will make the recommendation to the Dean of Student who will notify the parties.
- b. The hearing outcome will include the findings of responsibility, rationale for the findings, sanctions (if applicable), and information on the appeal process. In cases involving an Impacted Party, they will also be notified of the Hearing Officer's decision and information on the appeal process at the same time as the Responding Party. If the Hearing Officer finds that there is insufficient information to establish responsibility for violation(s) of the Code, the allegations will be dismissed.
- c. The student(s) may appeal the decision as noted in Section (IV)(K).

7. **Hearing Recording:** Student Conduct Hearings will be recorded by the Hearing Officer. If the student or student organization requests a copy, the recording of the hearing will be transcribed at the expense of the student/student organization and prepared by a credentialed transcriptionist. Alternatively, the recording may be made available to the Responding Party and any Impacted Party for viewing at the Dean of Student's Office. Reproduction of the recording in any way by a Responding Party, Impacted Party, witness, or Support Persons/Advisors is prohibited.





## E. STUDENT CONDUCT PROCEDURES FOR ALLEGATIONS INVOLVING AN IMPACTED PARTY

An Impacted Party is someone identified by the Dean of Students Office, or the Hearing Officer, as an individual or individuals directly impacted by alleged violence and/or abuse (including domestic violence, dating violence, sexual misconduct, or stalking).

1. **Informal Resolution:** the Dean of Students or designee will meet with the Impacted Party before the Community Values Intake Meeting to review the reported information, collect information on impact(s), and determine available resolution options. Informal resolution as outlined in this Code may be initiated when the following circumstances are met: the Responding Party acknowledges impact for the reported behavior; and the Dean of Students agrees that an informal resolution is appropriate and will address the individual and community impacts of the behavior.
  - a. Impacted parties will have the option of sharing a written impact statement for the University's consideration in the sanctioning of the Responding Party as part of the resolution process. Impact statements will be shared with the Responding Party during the resolution process.
  - b. The Hearing Officer will consider information shared at the meeting as well as any information shared in the Impacted Party's impact statement when making a sanctioning decision.
2. **Conduct Hearing:**
  - a. For conduct hearings, as outlined in Section (IV)(E) of this Code, the following specific procedural elements will also apply in conduct cases involving an Impacted Party.
  - b. An Impacted Party will have the right to present information prior to the hearing, observe the hearing, provide a closing/impact statement, bring an advisor to the hearing, be notified of the outcomes of the student conduct proceedings at the same time as the Responding Party and appeal the outcome of the hearing.
  - c. As a general rule, in cases of sexual misconduct the sexual history of the parties is not relevant and will not be considered as information. However, prior sexual history may be considered under the following limited circumstances at the discretion of the Hearing Officer.
    - i. Where there exists a prior or ongoing sexual relationship between the parties. The prior sexual history between the parties may be relevant only to assess the manner and nature of communications between the parties as it relates to consent. The mere fact of a prior relationship is not sufficient to constitute consent.
    - ii. To establish a pattern or practice of similar conduct by either individual.
    - iii. To explain an injury or physical evidence.
  - d. Neither Responding Party nor Impacted Party are required to be present at the hearing for the hearing to proceed. In such instances, the Hearing Officer's review will be limited to hearing documents. However, should a student chose to not to contribute new information or challenge what is presented in the hearing, the Hearing Officer will be limited in what can be reviewed when determining responsibility for alleged violations.

## F. ACCOMMODATIONS

The Dean of Students Office is committed to providing reasonable accommodations to ensure a fair and safe process for all participants in a conduct resolution process. If a student wishes to request an accommodation related to this Code based on disability, the request should be made through University Disability Support Services office. Accommodations related to other issues, including but not limited to, personal safety and language differences, may be requested through the Dean of Students office.

## G. STANDARD OF PROOF

The standard of proof is a preponderance of the evidence, which means the information available shows that the fact sought to be proved is more probable/likely than not. For a student to be found responsible, the available information must support a determination that it is more likely than not that a violation of the Student Code of Conduct occurred.



