

2015–2016

STUDENT CODE

OF CONDUCT

ESTABLISHED THROUGH
UW REGULATION 8-30

INTRODUCTION: Welcome to the University of Wyoming community of students, faculty and staff. The University has provided a special relationship among these groups for well over a century. This relationship has been created to provide an exciting, creative and challenging learning environment for our community of scholars.

The partnership formed between students and the University is a participatory one. Both parties have very significant responsibilities and rights. We take each of these very seriously. It is also important to note that we provide opportunities for UW students to become involved in the judicial system by serving on several judicial boards. Faculty and staff members have opportunities for professional development by becoming hearing officers within the judicial system. The *Code* was created through the combined efforts of the administration, students, faculty and staff.

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I. PURPOSE. The Student Code of Conduct (*Code*) outlines rights and responsibilities of students and student organizations enrolling at the University of Wyoming or any of its sponsored programs. The *Code* defines conduct offenses and reflects the University's commitment to equity and procedural fairness. Any member of the University community may file a complaint of violation of the *Code* through the Dean of Students Office.

II. DEFINITIONS. For purposes of the Student Code of Conduct:

- a. “**Advisor**” is a parent, friend, attorney or other individual who provides the student support, guidance, or advice during proceedings.
- b. “**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.
- c. “**Charging Party**” means a student or other member of the University community who shall be designated by the Dean of Students to bring forward charges under this *Code*.
- d. “**Code**” refers to the Student Code of Conduct.

- e. **“Complainant”** is the party who brings or initiates a complaint against another student or student organization.
- f. **“Consent”** is a freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.
For more information, please see the University's Sexual Misconduct Policies and Procedures, viewable on-line at: www.uwo.edu/dos/sexualmisconduct/sexual%20misconduct%20policy.pdf
- g. **“Disciplinary Hold”** is initiated by the Dean of Students, through Registrar’s Office, and temporarily restricts a student’s ability to register for classes, drop or add classes, or modify his/her current registration status in individual classes.
- h. **“Discrimination”** is adverse treatment and harassment on the basis of race, sex, gender, color, religion, national origin, veteran status, sexual orientation, genetic information, political belief, or other status protected by state and federal statutes or University Regulations.
- i. **“Domestic and Dating Violence”** includes:
- physically abusing, threatening to physically abuse, attempting to cause or causing physical harm or acts which unreasonably restrain the personal liberty of any household member;
 - placing a household member in reasonable fear of imminent physical harm;
 - causing a household member to engage involuntarily in sexual activity by force, threat of force or duress; and/or
 - Intentionally interfering with a household member’s ability to meet academic obligations.
Household members include:
 - Persons who are in, or have been in, a dating relationship;
 - Persons married to each other;
 - Persons living with each other as if married;
 - Persons formerly married to each other;
 - Persons formerly living with each other as if married;
 - Parents and their adult children;
 - Other adults sharing common living quarters; and
 - Persons who are the parents of a child, but who are not living with each other.
- j. **“Dwelling”** is any residence, apartment, house, or other facility owned, rented, leased, or occupied by any student or student organization.
- k. **“Faculty member”** means any individual hired by the University to conduct instructional and/or classroom activities.
- l. **“Harassment”** is words, conduct, or action (usually repeated or persistent) that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress in that person and serves no legitimate purpose.
- m. **“Hazing,”** as part of initiation or any other activity, is any action taken or situation created whether on or off the University campus, in University facilities or on the premises of the University recognized fraternities or sororities, that does, with or without specific intent, produce or result in mental or physical discomfort, embarrassment, harassment or ridicule, anguish or suffering for another individual or group of individuals.
- n. **“Hearing Officer”** refers to a member of the University staff or faculty, an independent attorney, or other professional appointed by the Dean of Students.
- o. **“Judicial File”** refers to the student judicial file that is maintained in the Dean of Students Office for any student found responsible of violating the institution’s Student Code of Conduct. The file is maintained for a period of seven years after the judicial file is established.
- p. **“Judicial proceeding(s)”** means a disciplinary letter, conference, or hearing.
- q. **“Jurisdiction”** refers to the *Code* having jurisdiction for judicial offenses and shall be limited, in general, to conduct that occurs on University premises, or at University-sponsored or University-supervised events including students involved with off-campus internships and study abroad/student exchange programs, or, that occurs off University premises and has

an adverse impact on the University community, its members, and/or the pursuit of its objectives, regardless of where such conduct may occur. Whenever student conduct constitutes a violation of federal, state, municipal law or University rules, judicial proceedings may be instituted against a student or student organization.

