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Student Code of Conduct

UNIVERSITY OF WYOMING

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University of Wyoming
Student Code of Conduct

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, 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.

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 (Code) 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. PURPOSE OF THE STUDENT CODE OF CONDUCT

The mission of the Dean of Students Office is to educate students and student organizations about community standards and prohibited conduct, promote student learning 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.

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 help the student consider the consequences of their behavior in advance; and
6. 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. DEFINITIONS OF "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

Recognized Student Organizations (RSOs), including club sports and fraternities and 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 RSOs, individual students who are members of RSOs 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. ADMINISTRATIVE VS. LEGAL PROCEEDING

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.

D. RELATIONSHIP OF THE UNIVERSITY CONDUCT PROCESS TO THE CRIMINAL JUSTICE SYSTEM

All members of the University of Wyoming community are also subject to relevant local, state, and federal laws. Alleged violations of the Student Code of Conduct that are also violations of local, state, or federal laws may be prosecuted separately through the criminal justice system and, if the student is found guilty or liable, may result in civil or criminal penalties.

The University conduct process operates separately and independently from the criminal justice process and civil proceedings. The University does not wait for a student to be charged and/or convicted in a court of law before pursuing its own investigation through the Student Code of Conduct and imposing relevant University sanctions when applicable. The University makes no attempt to shield members of the University community from the law, nor does it intervene in legal proceedings brought against members of the University community.

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, the courts, and other witnesses to help determine whether the Student Code of Conduct has been violated. When a complaint is filed with an appropriate University official alleging a violation of the Student Code of Conduct, the University is responsible for following the procedures outlined herein. In cases where one student (the "complainant") files a complaint against another student (the "respondent"), the University may proceed with the case on the basis of other evidence and testimony, even if the complainant does not wish to participate or continue in the process.

E. ADMINISTRATIVE RESPONSIBILITY FOR THE CODE

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 Vice President for Academic Affairs 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 Sexual Misconduct Policies and Procedures Document for Faculty, Staff and Students.

F. 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 affects the University community or the pursuit of the University's educational mission, process or function. The University will take necessary and appropriate action to protect the safety and well-being of the University community. In addition, if a student has been found to have broken local, state or federal law, the University reserves the right to notify the appropriate authority.

Furthermore, in accordance with the University's Sexual Misconduct Policies and Procedures Document for Faculty, Staff and Students, the University may have an obligation to respond to gender-based discrimination and/or sexual misconduct that initially occurred off campus, outside a schools' education program or activity.

Any misconduct occurring when the person is a student (even if the conduct is not discovered until after a degree is awarded) is covered by the Student Code of Conduct. The Student Code of Conduct will apply even if the student withdraws from the University while a conduct matter is pending. 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.

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 residential premises under the control of the Executive Director of Residence Life and Dining Services. Such rules and procedures shall be complementary to this Code.

G. INTERPRETATION

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.

H. REPORTING CONDUCT VIOLATIONS & CONFIDENTIALITY

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 or submitted via the UWYO CARES online form and should include the date, time, place, name(s) of person(s) involved (e.g., the accused, 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.

I. PERSONS INVOLVED

For the purposes of this document, any person(s) experiencing alleged misconduct of any nature will be referred to as the "complainant." The person who is alleged to have committed the misconduct will be referred to as the "respondent."

J. ROLE OF AN ADVISOR

Advisors serve to provide process and/or legal advice to students involved in the investigation of allegations or conduct proceedings. Both the complainant(s) and the respondent(s) may have an advisor of their choice to assist them throughout the investigatory and/or student conduct processes. Students are encouraged to select an advisor who is not a fact witness in any proceedings nor has any real or reasonably perceived conflicts of interest in any proceedings. 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 attend conduct conferences, investigatory meetings, pre-hearing meetings and hearing 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:

- provide information and guidance to the student on the student's rights and responsibilities throughout the investigation and hearing;
- answer questions the student may have regarding investigation and conduct processes and procedures;
- at the student's request, accompany the student to any meetings related to the University proceedings;
- at the student's request, accompany the student to any conduct meeting, "informal resolution" or conduct hearing, to provide information and guidance on the student's rights and responsibilities.

The process advisor will not provide legal advice.

Process advisors provided by the University are not required to actively advocate for the student they are supporting beyond the expectations listed above; however, process advisors may advocate for the student they are supporting at the process advisor's own discretion. Communications with a process advisors are not confidential.