## H. INTERIM ADMINISTRATIVE MEASURES

The Dean of Students or designee may take immediate administrative action deemed necessary for the safety of the University community and/or preservation of property. These actions may be taken without a formal complaint, conduct process, or a finding of responsibility. All Administrative actions may be appealed in writing to the Vice President for Student Affairs. These administrative actions include, but are not limited to:

1. **Temporary Suspension:** In cases where the safety and well-being of members of the University community, the preservation of university property, or when a student poses a substantial threat of disruption of, or interference with, the normal operation of the University, the Dean of Students, with written permission from the Vice President for Student Affairs, may suspend a student for the period of time required to allow a thorough investigation and any potential conduct proceedings.
2. **Temporary Housing Suspension:** If the conduct or behavior of a student residing in any University of Wyoming residence halls or apartments is determined by the Dean of Students and the Executive Director of Residence Life and Dining Services to be a threat to others, the ability to live in these facilities may be immediately suspended pending the outcome of a conduct proceeding. During an interim housing suspension, the student is immediately removed from University housing and is not to re-enter any campus housing until a hearing is held and/or a decision regarding the pending complaint has been made.
3. **No Contact Order:** A No Contact Order is an absolute prohibition from contact with a specified person or persons in any form whatsoever, including, but not limited to, contact in person, by phone, electronically, or through other persons. When a no contact order is issued, it is the responsibility of the student not to have any contact with the individual(s) named, directly or through third parties, as specified in the order. A no contact order may be lifted when all parties, including the Dean of Students, agree to its removal. A no contact order shall be deemed sufficient if delivered via the student's University email address. Failure to comply with this administrative action may result in additional disciplinary action.
4. **Trespass:** Consistent with [Presidential Directive 2-2014-1](#), when an individual's actions are deemed to be harmful and/or disruptive to the University and/ or its individual members, contrary to the University's policies, rules or regulations, or where the individual's actions are contrary to law, an individual may be legally barred from University owned or controlled properties. Failure to comply with this trespass order may result in additional disciplinary action.
5. **Student Account Holds:** The Dean of Students or designee may request a disciplinary hold to be placed on the student account which would restrict a student's ability to enroll at the University, register for classes, make schedule adjustments, or have a diploma issued. Holds may be placed when a student is placed on temporary suspension, temporary housing suspension, trespass, during conduct or investigation proceedings, when a student withdraws from the University before a conduct proceeding has been completed, and when a student fails to respond to official communications of the Dean of Students Office. Holds may also be placed when a student has failed to complete any assigned sanction(s). Students who are under investigation or otherwise involved in conduct proceedings will not have degrees issued until the conclusion of the conduct processes, unless otherwise determined by the Dean of Students.
6. **Pending Conduct Transcript Notation:** The Dean of Students may place a comment on a student's transcript regarding the conduct matter if the University is in the process of determining whether the student has violated the code and the potential outcome could be suspension or dismissal. Official transcripts requested before conduct matters are resolved will include a notation indicating conduct proceedings are in progress.
7. **Class and/or Lab Removal or Alternatives:** The Dean of Students or designee, in consultation with the class instructor, may temporarily bar a student from attending class pending an investigation or hearing for alleged violations of the Student Code of Conduct occurring in the classroom that substantially interfere with teaching or other students' ability to learn.



8. **Degree Revocation:** Per [UW Regulation 2-120](#), the University reserves the right to revoke an awarded degree for cause, including but not limited to fraud in receipt of the degree.
9. **Other Administrative Actions:** The Dean of Students or designee may also impose additional administrative actions related to on-campus housing, University employment or activities, and access to university facilities or services, if deemed necessary for the welfare or safety of the University community. Any student involved may request administrative actions at any time and these requests will be reviewed by the Dean of Students.

## I. SANCTIONS

When a student is found responsible for the allegation, it is our opportunity to educate the student/student organization on the effects of their behavior and to affect a change in the student's behavior for the future. Although not intended to be an exhaustive list, the following are possible sanctions that may be imposed, either singularly or in combination, for a student or student organization if a violation of the Student Code of Conduct is found.