- r. "**Mandatory Reporters**" are University Officials as identified In UW Regulation 1-5 who are required to report concerns about discrimination or harassment to the Office of Diversity and Employment Practices.
 - s. "**Member of the University community**" includes any individual who is a student, faculty member, staff member, University official, or any person employed by the University. The Dean of Students or a designee shall determine a person's status in a particular situation.
 - t. "**Organization**" means any number of persons who have received University status as a recognized student organization (RSO).
 - u. "**Policy**" is defined as the written regulations of the University as found in, but not limited to, University Regulations, Presidential Directives, this code, Residence Life and Dining Services Handbook, Student-Athlete Handbook, University Class Schedule and University Catalog.
 - v. "**Reckless**" means conduct which knowingly or unknowingly endangers the health or safety of individuals or creates a risk of harm to property or which could result in interference with normal University activities.
 - w. "**Reporter**" is an individual who reports a possible violation of the Code or reports concerns about discrimination or sexual misconduct.
 - x. "**Respondent**" is the party against whom a complaint is brought or initiated.
 - y. "**Retaliation**" is "adverse action or threat made in reprisal against any individual who participates as an actual or potential party, witness or representative relating to a report of discrimination or harassment." *UW Regulation 1-5*.
 - z. "**Sexual Misconduct**" incorporates a broad 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. For more Information please see the University's Sexual Misconduct Policies and Procedures, viewable on-line at www.uwyo.edu/dos/sexualmisconduct/sexual%20misconduct%20policy.pdf
 - aa. "**Shall**" is used in the imperative sense (i.e. an individual is required to do something).
 - bb. "**Stalking**" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for his or her safety or the safety of others, or
 - b. Suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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.
- Reasonable person means a reasonable person under similar circumstances and with similar Identities to the Complainant.
- cc. "**Student**" means any person who is taking or auditing class(es) through the University of Wyoming, is enrolled in any University program or activity, or was enrolled in the University at the time of the misconduct.
 - dd. "**University or UW**" refers to the University of Wyoming.
 - ee. "**University activity**" refers to any activity on or off University premises that is directly initiated or supervised by the University.

- ff. “**University living units**” means all residence halls, apartments, structures, and cooperative and academic houses on University premises or living units operated by registered student organizations (RSOs).
- gg. “**University Official**,” includes any person employed by the University, who performs administrative and/or professional responsibilities, including every administrative officer, dean, director, department and division head, supervisor and all faculty members.
- hh. “**University Premises**” includes all land, buildings, facilities, and other property in the possession of or owned, used, leased, or otherwise controlled by the University. University Premises also includes adjacent streets and sidewalks as defined in the “Cleary Act.” (See <http://www.law.cornell.edu/uscode/text/20/1092>).
- ii. “**UW Regulations**” refers to the governing regulations of the University as adopted by the University Board of Trustees. These regulations can be found at <http://www.uwyo.edu/generalcounsel/new-regulatory-structure/>.
- jj. “**Weapon**” is defined in accordance with state criminal law or UW regulation and includes any object or substance designed or used to inflict a wound or cause injury.

III. STUDENT RIGHTS AND RESPONSIBILITIES.

A. General Rights and Responsibilities. This statement is intended to set forth general principles of rights and responsibilities of the student in relation to the University and members of the University community.

All members of the University community share a responsibility to maintain a climate suitable to an ethical community of scholars and to refrain from conduct that obstructs the work of the University, interferes with the lawful exercise of rights by other persons, endangers the safety or security of other persons or their property, prevents the proper use of the facilities of the University or impairs the environment which is essential to the operation of an institution of higher learning.