K. 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 minor 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 amnesty 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.

L. 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 are provided with a statement of academic expectations/syllabus at the beginning of each course by the instructor. Students are responsible for maintaining standards of academic performance, including classroom rules regarding behavior and conduct, 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. Students are expected to maintain reasonable standards of conduct established by the instructor for each class. Any violations of these expectations may be referred to a student conduct proceeding.

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.

M. 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.

N. 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 students build and enhance their community. Behavior that violates this value includes, but is not limited to:

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 or dangerous chemicals on University property 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 students are expected to exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

1. **Attempts**: Attempting to or encouraging others to commit acts prohibited by this Code. Complicity with known or obvious violations of the ***Code of Student 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. **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.

5. **Forgery or Unauthorized Use**: Forging or using without authorization any University documents or records, financial aid documents, computers, electronic mail, telephones, identification, or property. Use of false identification.

6. **Interfering with the Conduct Process**: Interfering with conduct procedures or outcomes, including, but not limited to: falsification; distortion or misrepresentation of information before a student conduct officer; knowingly initiating a complaint without good cause; harassment or intimidation of a Hearing Officer, witness(es), or University personnel before, during, or after a proceeding; violating interim measures; and failure to comply with the sanction(s) imposed by either a conduct officer or Hearing Officer.

7. **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.
    a. Unauthorized copying, reproduction, or file sharing of licensed software on University computing equipment.

8. **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. Conduct that violates this value includes, but is not limited to:

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 suffers 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 students are expected to show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

1. **Dating and Domestic Violence**: Engaging in a pattern of 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. Dating and domestic violence can be physical, sexual, emotional, economic, psychological, or academic actions, or threat of actions that influence another person.

   Actions include but are not limited to:

   1. 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;

   2. Placing a partner or former partner in reasonable fear of imminent physical harm; Causing a partner or former partner to engage involuntarily in sexual activity by force, threat of force or duress; 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 inter-action between the persons involved in the relationship. Partners include:

   - current or former spouse or intimate partner of the victim;
   - person with whom the victim shares a child in common;

- person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner; or
- person similarly situated to a spouse of the victim.

2. **Hazing**: Engaging in any intentional or unintentional act that would endanger the mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliated with, holding office in, seeking and/or maintaining membership in any organization whose membership consists primarily of students. Such activities and situations include, but are not limited to, paddling in any form; creating excessive fatigue; physical and mental shocks; forced road trips; forced consumption of any substance, including alcohol; requirements to publicly wear apparel which is conspicuous and not normally in good taste; engaging in public stunts or buffoonery; morally degrading or humiliating games and activities; and any other activities prohibited by law, University regulation, and/or University policy. Students are required to report incidents of hazing. Failure to do so is a violation of this Code.

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. Sexual assault can be committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to ingestion of drugs or alcohol, age or mental disability) of which the respondent was aware or should have been aware. 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.

   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 or violence 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. For more information, reference the Sexual Misconduct Policies and Procedures Document for Faculty, Staff and Students.

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
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 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.

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.

E. RESPONSIBILITY

University 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. Behavior that violates this value includes, but is not limited to:

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. The following are also violations:

    a. minor under the influence of alcohol;

    b. providing or selling – directly or indirectly - alcohol to individuals under 21 years of age;

    c. social host: providing a location for any individual under 21 years of age to possess or consume alcohol;

    d. possessing or transporting an open container of alcohol;

    e. disorderly conduct due to alcohol consumption;

    f. possession or use of a fake ID, or attempting to procure alcohol under false premises;

    g. being underage in possession of alcohol.

    Lawful and responsible alcohol consumption is permitted only in designated areas of the UW campus, properties and facilities and with proper authorizations as outlined in Alcohol Policy for Campus Events.

3. **Drugs**: Illegal use, possession, selling, sharing, distributing, cultivating, the manufacture or being under the influence of any state or federally controlled drug or substance; possessing drug paraphernalia; inhaling or ingesting any substances (e.g., nitrous oxide, glue, paint, etc.) that will alter an individual's mental state. 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.

III. 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.

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 involving an impacted party, the complainant(s) and respondent(s) have equitable rights.