Sanctions are imposed immediately upon a determination of responsibility and may be retroactive to the date of the report. All sanctions imposed by the original hearing body will be in effect during any potential appeal. A request may be made to the Dean of Students to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the institution is that the sanctions will go into effect immediately. Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the university or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

"Progressive discipline," in connection with sanctioning, is the philosophy and practice that allows for prior sanctions to be taken into account if a student has a prior conduct record, and that the severity of the sanctions imposed may increase with each successive violation.

### 1. Disciplinary Status Sanctions

- a. **Written Warning** is an official written notice that the student has violated University policies, is on notice that they must correct their behavior, and that more severe conduct action will be taken should the student be involved in other violations while enrolled at the University.
- b. **Conduct Probation** is a specified period of time during which the student is placed on formal notice that they are not in good standing with the University and that further violations of University policies may subject them to suspension or dismissal from the University.
- c. **Conduct Suspension** is the exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed four years and until the conditions and all sanctions which are set forth in the hearing outcome letter are satisfied. A record of the action is maintained in the student's record in the Dean of Students Office. A transcript notation will be made indicating the student has been suspended from the University for conduct violations. This transcript notation may be removed upon graduation by written request of the Dean of Students. Any refund of tuition or fees will be subject to the University's normal withdrawal policy. Students will receive a "W" on all pending course work. A suspension for misconduct shall be effectuated by the Dean of Students.
- d. **University Dismissal** is a permanent termination of student status. A permanent record of the action is maintained in the student's record in the Dean of Students office. A transcript notation will be made indicating the student has been permanently dismissed from the University for conduct violations. Any refund of tuition or fees will be subject to the University's normal withdrawal policy.



Students will receive a “W” on all pending course work. A dismissal for misconduct shall be effectuated by the Dean of Students. Students who are dismissed from the University may be issued a one-year trespass by the University of Wyoming Police Department, pursuant to the University trespass procedures. UWPD can also consider extending the trespass. Trespassed students are not permitted on campus or in University buildings, facilities, or activities at any time for any reason, unless otherwise permitted by UWPD.

- e. **Transcript Notation** is automatic in cases of suspension and/or dismissal from the University.
2. **Intervention Sanctions:** address immediate behavior for which a student was found responsible
    - a. **Restriction** is a limitation on a student’s privileges for a period of time and may include, but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the University, or denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, or leadership positions within housing, fraternities/sororities, or other organizations). Restrictions can also include trespass as outlined in [Presidential Directive 2-2014-1](#)
    - b. **Parent/Guardian notification:** The University may notify parents/guardians when a student under the age of 21 is found responsible for violations of the Student Conduct Code involving alcohol and drugs. Parental/guardian notification may also be made when a student is suspended or dismissed from residence halls or the University and a health/safety exemption exists under FERPA.
    - c. **Class Removal is assigned in consultation with** faculty members for violations of the Student Code of Conduct occurring in the classroom that substantially interfere with teaching or other students’ ability to learn.
    - d. **Residence Hall and UW Apartments Status Change and Access Restrictions:** The following sanctions may include:
      - i. restrictions on visitation to specified buildings or all University-managed housing;
      - ii. reassignment to another University-managed housing facility as determined by Residential Life staff;
      - iii. suspension from University-managed housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified;
      - iv. removal from living in or visiting any University managed-housing facility;
      - v. trespass from University property as outlined in [Presidential Directive 2-2014-1](#).
  3. **Educational Sanctions:** programs or activities students engage in to reflect on their behaviors and consider their long term engagement in our community
    - a. **Educational and Behavioral Change Requirements** are assigned as an opportunity for personal development and can include, but are not limited to, attending alcohol or other substance education, writing a reflection essay, doing community service, seeking academic counseling, attending a decision-making class, and other relevant educational opportunities.
    - b. **Workshops** are designed to address specific knowledge or skill areas. These workshops are intended to help a student learn more about themselves and our shared communities.
    - c. **Restitution** is compensation for damage caused to the University or any person’s property. This is not a fine, but rather a repayment for value of property destroyed, damaged, consumed, or stolen.