1. Students have the right to access all requirements, standards, policies, and regulations regarding the University’s educational mission. This includes the right to file a complaint of discrimination under UW Regulation 1-5 which encompasses Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendment Act of 1972. Additional information, including procedures to file a complaint is available at <http://www.uwyo.edu/diversity/fairness>.
2. Students have a responsibility to comply with regulations and procedures pertaining to their admission and continued enrollment, including the timely payment of regularly assessed fees or other sums of money owed to the University.
3. This *Code* shall be published and distributed by the Admissions Office and/or the Office of the Registrar to each student at or before his/her enrollment in the University of Wyoming. When the student enrolls in the University such act or acts shall amount to a voluntary agreement by the student with the University that the student will adhere to and be bound by the rules and regulations of the University.

B. Rights and Responsibilities in the Instructional Setting.

The primary responsibility for managing the instructional environment rests with each faculty member. The student has the right to participate in relevant, civil discussions, inquiry and expression in academic endeavors. Student academic performance shall be evaluated on an academic basis.

1. Students shall be free to take reasoned exception to the data or views offered in any course of study. Students shall have protection through orderly procedures against prejudiced or capricious academic evaluation. They shall be responsible for learning the content of any course of study for which they are enrolled.
2. Students shall be provided with a statement of academic expectations/syllabus at the beginning of each course by the instructor. They are responsible for maintaining standards of academic performance established for each course in which they are enrolled. If academic expectations are not made available at the beginning of the

semester, students should contact the instructor and/or the department head.

3. Students have responsibilities as well as rights in the classroom and other academic endeavors. Students have the responsibility to respect the instructor's freedom to teach and the right of other students to learn. Students have the responsibility to maintain reasonable standards of conduct established by the instructor for each class.
4. 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.

C. Student Records.

1. Students have the right to a confidential student educational record in accordance with the Family Educational Rights and Privacy Act (FERPA). Transcripts of academic records shall contain only information about academic status and history, including notations as to any suspension or dismissal from the University.
2. Individuals applying for admission to the University and students enrolled in the University have a responsibility to provide to designated persons accurate, honest and complete information as is required for legitimate University purposes.
3. The University reserves the right to revoke an awarded degree for cause, including but not limited to fraud in receipt of the degree.

D. Terms of Enrollment.

1. By enrollment at the University, a student assumes obligations and responsibilities for performance and behavior reasonably expected by the University.
2. Termination of continued enrollment may take the form of:
 - a. **Conduct under the *Code*.**
 - i. Judicial suspension or dismissal for violation of the *Code*.
 - ii. Cancellation of admissions and/or registration when admission is found to have been based upon incomplete or false information provided by a student.
 - iii. Temporary suspension (see Section VIII).
 - b. **Medical.** Medical suspension for mental health or physical conditions that pose a threat to the health or safety of others, or which results in disruption of normal University activities. Such determination shall be made in consultation with the Director of Student Health Services or other qualified health service provider. The decision is subject to review by the Vice President for Student Affairs upon request of the student. A required medical leave of absence will only be removed by the Dean of Students, after consultation with the Director of Student Health Services or other qualified health provider, to assure that the condition for withdrawal has been evaluated, treated, and appropriate follow up care is arranged.
 - c. **Other.**
 - i. Academic suspension for failure to maintain minimum academic standards.
 - ii. When proper payment of registration fees has not been made.
 - iii. In exceptional circumstances cancellation of admission or registration may occur when it is determined to be in the best interest of the University and when authorized by the Vice President for Student Affairs or designee, in consultation with General Counsel. The decision is subject to review by the Vice President for Academic Affairs upon request of the student.
 - iv. "Administrative Hold." Any student who fails to pay any sum of money owed to the University, fails to return or account for University property in the student's possession, or fails to complete any requirement imposed by a University official acting within the scope of his or her authority, shall be subject to having a "Hold" placed with the Registrar by the concerned University official. Until released, a student with a

“Hold” shall be denied registration in the University. A "Hold" also precludes the issuance of transcripts, diplomas, institutional aid/scholarships and other University benefits.

3. Re-enrollment, diplomas, and transcripts may be denied to a student if the student has failed to fulfill all University obligations.