B. RIGHTS & RESPONSIBILITIES IN THE CONDUCT PROCESS

During the conduct process, the complainant(s) and respondent(s) are entitled to:

1. receive a written notice of the alleged violation(s);
2. request an explanation of the student conduct process;
3. accept or deny responsibility for the alleged violation(s);
4. be accompanied by a support person, advisor, or attorney of their choosing during the conduct process. These persons are limited to a non-speaking advisory role;
5. receive access to the information and documents to be presented at the hearing in advance;
6. be present during the entire proceeding, except during the Hearing Officer deliberation;
7. question any witness present in accordance with the hearing procedures;
8. choose not to participate, or to discontinue participation, in the process. However, the University may, at its discretion, continue to investigate and act;
9. 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;
10. be provided with a copy of the completed investigation report (when investigations are initiated), as allowed by law;
11. receive a written notification of the outcome of the conduct process;
12. be informed of the procedures and deadline for appealing the outcome;

During a conduct process, the complainant(s) and respondent(s) have the responsibility to:

1. be respectful and truthful in all interactions with the Hearing Officer and other hearing participants;
2. read through the Student Code of Conduct and other documents related to a specific student's conduct proceeding;
3. present a list of witnesses for a hearing and any additional relevant documents by the stated deadlines. The student is responsible for contacting and arranging for the attendance of their own witnesses;
4. prepare questions and challenge information presented against them if they so choose.

C. ASSESSMENT OF MISCONDUCT REPORTS

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, a University housing official, staff, faculty, or a law enforcement agency. The Dean of Students appoints a designee ("Conduct Officer") to review all conduct allegations 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 limit the University's ability to impose sanctions in cases with a finding of responsibility.

1. Determination of Potential Policy Violation

The Dean of Students designee will review reports of potential misconduct to determine if it can be reasonably concluded that a violation of the Student Code of Conduct occurred.

a. 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. The Dean of Students office will notify complainants and respondents of the decision and offer all student(s) support resources or referrals.

b. If the Dean of Students reasonably concludes that the reported conduct may have occurred and is a violation, a period of fact-finding or investigation and, potentially, subsequent conduct proceedings may be initiated.

2. Non-UW Affiliation(s)

Reports of misconduct allegedly perpetrated by non-students will be referred to the appropriate office or law enforcement agency. If appropriate, Dean of Students Office will provide resources for students impacted by the incident.

3. Administrative Disposition

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 administrative disposition without referring the complaint to a conduct proceeding. This resolution process will not be used in cases with significant adverse impact to the campus community or one of its members, including cases of potential sexual misconduct.

D. CONDUCT PROCEEDINGS

Upon receiving the report of misconduct, the Conduct Officer reviews alleged violation(s) and decides whether they fall within the jurisdiction of the Code and whether conduct proceedings should occur. In these cases, the Conduct Officer may take any of the following actions:

1. **Notice of Alleged Violation**

   If conduct proceedings are initiated, the Conduct Officer 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 student respondents regarding conduct allegations.

   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; and
   - a scheduled meeting time, date, and location for a conduct meeting with directions as to how a student can reschedule if needed.

2. **Conduct Meeting**

   The Conduct Officer will meet with the student and/or student organization to explain the conduct process, answer any questions the student may have, and allow the student an opportunity to respond to the allegations contained in the notice of alleged violation.
   The student may be advised by a support person, an advisor, or attorney (collectively referred to as "advisors") of their choosing. However, the advisor is limited to advising the student and may not present information or make statements during the proceedings. Over the course of the conduct meeting, one of the following outcomes may occur:

   a. **Accept Responsibility** If, during the conduct meeting, the student agrees that their behavior constitutes a violation of the Code, the conduct meeting can move directly to an "informal" resolution of the allegations. Once a student accepts responsibility for the specific violation(s) of the Student Code of Conduct, the Conduct Officer will discuss with the student the violation and any relevant circumstances. After considering any all relevant information and information the student has presented, the Conduct Officer shall determine sanctions.

   b. Administrative Determination

   If, during a conduct meeting, the student denies responsibility for the alleged violation(s) of the Code, the Conduct Officer will determine the level of responsibility based on the available evidence. The Conduct Officer will make this decision using a preponderance of the evidence standard.

   c. Deny Responsibility and Move to a Formal Conduct Hearing

   If, during a conduct meeting, the student denies responsibility for the alleged violation(s) of the Code and the alleged violation(s) is a not first-time incident, the Conduct Officer may refer the case to a conduct hearing (detailed in the next section).

