

# **UWEST STUDENT CONDUCT MANUAL**

**DATE OF REVIEW: AUGUST 2020**



# **I. INTRODUCTION**

## **1. Living Our Mission**

University of the West fosters a whole-person learning environment where students, faculty, and staff live and work together peacefully and productively. Academic and co-curricular programs are designed to promote individual and collective pursuits of academic excellence, social responsibility, and personal growth and happiness.

Character, compassion, and community are central values within the UWest community. As an institution of higher learning, UWest strives to maintain an environment in which its students, employees, and guests feel challenged and supported. As a diverse population, we must be able to live, work, and learn in a climate of tolerance, civility, and respect for the rights, property, and sensibilities of others.

University rules are put into place to create and maintain an environment that allows students, faculty, and staff to work freely under the safest and most equitable conditions possible. These rules are driven by the university's mission and values and serve as the guidelines that help protect each campus member's well-being. UWest treats violations of these rules as matters of serious concern because such violations disrupt the individual lives of its students and the shared life of its community.

## **2. Student Rights & Responsibilities**

All UWest students enjoy freedom of expression both in and out of the classroom provided that they do not infringe on the rights of others. Such infringements include disruption of classes, physical violence, and verbal or written threats. Students also have the right to participate in any association that does not engage in illegal behavior or activities.

Students have the right to a fundamentally fair process in any action taken by UWest that may reasonably be expected to affect their standing with the university. Fundamentally fair processes include the right to notification and explanation of charges made and actions taken, a prompt, fair, and impartial hearing, and an appeals process.

UWest policies are designed to guarantee that each student enjoys certain rights as a member of the academic community. The university does not discriminate on the basis of race, ethnicity, sex, national origin, religion, age, gender, or gender expression or identity, disability, sexual orientation, or any other classification that deprives any persons of their rights as valued individuals. Students have the right to participate in the formulation and application of institutional policy related to both academic and non-academic

student affairs. Student participation includes the right to access information, to express views, and to have these views respectfully considered by other members of the UWest community.

As part of the university community, students enrolled at UWest are expected to show commitment to their studies and behave in ways that reflect the university's mission and values. All members of the UWest community share the task of creating and maintaining a safe and open atmosphere.

## **II. UWEST STUDENT CONDUCT CODE**

### **1. Conduct Expectations**

UWest students are expected to abide by standards of behavior grounded in the values of the university. These standards are set forth as policies in the Student Conduct Code. This pertains to conduct on campus, online, and at authorized university functions.

UWest students are expected to engage in responsible and ethical conduct and to model good citizenship in and beyond the campus community. In both their work and their daily interactions, UWest students demonstrate a commitment to diligent scholarship, open-minded inquiry, and service to others. UWest students cultivate a caring spirit, personal integrity, and inclusive community. By upholding the university's values of character, compassion, and community, UWest students refrain from harming or discrediting themselves, the university, or any other individual.

UWest governs community conduct in order to protect and promote the university community's pursuit of its educational goals. The purpose of an educational disciplinary process is to maintain a safe, healthy, and educational community for all students, staff, and faculty.

### **2. UWest Student Conduct Code<sup>1</sup>**

UWest governs community conduct in order to protect and promote the university community's pursuit of its educational goals. The purpose of an educational disciplinary process is to maintain a safe, healthy, and educational community for all students, staff, and faculty.

A student who commits an act of misconduct is subject to disciplinary action by the university according to the UWest Student Conduct Code (SCC)

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<sup>1</sup> Adapted from *A Model Student Disciplinary Code*, developed by Stoner & Lowery, 2004.

policies and procedures. Code of conduct rules apply to misconduct that adversely affects the academic community as well as the rights and lives of other people. Students who advise or incite others to violate university rules are as responsible for the violations as the individuals who actually commit them. UWest reserves the right to enforce its own rules regardless of any criminal or civil proceedings.