IV. DELEGATION OF AUTHORITY AND JURISDICTION FOR STUDENT DISCIPLINE.

A. Authority and Jurisdiction. Authority and jurisdiction for student discipline is prescribed by UW Regulation 8-30, a copy of which can be found at:

www.uwyo.edu/generalcounsel/_files/docs/UW%20Reg%20Updates%202014/UW-Reg-8-30.pdf

B. Director of Residence Life and Dining Services. The Dean of Students has delegated to the Executive Director of Residence Life and Dining Services the authority to develop and enforce rules and procedures to address the unique needs and management of University premises under the control of the Executive Director of Residence Life and Dining Services. Such rules and procedures shall be complementary to this *Code*.

V. PROHIBITED CONDUCT. The University has the right to take necessary and appropriate action to protect the safety and well-being of the University community. Any student or student organization found to have committed the following misconduct is subject to the judicial sanctions outlined herein:

A. Offenses Against the University Community.

1. Acts of dishonesty, including but not limited to furnishing false information to any University official, faculty member or office; and forgery, alteration, or misuse of any University document, record or instrument of identification. Acts of academic dishonesty, as outlined in UW Regulation 6-802, shall be adjudicated separately pursuant to the provisions of that UW Regulation.
2. Substantial disruption of or material interference in teaching, research, administration, judicial proceedings, or other University activities, including its educational or service functions on- or off-campus.
3. Disorderly conduct that disrupts the operations of the University or leading or inciting others in such activities that disrupt the operations of the University or infringe upon the rights of members or others.
4. Intentionally interfering with freedom of movement and the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
5. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemical/biological agents on University premises, including residential facilities and premises located on Fraternity or Sorority Row.
6. Violation of federal, state, or local law on University premises or at University functions.
7. Illegal gambling.
8. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties.
9. Violation of University policies, rules, regulations or other guidelines of the University.
10. 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 may occur.
11. Failure to immediately disclose to the Dean of Students in writing any felony charge or conviction occurring after admission to the University.

B. Offenses Against Persons.

1. Physical abuse including but not limited to assault and battery, fighting, reckless conduct, and hazing.

2. Verbal, written or graphic abuse, including but not limited to threats, intimidation, harassment, coercion or other conduct that creates a climate of fear or which is reasonably expected to cause mental or emotional distress.
3. Sexual misconduct (see definition section above)
4. Failure to report incidents of hazing.
5. Intentionally interfering with, threatening, harassing, or retaliating against others for engaging in bystander intervention to prevent potential harm, violence, or sexual misconduct.
6. Domestic and Dating Violence (see definition section above)
7. Stalking (see definition section above)

C. Offenses Against Property.

1. Theft of, damage to, misuse of, or unauthorized possession of property of the University, other public property, or personal property of another.
2. Unauthorized entry to or use of premises including unauthorized possession, duplication or use of access control codes, keys, and cards to any such facility or premises.
3. Making or communicating false alarms or threats, tampering with fire extinguishers, or intentional mixing of harmful or hazardous biological/chemical materials for purposes other than those under the supervision of a University faculty/staff member.

D. Offenses Involving Alcohol and Drugs.

1. Unlawful use, possession or distribution of drugs or other controlled substances.
2. Public intoxication
3. The use, possession or distribution of alcoholic beverages except as expressly permitted by law and University policies, rules and regulations.
4. Unauthorized selling, directly or indirectly (such as through donations or solicitations), of alcoholic beverages, including the exchange of tickets for alcoholic beverages or any other means by which alcoholic beverages are provided for a consideration of cash or other method of exchange.
5. Unauthorized public advertisement of alcohol-related functions or parties on University premises.
6. Providing a dwelling for the use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and University policies, rules, and regulations.
7. Providing a dwelling for the use, possession, or distribution of illegal drugs or other controlled substances, except as expressly permitted by law.
8. Reckless endangerment to others while impaired, including illegal driving under the influence of alcohol and/or controlled substance.

E. Abuse, Misuse or Theft of Computer Data, Equipment, Programs, Time and/or Violation of Information Technology Policies, Including but Not Limited To:

1. Unauthorized entry into a file to use, download, read, transfer or change the content, or for any other unauthorized purpose.
2. Unauthorized use of another individual's identification and password.
3. Use of computing facilities, networks, and/or services to interfere with the work of another student, staff, faculty

member or University official.