3. **Failure to Respond**
   If the student does not attend the conduct meeting or fails to reschedule the conduct meeting by the date specified in the notice, then the Conduct Officer may decide the outcome of the case in the student's absence or refer the case to a hearing. Likewise, if the student fails to follow instructions given in the notice or submit requested documentation within a reasonable specified time, the Conduct Officer may decide the outcome of the case without the student or documentation, or refer the case to hearing.

E. CONDUCT HEARING FOR INDIVIDUAL CONDUCT

Conduct hearings are used to determine responsibility for alleged violation(s) when a student has denied responsibility or failed to appear for a conduct meeting. Additional details for conduct hearings addressing cases related to sexual misconduct can be found in the Sexual Misconduct Policies and Procedures Document for Faculty, Staff and Students.

1. **Hearing Officer Training**
   a. A Hearing Officer pool shall be established annually and comprised of members selected by the Dean of Students.
   b. Each annual pool of potential Hearing Officers shall consist of faculty, staff, and/or qualified persons external to the University.
   c. The Conduct Officer shall train the Hearing Officer pool at least annually. All members of each pool will receive general hearing training along with specialized training regarding relevant student conduct topics.

2. **Prior to a Hearing**
   a. The Conduct Officer will appoint a Hearing Officer from the Hearing Officer pool within five (5) business days of the decision to move to a hearing.
   b. Any Hearing Officer who believes they are unable to be an objective participant for a given hearing is expected to remove themselves for that particular hearing.
   c. The Conduct Officer shall notify all participants of the relevant details and schedule the conduct hearing, which shall occur no later than thirty (30) business days after the decision to move to a hearing, unless an extension is warranted at the discretion of the Hearing Officer. A minimum of ten (10) business days' notice will be given prior to any hearing. Exceptions to this timeframe or calls to reschedule may be made upon request in extraordinary circumstances. Accommodating an advisor's schedule does not normally constitute an extraordinary circumstance.
   d. The student(s) are encouraged to schedule a pre-hearing meeting with the Conduct Officer and the Hearing Officer to discuss and explain the hearing procedure and answer questions no later than five (5) business days prior to the conduct hearing.
   e. The Conduct Officer and the student(s) shall exchange the names of any persons they believe have relevant information, all relevant documents, and a list of witness names no later than five (5) business days prior to the conduct hearing. The list of witness names and all relevant documents will also be shared with the Hearing Officer. 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. The Conduct Officer will present the record on behalf of the University and ask questions of students and witnesses.

   b. The respondent will present information related to the alleged violations of the Code and ask questions of the complainant and witnesses.

   c. The complainant will present information related to the alleged violations of the Code and ask questions of the respondent and witnesses.

   d. The student may be advised by an advisor of their choosing prior to the conduct hearing. Advisors are limited to advising the student and may not present information, question relevant parties, or make statements during the proceedings. Other support persons may be allowed to observe the hearing at the Hearing Officer's discretion.

   e. Witnesses only participate in a hearing during the appropriate time to share relevant information with those present. The Hearing Officer may excuse witnesses at the conclusion of their testimony. As members of the University community, student witnesses are strongly encouraged to participate in conduct proceedings when requested. Employee witnesses are required to participate as part of their employment.

4. **Hearing Officer Responsibility**
   a. The Hearing Officer shall preside at all hearings, keep order throughout the hearing process, exercise control over the hearing for efficiency, relevancy, to protect all participants from harassment or intimidation, and determine all relevant timelines including any appropriate extensions.

   a. The Hearing Officer shall consider all relevant documents, statements, and testimony.

   b. 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.

   c. The Hearing Officer will make determinations about the facts and the credibility of those providing information and determine by a preponderance of the evidence whether the student has violated the Code. The Hearing Officer will also recommend appropriate sanction(s) to the Dean of Students.

5. **During the Hearing**
   a. The Conduct Officer and the student respondent may each give a five (5) minute opening statement. The Conduct Officer shall present information, witnesses, and relevant materials. The student shall then present information, witnesses and/or relevant materials. The Conduct Officer and the student shall also be given the opportunity to cross-examine witnesses. All cross-examination questions must be directed through the Hearing Officer. The Hearing Officer may also directly question any individuals (including the Conduct Officer, the complainant, and the respondent student) and will consider any relevant documents presented.

b. The Conduct Officer and the student will be given the opportunity to give a five (5) minute closing statement which may include impact statement(s) and/or requests for preferred outcomes, remediation, and sanctions. See Section (III)(F)(1)(b) for more information about impact statements.

c. 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, including an advisor, the complainant(s) or the respondent(s).

d. Technical rules of evidence and procedures applicable to civil and criminal court cases do not apply to hearings. The Hearing Officer may consider any information it deems relevant.