4. **Student Organizations Sanctions:** As appropriate, all other sanctions listed above may be imposed on a student organization for violations of this Code. The following sanctions may also be imposed on student organizations:
- a. **Organizational Warning:** official disciplinary action conveying to the organization that its behavior was unacceptable and that any future violation of this Code may result in more severe disciplinary action, including Organizational Probation, Organizational Suspension, or Revocation of University recognition. Notification will also be sent to any national or regional organization with which the group is affiliated.
  - b. **Organizational Probation:** a period in which the organization's behavior is under University review, conveying that the behavior was unacceptable and that any future violation of this Code may result in more severe disciplinary action, including Organizational Suspension or Revocation of University recognition. Notification will also be sent to any national or regional organization with which the Student Organization is affiliated.
    - i. Organizational Probation shall be imposed for a period no less than the remainder of the current semester.
    - ii. A Student Organization that has been found to have violated this Code while currently on Organizational Probation shall be placed on Organizational Suspension as a minimum sanction. A Student Organization that has been found to have violated this Code and has previously been on Organizational Probation, but is not currently on Organizational Probation, *may* be placed on Organizational Probation as a minimum sanction.
  - c. **Organizational Suspension:** suspension of official University recognition for a period no less than the remainder of the current semester. Notification will also be sent to any national or regional organization with which the University Recognized Student Organization is affiliated.
    - i. Suspension will be effective immediately upon a Hearing Officer's decision.
    - ii. During the period of suspension, the Student Organization will have all benefits of University recognition suspended. A suspended Student Organization may not participate in University Sponsored Activities, participate in events and activities as an organization, use or schedule University facilities, and cannot use the University of Wyoming's name or marks in any manner for any purpose.
    - iii. The suspension and all associated documentation shall be maintained in the Student Organization official University records maintained by Campus Activities.
    - iv. A date at which time the Student Organization may request to be cleared by and returned to good organizational standing can be established contingent upon fulfillment of all requirements set forth by the Hearing Officer.
    - v. A Student Organization that has violated this Code and has been suspended within the last two years shall be suspended as a minimum sanction.
  - d. **Loss of Recognized Status:** Student Organizations that lose their recognized status as a result of the conduct process will not be eligible to be recognized for a minimum period of one (1) academic year. Sanctions shall be effective immediately and all benefits given to a Student Organization shall be permanently removed. Recognized status may be revoked (per [UW Regulation 11-4](#)):
    - i. if an organization's purpose or activities are illegal, deviate significantly from its stated purpose, or violate University regulations, policies and/or procedures;
    - ii. if under existing circumstances a clear and present danger exists that such activities may disrupt the education process of the University, endanger or destroy property, or create a condition that is dangerous to the safety of individuals;
    - iii. when revocation is deemed by the President of the University to be in the best interest of the University;



- e. **Additional Sanctions:** sanctions that may be given in addition to Sections (IV)(J)(2) of this Code include, but are not limited to, the following:
- i. loss of privileges or benefits granted to Student Organizations;
  - ii. restitution for loss, damage, or actual expenses incurred as a result of the Recognized Student Organization behavior;
  - iii. participation of Student Organization (its officers, other members or full membership) in educational programming, including alcohol and other drugs counseling or reflection activities;
  - iv. trespass from all or a portion of any University premises or University-sponsored activities;
  - v. Any other sanction determined appropriate as a result of a conduct proceeding.

#### 5. Failure to Complete Sanctions or Comply with Requests

As members of the University community, students are expected to comply with conduct sanctions within the timeframe specified. Failure to fully complete the assigned conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and a Dean of Students Office hold placed on the student's account.

### J. APPEALS

A Responding Party may appeal a Hearing Officer's decision. In cases where an Impacted Party has been identified by a Hearing Officer, that individual also has a right to appeal the Hearing Officer's decision. A Hearing Officer's decision is considered final if an appeal is not submitted within the specified time. Appeals submitted by another party on a student's behalf will only be accepted when a student acknowledges and affirms that the appeal represents their position. The appeals designee will review the appeal and the hearing record to determine one of the following actions:

- Deny the appeal,
- Send the case to the Dean of Students (or designee) to review the record, make any necessary modifications, and render a final decision, or
- Grant the appeal and convene an Appeals Hearing to review the record of the case. New information that was not available at the time of the initial hearing or investigation will be considered at this time.