The conduct process is a system established to ensure a fair process to students who believe that the behavior standards have been violated, as well as to students who have allegedly violated university policy. These established standards, which are upheld through an educational disciplinary process, support the university's academic mission.

Careful note should be taken that UWest is not and cannot be considered a protector or sanctuary from the existing laws of the city, state, or federal government.

UWest reserves the right to dismiss any student, without refund, if the student fails to abide by university regulations or when dismissal is deemed to be in the best interest of either the student or the university. Students may appeal a dismissal for cause by submitting a General Petition form to the Chief Student Services Officer.

### **3. SCC I: Conduct Authority**

The Chief Student Services Officer and designated staff shall develop policies for the administration of the Student Conduct Code and procedural rules for the adjudication of student conduct cases. (NB: Academic integrity policies are set forth by the division of Academic Affairs and are alleged academic integrity breaches are reviewed and adjudicated by the Chief Academic Officer (see UWest Academic Catalog).

Decisions made by a conduct body shall be final, pending the appeal process.

In exceptional circumstances, the Chief Student Services Officer may modify the normal structure of the university conduct process based on the particular needs of a pending case.

### **4. SCC II: Jurisdiction of the University & Conduct Regulations**

University of the West shall have jurisdiction over student behavior that occurs on university premises, at university-sponsored events, or other off-campus locations if it adversely affects the university community and/or the pursuit of its objectives as determined by university officials. If an incident that occurs off campus is determined to fall under the jurisdiction of the university, it will be handled according to the policies and procedures of the code of conduct.

Organizations, clubs, teams, club sports, committees, or similar organized student groups, whether recognized or unrecognized by the university, are subject to standards of conduct similar to those for individual students in the UWest community. Student groups should be aware that they may be held accountable through the university's conduct system for their behavior and the behavior of their members representing them. They should be fully aware of the university policies, including but not limited to the Student Conduct Code and all related policies of University of the West. All violations, whether on or off campus, will be addressed. Group members who violate university policies may be held individually and jointly responsible, along with their respective student groups. Members of groups who knowingly condone, encourage, or require behavior that violates university policies may also be held individually and jointly responsible, along with their respective group. A student or student group could be subject to involuntary administrative withdrawal from the university, from university housing, or placed on suspension if it appears more likely than not that the student or group engages, or threatens to engage in behavior that poses a significant and specific risk of causing substantial physical or psychological harm to self or others, and/or engages or threatens to engage, in behavior which would cause significant property damage or directly and substantially impede the activities of others.

All students are responsible for their conduct from the time of application for admission through the actual awarding of the degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during breaks between sessions of actual enrollment (even if the conduct is not discovered until after a degree is awarded). Students are required to engage in responsible social conduct that reflects credit on UWest and to model good citizenship in any community.

## **5. Student Conduct Policies**

Any student found to have committed any of the following misconduct is subject to the sanctions outlined in the Student Conduct Procedure (see SCC III).

5.1. **Abusive Behavior** – The following behaviors are prohibited, including, but not limited to:

5.1.1. Verbal abuse, including defamation, threats, intimidation (which may include shouting at another individual or acting in a hostile or aggressive manner), coercion, use of words that illicit a physical response (fighting words), profanity which is derogatory

and inflammatory directed at another individual or group, and harassment.

5.1.2. Behavior which threatens or endangers the health, well-being, or safety of any person(s), including, but not limited to:

5.1.2.1. Stalking – Behaviors or activities directed at a specific person occurring repeatedly that collectively would cause a reasonable person to feel fear, apprehension, emotional distress, and/or a threat to her or his safety, mental health, or physical health, including, but not limited to:

5.1.2.1.1. Non-consensual communication or threats, including face-to-face, telephone calls, voice messages, emails, chat requests, friend or contact requests on social networking sites, text messages, postings of statements or pictures on social networking sites, written letters, gifts, or any other communications that are undesired.