6. Hearing Officer Decision

a. The University shall audiotape the conduct proceedings.

b. If the Hearing Officer finds, based on a preponderance of the evidence, that the student is responsible for violating the Code, the Hearing Officer shall consider any aggravating or mitigating circumstances presented in the hearing in assigning sanctions. The Hearing Officer will issue determination of responsibility and sanctions in a written decision to the Dean of Students within ten (10) business days of the conduct hearing. The Dean of Students, or a designee, will notify the student and appropriate University officials of the Hearing Officer's decision via email to the student's University email address.

c. If the Hearing Officer finds that there is insufficient information to establish responsibility for violation(s) of the Code, the allegations will be dismissed.

d. The student(s) may appeal the decision as noted in Section (III)(K).

F. STUDENT CONDUCT PROCEDURES FOR MISCONDUCT INCIDENTS INVOLVING A COMPLAINANT:

1. Conduct Meetings When Respondent Accepts Responsibility:

a. Conduct conferences as outlined in Section (III)(D)(2)(a) of this Code, may be initiated when all of the following circumstances are met:

i. the respondent accepts responsibility for the reported behavior in a Conduct Meeting in Section (III)(D)(2)(a);
ii. the complainant agrees to the informal resolution process; and
iii. the Dean of Students agrees that an informal resolution is appropriate and will address the individual and community impacts of the behavior.

b. The complainant(s) will not be present at the conduct meeting. Complainants will have the option of sharing a written impact statement for the University's consideration in the sanctioning of the respondent(s) as part of the conduct conference resolution process. Impact statements will be shared with the respondent(s) in the conduct conference. The following elements may be included in an impact statement:

i. any physical, psychological, emotional, academic, and/or social harm, trauma, resulting from the respondent's behavior;
ii. a request for preferred sanctions and/or remediation;
iii. a request for safety measures or on-going interim measures.

c. The Conduct Officer will consider information shared at the meeting as well as any information shared in the complainant's impact statement when making a sanctioning decision.

d. Respondents and complainants may only appeal the sanctioning decision.

2. Conduct Hearing:

a. For conduct hearings, as outlined in Section (III)(E) of this Code, the following specific procedural elements will also apply in conduct cases involving a complainant.

b. As a general rule, in cases of sexual misconduct the sexual history of the complainant and respondent 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 complainant and respondent. 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.

c. Respondent(s) and complainant(s) may be accompanied by an advisor or legal counsel of their choice. The respondent/complainant is responsible for any fees associated with their advisor or legal counsel. The advisor or legal counsel may consult with the respondents/complainants during the hearing and assist with preparation for the hearing. The advisor or legal counsel may not appear in lieu of their client and may not represent their client in the proceedings.

d. Both the complainant(s) and the respondent(s) may request to appear in person at the hearing separately from the other party or may request to appear by video conference or by phone.

e. Neither the complainant(s), the respondent(s) or the witness(es) 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 the written statements provided in the hearing documents. Complainant(s) or respondent(s) who chose to remain silent shall not have their silence used against them. 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.

3. Notifications

Both complainant and respondent shall be notified of the outcomes of student conduct proceedings at the same time.

G. STANDARD OF PROOF

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. In order 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. WITHDRAWALS AND TRANSCRIPT NOTATIONS DURING CONDUCT PROCEEDINGS

Conduct allegations will be resolved even when a student choses to withdraw before the allegations have been resolved. Official transcripts requested before conduct matters are resolved will include a notation indicating conduct proceedings are in progress. Upon resolution, the transcript notation will be removed. Additional transcription notations may be added upon resolution.

I. ADMINISTRATIVE ACTION

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. Violating a No Contact Order may result in suspension from the University. 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 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).

6. **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.

7. **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.

J. SANCTIONS

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.

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

"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 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.

2. Educational Sanctions

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. **Educational and Behavioral Change Requirements** are assigned as an opportunity for personal development and can include, but are not limited to, attending alcohol education, writing a reflection essay, doing community service, seeking academic counseling, attending a decision-making class, and other relevant educational opportunities.