#### 1. Timeline and Process for Appeals

- a. Appeals shall be made in writing by the student within five (5) business days of the Hearing Officer's written decision. Guidance on what should be included in a written conduct appeal will be provided in a student's conduct outcome letter.
- b. Both Responding Party and Impacted Party have the right to appeal the finding and sanctions, if any are issued.
- c. While an appeal is pending, the Responding Party must comply with all sanctions from the Hearing Officer's decision, unless otherwise specified by the Hearing Officer or Dean of Students.
- d. An appeal may be sought on the following grounds:
  - i. On a claim of error in the conduct procedure; minor deviations from designated procedures will not be a basis for supporting an appeal unless there is an adverse effect on the outcome of the hearing.
  - ii. The sanction(s) imposed were not appropriate based on totality of the circumstance.
  - iii. There is new information not available at the time of the original hearing that may be relevant to the final decision.
  - iv. On a claim that the Hearing Officer's decision was arbitrary and/or capricious; biased and unfair.

#### 2. Appeals Hearing

- a. If an appeal is referred to an Appeals Hearing, the Appeals Hearing shall occur within thirty (30) business days of the decision.



- b. The Appeals Hearing shall be convened by the Appeals Hearing Officer who will summarize the record on behalf of the University, manage the Appeals Hearing, ask questions of the relevant parties and act as decision maker.
- c. An appeal is limited to a review of the record of the hearing and supporting information that was evaluated in the decision-making process, unless the Appeals Hearing Officer determined in the appeals review that there is new and relevant information presented that was not available at the time of the original investigation and/or hearing. Responding Party and Impacted Party are responsible for presenting information in response to the appeal and alleged violation(s) of the code, calling witnesses, and providing additional documentation for consideration to the Dean of Students Office ten (10) business days before the scheduled Appeals Hearing. A finalized Appeals Hearing packet will be shared by the Dean of Students Office with Responding Party, Impacted Party, and the Appeals Hearing Officer within five (5) business days of the Appeals Hearing.
- d. Responding Party and Impacted Party have the opportunity to make a five (5) minute opening statement and a five (5) minute closing statement. All questioning of the parties will occur through the Appeals Hearing Officer.
- e. Any changes to this timeline are up to the discretion of the Appeals Hearing Officer.

### **3. Appeals Hearing Outcomes**

Within ten (10) business days of the Appeals Hearing, the Appeals Hearing Officer will take one of the following actions:

- a. Affirm the findings of responsibility and sanctions. Written notification will be provided to the Responding Party and Impacted Party (if applicable) at the same time.
- b. Affirm the findings of responsibility but make recommendations to the Dean of Students Office on modified sanctions. Written notification will be provided to the Responding Party and Impacted Party (if applicable) at the same time.
- c. Recommend to the Vice President of Students Affairs a reversal of the finding(s) if the Appeals Hearing Officer disagrees with the Hearing Officer's evaluation of the information in the record and does or does not believe sufficient information exists to support a violation of the Student Code of Conduct. The Vice President of Student Affairs will notify the parties simultaneously of the final outcome.

### **4. Appeals Officer Training**

- a. An Appeals Officer/Appeals Hearing Board pool shall be established annually and comprised of members selected by the Dean of Students.
- b. Each annual pool of potential Appeals Officers shall consist of faculty, staff, and/or qualified persons external to the University.
- c. The Dean of Students Office shall train the pool at least annually.

## **K. CONDUCT RECORDS & CONFIDENTIALITY**

Reports referred to the Dean of Students will result in the development of a conduct file in the name of the Responding Party. If the student is found not responsible for the allegations, the file will be marked no action. Conduct records with sanctions less than suspension or dismissal will be maintained in the Dean of Students Office for seven (7) years following the calendar year of record and then destroyed. Records of cases in which suspension from the University occurred are kept for at least ten (10) years. Records of cases in which dismissal from the University occurred are kept indefinitely.