4. Use of computing facilities to cyber stalk, send obscene messages, or violate the law.
5. Use of computing facilities to interfere with normal operation of the University computing system.
6. 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 connected to it by network.
7. Unauthorized use of computing facilities for personal profit.
8. Unauthorized copying, reproduction, or file sharing of licensed software on University computing equipment.

F. Interfering With the Judicial Process, Including But Not Limited To:

1. Failure to cooperate with the directions of a University official or hearing officer.
2. Falsification, distortion, or misrepresentation of information.
3. Knowingly initiating a judicial proceeding without cause.
4. Attempting to discourage or prevent an individual's proper participation in, or use of the judicial process.
5. Failure to comply with any sanction imposed under this *Code*.

VI. JUDICIAL PROCESS.

A. Filing a Complaint and Initiating Charges.

1. When informed of a potential judicial matter, the Dean of Students or designee may assist in the resolution of the matter through an administrative disposition without filing of a formal complaint or judicial charge. This is not mediation. In complaints of sexual misconduct, mediation is not appropriate and shall not be used.
2. Any member of the University community ("Complainant") may file a complaint against any student or student organization ("Respondent") suspected of violating this *Code*. A complaint shall be in writing and directed to the Dean of Students or a designee responsible for the administration of student discipline under this *Code*. Members of the campus community may refer to the Dean of Students Office web site for assistance in submitting an on-line complaint (<http://uwadmnweb.uwyo.edu/DOS/>).

All complaints should be reported promptly and without unreasonable delay. The Dean of Student's Office is a mandatory reporter and will advise the Office of Diversity and Employment Practices upon learning of concerns related to discrimination or sexual misconduct.

In the event the Dean of Students or designee determines a complaint is not to be processed, or any Respondent named in the complaint is not charged, proper notice will be given to the Complainant.

3. The Dean of Students or a designee may initiate a charge on his/her own accord or based on a written complaint received by a member of the University community or any guest.
4. The Respondent accused of misconduct shall receive written notice of the charges; notice of the alleged offending conduct and when it occurred; and notice of the University policies, rules, regulations and guidelines allegedly violated. University shall also provide notice of the date, time and location of the judicial hearing at least five (5) business days prior to the hearing date.
5. All Respondents will attend a judicial meeting to review the charges with the Dean of Students Office except when the Dean of Students determines that a complaint should go directly to a judicial hearing. The Respondent may be advised by legal counsel at a judicial meeting; however, legal counsel may not appear in lieu of the Respondent. In complaints of sexual misconduct, separate judicial meetings shall be conducted with the Complainant and Respondent prior to the judicial hearing.
6. Respondents who are not disputing the complaint will participate in a judicial conference with a hearing officer as set forth in VI (B) below.

7. Respondents who are disputing the charge(s) are entitled to a judicial hearing as set forth in VI (C) below.

B. Informal Process – Judicial Conference

- 1. Admission of responsibility.** Respondents that elect a judicial conference are admitting responsibility for the alleged misconduct. The purpose of the judicial conference is to determine what sanctions are appropriate for a violation of this *Code*. Respondents that agree to a judicial conference waive any right to further hearings or appeals regarding the admitted misconduct.
- 2. Hearing officer’s duties.** A designated hearing officer will review the charges to determine the appropriate action or sanction.
- 3. Failure to appear.** If a Respondent fails to appear for a judicial conference, the hearing officer may refer the Respondent for a judicial hearing and/or a disciplinary hold may be placed on the student’s record. In the case of a student organization’s failure to appear, cancellation of the organization’s University recognition or other judicial penalties may automatically occur.
- 4. Appeal.** A Respondent that participates in a judicial conference may appeal only the sanction(s) imposed by the hearing officer. The formal appeal shall be made in writing to the Dean of Students. The decision of the Dean of Students shall be final and there shall be no further appeal.