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. **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.

e. **Transcript Notation** is automatic in cases of suspension and/or dismissal from the University.

f. **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. Recognized 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 Recognized Student Organization is affiliated.

   i. Organizational Probation shall be imposed for a period no less than the remainder of the current semester.

   ii. A Recognized 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.

iii. A Recognized 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 Recognized Student Organization will have all benefits of University recognition suspended. A suspended Recognized 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 Recognized Student Organization official University records maintained by Campus Activities.

iv. A date at which time the Recognized 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 Recognized 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:** Recognized 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 Recognized 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 (III)(J)(2)of this Code include, but are not limited to, the following:

   i. loss of all privileges granted as a part of recognition for a Recognized Student Organization;

   ii. restitution for loss, damage, or actual expenses incurred as a result of the Recognized Student Organization behavior;

   iii. participation of Recognized 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 meeting or conduct hearing.

4. Parental Notification

Pursuant to the Family Educational Rights and Privacy Act (FERPA), the University of Wyoming may disclose personally identifiable information without prior consent if (1) the disclosure is to parents or guardians of a dependent student, or (2) the disclosure is to a parent of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if the University determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under the age of 21 at the time of the disclosure to the parent.

5. Failure to Complete Conduct Sanctions or Comply with Conduct Officers Requests

As members of the University community, students are expected to comply with conduct sanctions within the timeframe specified by the Conduct Officer. 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.

K. APPEALS

Students may appeal the findings from a hearing or the outcome of any conduct proceeding.

1. Timeline and Process for Appeals

a. 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.

b. Both complainant(s) and respondent(s) have the right to appeal the finding and sanctions, if any are issued.

c. When the conduct allegation is resolved through a conduct meeting, students can appeal the sanction, but not the finding.

d. An appeal may be sought on three grounds:

   i. on a claim of error in the conduct procedure;

   ii. on a claim of new evidence or information material to the case which was not available at the time of the conduct procedure;

   iii. on a claim that the Hearing Officer's or Conduct Officer's decision was arbitrary and/or capricious.

e. When the student is found responsible for a violation, the appeal is submitted to the Vice President for Student Affairs for review. At the discretion of the Vice President of Student Affairs, appeals may be submitted to the Provost and Vice President for Academic Affairs. Appeals are not new hearings but a review of the record. The designated appeals officer shall review the record, and within ten (10) business days after receipt of the appeal, issue a written decision as described below. The designated appeals officer's decision is final.

2. Appellate Officer Authority

The designated appeals officers shall have the authority to:

a. find no grounds for appeal exist and affirm the decision and uphold the sanction(s);

b. find an error in the hearing procedure that significantly prejudiced a student. In this case, the designated appeals officer can refer the case back to the Hearing Officer with a recommendation on how to correct the procedures. In any new hearing, the Hearing Officer may make a new decision on the case. Conduct Officer or the students may then submit another request for review to the designated appeals officer;

c. find that new evidence or information material to the case exists which was not available at the time of the hearing to any person involved and refer the case back to the Hearing Officer for reconsideration in light of the new information;

d. find that the Hearing Officer's decision was arbitrary and capricious and in consultation with the Dean of Students to assign a new Hearing Officer for a new hearing;

e. upon written request from the student, the appeal officer may halt any sanctions until the final disposition of the appeal and/or any corrective action.

L. CONDUCT FILES & RECORDS

Reports referred to Conduct Officer will result in the development of a conduct file in the name of the respondent. If the student is found not responsible for the allegations, the file will be marked no action. Conduct Officer 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. 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.

Individual conduct records may be requested by the student via email at dos@uwyo.edu.

M. 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.

N. 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. "**Buffoonery**" is foolish, undignified, or absurd behavior.
3. "**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.
4. **"Complainant"** is any person(s) experiencing misconduct of any nature.
5. "**Conduct Officer**" is the Dean of Students or designee who manages the conduct and fact-finding proceedings.
6. **"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.
7. **"Reporter"** is an individual who reports a possible violation of the Code or reports concerns about discrimination or sexual misconduct.
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.
9. "**Respondent**" is the person against whom a complaint is brought or initiated.

O. 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.

- Sexual Misconduct Policies and Procedures Document for Faculty, Staff and Students
- 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 the 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.
Students who are University of Wyoming Student Athletes, members of ROTC, and members of University of Wyoming recognized fraternity and sororities are also held to expectations for those programs.

All Recognized Student Organizations should be aware of the governing policies and expectations by the offices who oversee their group, such as RSO Handbook, Club Sports Handbook, Fraternity and Sorority Life Policies, etc.