Pursuant to the Family Educational Rights and Privacy Act (FERPA), the Dean of Students Office may disclose personally identifiable information in the event that the release of information is necessary to protect the health or safety of the student or other individuals. For more information about FERPA, including when student records can be released and to whom, please visit [the University's FERPA webpage](#). Individual conduct records may be requested by the student via email at [dos@uwyo.edu](mailto:dos@uwyo.edu). All conduct records are education records and may not be disclosed in whole or in part except as provided by law, by the written authorization of the student, under legal



compulsion, or where the safety of other persons may be involved. Conduct records are maintained separately from the student's academic record but are part of the student's educational record and subject to FERPA.

#### L. REVISIONS TO THE CODE AND DISTRIBUTION

The Student Code of Conduct will be revised as determined by the Vice President for Student Affairs and pursuant to any applicable University regulation, policy, or procedures. The Student Code of Conduct shall be published and distributed by the Dean of Students Office and shall be available on the University's website.

#### M. DEFINITIONS

This list of definitions is not exhaustive. Additional definitions may be provided be found within University Regulations and policies (Section O).

1. **Advisor** is a parent, friend, attorney, or other individual who provides the student support, guidance, or advice during proceedings.
2. **Bystander Intervention** means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of harm, violence, and/or sexual misconduct.
5. **Consent** is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions. Initiators of sexual activity are responsible for obtaining consent. Silence or passivity does not imply consent. The use of intimidation, coercion, threats, force, violence or through exploitation of another's mental or physical condition negates any consent obtained. Consent is not present if obtained from an individual who is incapable of giving consent due to lack of consciousness, age, mental disability, or incapacitation due to ingestion of drugs or alcohol.
6. **Hearing Officer** is the Dean of Students or designee who manages the conduct and fact-finding proceedings.
7. **Impacted Party** is someone identified by the Dean of Students Office, or the Hearing Officer, as an individual or individuals directly impacted by alleged violence and/or abuse (including domestic violence, dating violence, sexual misconduct, or stalking).
8. **Protected Classes** refers to race, gender, religion, color, national origin, disability, age, protected veteran status, sexual orientation, gender identity, genetic information, creed, ancestry, or political belief.
6. **Reporting Party or Reporter** is an individual who reports a possible violation of the Code, including concerns about discrimination or sexual misconduct.
7. **Responding Party** is the person against whom a complaint/allegation is brought or initiated.
8. **Sexual Misconduct** is engaging in non-consensual contact or conduct of a sexual nature. Sexual misconduct incorporates a range of behaviors including dating violence, domestic violence, hostile environment sexual harassment, sexual assault, sexual exploitation, sexual harassment, stalking, and any other conduct of a sexual nature that is nonconsensual.

#### N. OTHER IMPORTANT POLICIES

The policies listed below outline expectations for all University of Wyoming students. As with the Code, students are expected to familiarize themselves with these policies (all available at [UW Regulations And Standard Administrative Policies & Procedures](#)).

- [Equal Opportunity, Harassment, and Nondiscrimination Policy and procedures](#)
- [Title IX and Sexual Misconduct](#) (UW Regulation 4-3)
- [Equal Education and Employment Opportunity](#) (UW Regulation 4-1)
- [Discrimination and Harassment](#) (UW Regulation 4-2)
- [Proper Use for Computing, Telecommunications, Network and Other Technology Resources Operated by the Division of Information Technology](#) (UW Regulation 8-1)
- [Use of Buildings, Grounds and Services](#) (UW Regulation 6-4)

Students living in University-managed housing (residence halls, apartments, etc.) or anyone visiting a student in these facilities should be aware of Residence Life Policies. Individual students should be aware of departmental policies and classroom expectations. Additionally, there may be honor codes or professional expectations articulated educational programs to which students are expected to adhere.





Student employees (e.g., student, work study) should be aware of Human Resources policies and expectations, in addition to the Student Code of Conduct. Individuals who are simultaneously employed by the University (e.g., Classified Staff, Administrative/Executive, Faculty/Academic, Part-Time Worker) and classified as a student will be expected to understand and adhere to the Student Code of Conduct, in addition to any Human Resources policies and expectations.

All Student Organizations should be aware of the governing policies and expectations by the offices who oversee their group, such as [Student Organization policies](#), [Club Sports policies](#), [Fraternity and Sorority Life Policies](#), etc. Students who are University of Wyoming Student Athletes, members of ROTC, and members of University of Wyoming fraternity and sororities are also held to expectations for those programs.