5.1.2.1.2. Surveillance or other types of observation of another through computer spyware, GPS systems, pursuing, repeatedly staring, following, waiting or showing up uninvited at a class, residence, workplace, or other places frequented by the specified individual, gathering information about an individual from friends, family or co-workers, or third party stalking or stalking by proxy.

5.1.2.1.3. Behavior in which an individual willfully, maliciously, and repeatedly engages in a knowing course of conduct directed at a specific person which reasonably and seriously alarms, torments, or terrorizes the person.

5.1.2.2. Discriminatory, Harassing or Hate Behavior – any occurrence that involves a verbal, written, or physical action that is intended to create emotional suffering, physical harm, or property damage to a person(s) because of their perceived or actual race, ethnic background, national origin, religious belief, gender, gender expression, sexual orientation, or physical or mental disability or other categories protected by law. This may include, but is not

limited to; slurs, symbols, posting, circulating demeaning jokes, leaflets, or caricatures; defacing, removing or destroying posted materials; distributing or posting hate literature. Students who feel they have been discriminated against by any member of the UWest community have recourse to the discrimination grievance process.

5.1.2.3. Threats of violence, even in jest.

- 5.2. **Alcoholic Beverages** – UWest is a dry campus. Alcoholic beverages must not be brought onto campus nor consumed on campus, including campus housing. The following behaviors are specifically prohibited:
- 5.2.1. The sale, possession, use, consumption, production, purchase, or provision of alcoholic beverages to or by any person under the age of 21.
  - 5.2.2. Public intoxication, displaying intoxicated behavior, requiring assistance due to intoxication, and/or causing university officials to respond due to the consumption of alcohol, even if the subject is over the age of 21.
  - 5.2.3. Possessing open containers or consuming alcoholic beverages in any outside location or in public areas inside university buildings including the residence halls, dining hall, fitness facilities, recreational center, or outdoor seating areas.
  - 5.2.4. Possessing kegs and other common source containers as well as devices designed for the rapid consumption of alcohol (e.g., beer bongs, funnels, etc.); engaging in behavior (e.g., games like beer pong, flip cup, etc.) that promotes the rapid or excessive consumption of alcohol.
  - 5.2.5. Possessing or displaying empty alcohol containers by residence students.
  - 5.2.6. Providing alcohol with the intent of taking advantage of another.

(See also Good Samaritan & Amnesty Policies.)

- 5.3. **Stairways, Hallways, Sidewalks, Walkways, Roof Safety-** The following behaviors are prohibited.
- 5.3.1. Sidewalks, stairways, hallways, and walkways are made for walking and are not to be used as storage areas. Nothing should be left on the stairways, hallways, sidewalks, or walkways at any



time, including garbage in the area around the room nor other area. No couches or other furniture designed for indoor use may be kept on a patio or walkway or any outside area.

- 5.3.2. The use of skates, skateboards, or other wheeled vehicles typically used for recreation is prohibited in all university buildings, parking lots, public roadways, and in all areas bordering construction zones. Any person skating or riding or propelling a skateboard or wheeled vehicle upon any sidewalk shall exercise due care and shall yield the right-of-way to all pedestrians.
- 5.3.3. Screens are not to be unhooked or removed from windows for any reason.
- 5.3.4. Windows are not to be used as entrances or exits to and from buildings.
- 5.3.5. Items and objects are not to be thrown or poured from windows, roofs, or other places. Items such as banners or sheets cannot be hung from roofs or windows or attached to the exterior of any building.
- 5.3.6. Students are not permitted on roofs, building ledges, or overhangs of any university building, scaffolding, or to scale the outside of buildings or on top of any elevator.

5.4. **Bicycle Operations and Parking** –The use of bicycles is prohibited in all university buildings, the fountain courtyard and all pedestrian zones.