C. Formal Process – Judicial Hearing

1. General Procedures for Judicial Hearings

- a.** A judicial hearing shall occur within thirty (30) business days of the charge unless the Dean of Students determines that it is in the best interests of the University to postpone the hearing, at which point proper notice will be given to all parties.
- b.** Normally, judicial hearings are not open to the public. At the request of any party, and subject to the discretion of the hearing officer, the hearing may be opened to the public.
- c.** Admission of any person to the judicial hearing shall be at the discretion of the hearing officer. Witnesses, other than the Respondent, may be excluded from the judicial hearing during the testimony of other witnesses.
- d.** Parties may present information, including documents, and/or a reasonable number of relevant witnesses in support of their position.
- e.** Hearsay is permissible with relevancy and credibility determined by the hearing officer.
- f.** The Respondent may speak on his or her own behalf. Respondents who chose to remain silent shall not have their silence used against them.
- g.** After the judicial hearing, the hearing officer shall determine whether or not the Respondent is responsible for violating each section of the *Code* for which the Respondent is charged.
- h.** The Respondent will be informed in writing of the determination and recommendations of the hearing officer, including the process for appealing the decision, within twenty (20) business days of the close of the judicial hearing.
- i.** All procedural questions are subject to the final decision of the hearing officer.
- j.** The hearing officer may exclude any person(s) disrupting a judicial hearing or who fails to abide by the decisions of the hearing officer.
- k.** In judicial proceedings involving more than one Respondent, the hearing officer, at his or her discretion, may permit the hearing concerning each Respondent to be conducted separately.
- l.** The hearing officer will consider information that directly relates to the facts of the complaint or information regarding the appropriateness of a particular sanction.
- m.** The hearing officer may question all witnesses in a judicial proceeding.

- n. Accommodations may be requested by students taking only on-line courses to participate in judicial proceedings via telephone or other available electronic means in the event it may be a hardship for the student to appear in person. Any such accommodation is subject to the final decision of the hearing officer. The student shall be responsible for any fees associated with such accommodations.
- o. Neither advisors nor legal counselors may appear in lieu of the accused student.
- p. Respondents that choose to have either an advisor or legal counsel at the hearing shall notify the hearing officer and the Dean of Students, or designee, of the name and telephone number of their advisor/counselor at least three (3) business days prior to the judicial hearing.
- q. The standard of proof is “by a preponderance of the evidence,” which means the evidence as a whole shows that the fact sought to be proved is more probable than not.

2. Specific procedures related to proceedings involving sexual misconduct

- a. All procedures outlined in section VI C of the code apply to proceedings involving sexual misconduct, except where such procedures conflict with the procedures outlined in this section.
- b. The Complainant will be contacted and given the opportunity to provide a written statement, if the report to the Dean of Students did not come from the Complainant.
- c. The University shall provide a prompt, fair, and impartial investigation and resolution. The investigation shall be conducted by officials who receive annual training on the issues related to sexual misconduct, domestic and dating violence, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- d. Should the Complainant choose to participate in the conduct proceedings, the Complainant will participate in a separate preliminary meeting with the Assistant Dean for Student Conduct. At this meeting, the Complainant will be able to ask questions and will be provided information regarding the judicial process.
- e. Both Respondent and the Complainant will have the option to meet separately with a conduct officer prior to the hearing.
- f. The hearing officer shall not allow the Respondent to review the Complainant's statement without also allowing the Complainant to review the Respondent's statement, if one is provided.
- g. Both the Complainant and the Respondent may request to appear in person at the hearing separately from the other party, or may request to appear by video conference.
- h. The Complainant is not required to be present at the hearing for the hearing to proceed.
- i. Complainants have the right to participate in the judicial hearing in person or by video conference.
- j. The hearing officer shall allow both the Complainant and the Respondent to present character witnesses.
- k. Sexual history may not be introduced at the hearing.
- l. Direct questioning and/or cross-examination by parties is not allowed. Any such questioning shall be facilitated by the hearing officer.
- m. Both the Complainant and the Respondent will be notified at the same time in writing about the outcome of any complaint.

3. Dismissal: In cases that involve dismissal, the Dean of Students, or designee, shall assign a separate hearing officer. The hearing officer shall exercise control over the judicial hearing.

- a. The Respondent may be represented by an advisor or legal counsel of his/her choice. The Respondent is responsible for any fees associated with his/her advisor or legal counsel.
- b. The Respondent and the charging party will have an opportunity to cross-examine the other party's witnesses.
- c. The advisor or legal counsel may consult with the Respondent during the hearing, assist with preparation for the hearing, and present the case during the hearing.