#### **APPENDIX I: EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY; TITLE IX DEFINITIONS AND FORMAL TITLE IX ADJUDICATION PROCESS**

The Department of Education issued new regulations effective August 14, 2020 that require all colleges to use specific procedures in response to reports of “sexual harassment.” Sexual harassment is used by the Department of Education as an umbrella term to cover sexual misconduct that must be addressed under Title IX of the Education Amendments of 1972. The process for formal Title IX complaints, including definitions of terms and policies, reporting, investigations, and adjudication is outlined fully in the university’s [Equal Opportunity, Harassment, and Nondiscrimination policy](#).

The Title IX Coordinator/Equal Opportunity, Report and Response Office investigates and adjudicates cases that fall within the scope of “Process A” in the [Equal Opportunity, Harassment, and Nondiscrimination policy](#). These cases include a live hearing with cross examination by an advisor. A determination of whether a Responding Party is responsible for violating the policy will be made using a preponderance of the evidence available.

It is important to remember that Title IX sexual harassment, which is defined below, represents only a subset of the broader conduct that is governed by the University. To be considered Title IX sexual harassment, the conduct must occur in a University of Wyoming education program or activity. An “education program or activity” is a location, event, or circumstance over which the University exercises substantial control over both the Responding Party *and* the context in which the Title IX sexual harassment occurs. All conduct that occurs outside of the United States and much conduct that occurs off campus will fall outside the definition and jurisdiction of Title IX sexual harassment but may still violate other policies and/or Student Code of Conduct.

**Title IX Definitions:** UW has adopted the following definition of sexual harassment to address the unique environment of an academic community. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Formal complaints of behavior that meet the definition of sexual harassment must be addressed using specific procedures in accordance with United States Department of Education and Title IX of the Education Amendments of 1972. We refer to this as “Process A” in the [Equal Opportunity, Harassment, and Nondiscrimination policy](#). The following excerpts include the policy definitions that fall under Title IX sexual harassment. *Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.*

Title IX sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking, as defined below and in the Equal Opportunity, Harassment, and Nondiscrimination policy.
  - a. Quid Pro Quo:



- i. an employee of the University,
  - ii. conditions the provision of an aid, benefit, or service of the University,
  - iii. on an individual's participation in unwelcome sexual conduct; and/or
- b. Sexual Harassment:
  - i. unwelcome conduct,
  - ii. determined by a reasonable person,
  - iii. to be so severe, and
  - iv. pervasive, and,
  - v. objectively offensive,
  - vi. that it effectively denies a person equal access to UW's education program or activity.
- c. Sexual Assault, defined as:
  - i. Sex Offenses, Forcible:
    1. Any sexual act directed against another person,
    2. without the consent of the Complainant,
    3. including instances in which the Complainant is incapable of giving consent.
  - ii. Sex Offenses, Non-forcible:
    1. Incest:
      - a. Non-forcible sexual intercourse,
      - b. between persons who are related to each other,
      - c. within the degrees wherein marriage is prohibited by Wyoming law.
    2. Statutory Rape:
      - a. Non-forcible sexual intercourse,
      - b. With a person who is under the statutory age of consent in Wyoming.
- d. Dating Violence, defined as:
  - i. Violence,
  - ii. on the basis of sex,
  - iii. committed by a person,
  - iv. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - v. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    2. Dating violence does not include acts covered under the definition of domestic violence.
- e. Domestic Violence, defined as:
  - i. Violence,
  - ii. On the basis of sex,
  - iii. committed by a current or former spouse or intimate partner of the Complainant,
  - iv. by a person with whom the Complainant shares a child in common, or
  - v. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
  - vi. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Wyoming, or
  - vii. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Wyoming.
- f. Stalking, defined as:
  - i. engaging in a course of conduct,
  - ii. on the basis of sex,
  - iii. directed at a specific person, that
    1. would cause a reasonable person to fear for the person's safety, or



2. the safety of others; or
3. Suffer substantial emotional distress.
  - a. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - c. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.