4. Non-Dismissal: In cases that do not involve dismissal and the charging party is the Dean of Students, the charging party may also be the hearing officer.

- a. The Respondent may be assisted by an advisor or legal counsel of his/her choice. The Respondent is responsible for any fees associated with his/her advisor or legal counsel.
- b. The Respondent is responsible for presenting case information. An advisor or legal counsel may consult with the Respondent during a judicial hearing and may assist with the preparation for the hearing but shall not present the case.
- c. The Respondent shall have an opportunity for cross-examination of the charging party's witnesses by presenting questions to the charging party/hearing officer.

5. Discovery – Applicable to All Judicial Hearings.

- a. Discovery shall be limited to an exchange between the parties of a list of witnesses for the hearing, a brief summary of the information each witness is expected to provide and any documents to be presented at the hearing. The hearing officer shall establish the time limits for discovery.
- c. No depositions may be taken unless a witness is unavailable for testimony in person or by telephone and the hearing officer determines that a deposition is necessary.
- d. Interrogatories are not permitted. No written pre-hearing motions are permitted.
- e. The parties may jointly communicate with the hearing officer by telephone on any pre-hearing matters except when the charging party and the hearing officer are the same person. The parties may then communicate directly at any time.

6. Failure to Appear – Applicable to All Judicial Hearings.

If the Respondent fails to appear for a hearing, the hearing may proceed without the Respondent's presence and/or a disciplinary hold may be placed on the Respondent's record. In the case of a student organization's failure to appear, cancellation of the organization's University recognition or other judicial penalties may automatically occur.

D. Impact of Withdrawal During Pending Judicial Proceedings or Non-Enrollment.

A student who has been charged with misconduct and who either withdraws or is no longer enrolled, is still subject to the judicial process for behavior that occurred while a student.

E. Record.

1. The record of the hearing will be a written summary prepared by the hearing officer of the testimony and the evidence. The decision will refer to the evidence relied upon. An audio/video recording of the hearing is permitted. The Respondent is responsible for the arrangements and any fees associated with any recording and shall provide a copy of the recording to the Dean of Students within five business days following proceedings.

2. In cases involving a finding of misconduct under this *Code*, a judicial file shall be maintained in the Dean of Students Office until the student graduates, or for a period of seven (7) years, whichever occurs later, and shall include a written summary of the hearing, testimony, the evidence upon which the decision was made, the findings of the judicial proceedings, and any sanctions imposed. Judicial records generated by University officials outside of the Dean of Students Office shall be copied and sent to the Dean of Students Office to be placed in the individual student judicial record. Such judicial records shall be the property of the University.

F. Notification of Complainant. Affected University departments, officials, and/or Complainants will be notified of the outcomes of student judicial proceedings as soon as possible, when appropriate and permitted by law.

VII. SANCTIONS.

A. The following sanctions may be imposed upon any student, group or organization found responsible for misconduct. Sanctions shall become part of the student's official judicial record maintained by the Dean of Students Office:

1. **Written Reprimand.** Written warning and reprimand to the Respondent.
2. **Conduct Probation.** Written reprimand that includes probation for a designated period of time. The occurrence of any further misconduct during the stated probationary period will constitute grounds for further judicial sanctions.
3. **Loss of Privileges or Services.** Denial of specified privileges or services, loss of organizational recognition, or suspension of group privileges for a designated period of time.
4. **Restitution and/or Community Service.** Compensation for loss, damage or injury and/or appropriate service to the University or Laramie community.
5. **Parental Notification.** Parental notification when the student's behavior demonstrates a risk of harm to self or others, a pattern of repeat offenses (despite prior interventions), or any violation of law involving a controlled substance.
6. **Educational and Discretionary Sanctions.** Educational assignments or other related discretionary assignments as appropriate to the violation.
7. **Restriction/Suspension/Dismissal from Residence Hall(s) and other UW Facilities.**
 - a. **Restriction:** Elimination of the privilege to visit a particular residence hall or facility. University police are notified when this sanction is implemented and violators may be subject to arrest when violating this sanction.
 - b. **Suspension:** Separation from the residence hall or facility for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - c. **Dismissal:** Permanent separation from the residence halls or facility.
8. **Loss of Funding.** Revocation of the student's University funded financial assistance or an organization's University funding.
9. **University Suspension.** Separation from the University for a definite period of time, after which the Respondent is eligible to return. An administrative hold may be placed on the Respondent's record and conditions for readmission may be specified. Administrative holds may be released by the Dean of Students once stated re-enrollment requirements are met. A suspension for misconduct may be imposed by the Dean of Students.
10. **Dismissal.** Permanent separation from the University. Dismissal shall be effected by the Dean of Students with the prior written approval of the Vice President for Student Affairs.
11. **Transcript Notation Permitted.** Notation of judicial suspension and/or judicial dismissal from the University on the Respondent's academic transcript. At the discretion of the hearing officer and/or the appeals officer, the notation may include the reason for the suspension/dismissal.
12. **Termination of Course Enrollment.** Removal from registration in a particular class or classes, with no rights to credit for work completed.

B. More than one of the sanctions listed above may be imposed for any single violation.

C. The University is not responsible for any financial loss incurred by the Respondent through any sanction.

VIII. TEMPORARY SUSPENSION.

A. The Dean of Students or a designee may impose a temporary suspension. A temporary suspension is separate and

distinct from the judicial process and may be imposed only:

1. To ensure the safety and well-being of members of the University community or preservation of University property; or
 2. If the student poses a threat of disruption of, or interference with, the normal operations of the University.
- B.** During the temporary suspension, students shall be denied access to University premises and all other University activities or privileges for which the student might otherwise be eligible.
- C.** A temporary suspension shall become effective immediately upon the written order of the Dean of Students and shall last no more than forty-five (45) business days unless renewed by the Dean of Students. No more than one extension shall be permitted without the filing of judicial charges.
- D.** The student may submit a written appeal of the temporary suspension to the Vice President for Student Affairs within five (5) business days from the receipt of the suspension.

IX. APPEALS.

- A.** When the Respondent is found responsible for a violation and the sanction is less than suspension, the Respondent may submit an appeal to the Dean of Students. When the sanction is suspension, the Respondent may submit an appeal to the Vice President for Student Affairs. When the sanction is dismissal, the Respondent may submit an appeal to the Vice President for Academic Affairs. In all cases, the decision of the designated appeals officer shall be final.
- B.** Appeals shall be made in writing and must be submitted to the designated appeals officer within five (5) business days from the receipt of the hearing officer's written decision. If mailed, the appeal should include a return receipt. An appeal may be sought on three grounds:
1. On a claim of error in the hearing procedure.
 2. On a claim of new evidence or information material to the case which was not available at the time of the hearing.
 3. On a claim that the hearing officer's decision was not supported by evidence or was arbitrary and capricious.
- C.** The designated appeals officer shall consider the appeal and any record in the case. An appeal is not a new hearing. It is a review of the record of the original hearing. The Respondent shall be informed in writing of the final outcome of the appeal within ten (10) business days of its submission. The designated appeals officer may uphold the decision, reverse the decision or provide an alternate sanction. Except in appeals by the Complainant in charges of sexual misconduct, the appeal officer may not impose sanctions more severe than those imposed in initial proceedings.
- D.** Sanctions resulting from a formal judicial hearing shall not begin until either the time for appeal has expired without an appeal, or until the appeal has been concluded. The designated appeals officer may also impose temporary sanctions during the appeal process to ensure the safety and wellbeing of members of the University community or preservation of University property.
- E.** In addition to the procedures outlined above, in hearings involving charges of sexual misconduct, both the Complainant and the Respondent may submit an appeal. Complainants and Respondents will receive written copies of the other parties' appeals. In addition, both the Complainant and the Respondent will be notified in writing about the outcome of any appeal concurrently.

X. TRESPASS.

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, and individual may be legally barred from University owned or controlled properties. A trespass is separate and distinct from the judicial process outlined above. For more information on the University's Trespass policy see http://www.uwyo.edu/generalcounsel/_files/docs/pd-2-2014-1.pdf

(Approved by AVP Blackburn, September 14, 2015)