- 5.4.1. Bicycle parking is available at bicycle racks located throughout the university, including the residence hall areas. Bicycles are to be parked only in these areas and should be properly attached to the racks. As a courtesy to fellow cyclists, please use only one space.
- 5.4.2. Bicycle parking regulations are in effect at all times, including holidays and summer months.
  - 5.4.2.1. Bicycles must not block the entrance or exit to any university building.
  - 5.4.2.2. Bicycles must not be parked or stored
    - 5.4.2.2.1. Against or fastened to any water, steam, or gas pipe, or any electrical fixture, ornamental bench, trash can, or emergency safety device.

5.4.2.2.2. Against or fastened to any tree, plant, bush or foliage.

5.4.2.2.3. In any areas designated for persons with disabilities.

5.4.2.2.4. In any university building including residence hall rooms.

5.4.2.2.5. On any access rail or ramp.

- 5.5. **Breach of Peace** – As members of the neighborhood community surrounding the campus, students are expected to abide by all city ordinances and act with respect and civility toward neighbors and their property. The following behaviors are prohibited:
- 5.5.1. Conduct which is disorderly and/or disruptive, as defined by applicable laws or by the Chief Student Services Officer or designee.
  - 5.5.2. Aiding, abetting, or procuring another person to breach the peace.
  - 5.5.3. Individual or group activities that result in disturbance or distress to others or that cause damage or destruction to property (e.g., large numbers of people in attendance, violating ordinance or laws, guests gathering in yards, sidewalks, or other outdoor areas, throwing objects onto neighboring property, etc.)
- 5.6. **Business & Private Enterprise** – Students may operate a business (e.g., sales/services, advertisements provided through the mail, telephone/fax, Internet, or other means of mass communication) and/or complete employment requirements on university property as long as:
- 5.6.1. It is not deemed indecent or inappropriate for association with the university's name/reputation;
  - 5.6.2. It complies with the university Posting Policy (see Posting Flyers on Campus).
  - 5.6.3. It is not disruptive to other students.
  - 5.6.4. It does not create health and safety concerns.
  - 5.6.5. It does not violate a controlling contract the university has with a vendor.
  - 5.6.6. It complies with the IT Policy (see Using Information Technology) and other published policy.

- 5.6.7. It does not use the UWest name, equipment, or other resources without express written consent by the Chief Student Services Officer or Chief Academic Officer.
- 5.6.8. It complies with federal, state, and municipal laws, including business licensing laws, labor laws, and laws governing the employment of F-1 students.

*Note: If a business or the completion of employment requirements becomes disruptive and/or creates health and safety concerns, the student must immediately cease all business activities on campus. Business activities include, but are not limited to, sales/services or advertisements provided through the mail service, telephone/fax, Internet, World Wide Web, or other means of mass communication. Any postings must comply with the university posting policy (see Posting Flyers on Campus).*

#### **5.7. Computer and Network Violations (see Information Technology Policy)**

#### **5.8. Conduct System Abuses - The following behaviors are prohibited:**

- 5.8.1. Falsification, distortion, or misrepresentation before a conduct officer/conduct body/ or any university official.
- 5.8.2. Disruption or interference with the orderly conduct of a conduct proceeding (including the behavior of support persons and witnesses).
- 5.8.3. Instituting a conduct proceeding knowingly without cause.
- 5.8.4. Attempting to discourage an individual's proper participation, or use of the conduct system.
- 5.8.5. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of the conduct proceeding.
- 5.8.6. Harassment (verbal or physical) and/or intimidation of a member of a conduct body or university official prior to, during, and/or after a conduct proceeding.
- 5.8.7. Failure to comply with or complete the sanction(s) imposed under the Student Conduct Code.
- 5.8.8. Influencing or attempting to influence another person to commit an abuse of the code of conduct.
- 5.8.9. Plagiarism of a conduct sanction (see also Academic Integrity).

- 5.9. **Dishonesty** – Students are prohibited from misrepresenting or obscuring the truth, including but not limited to:
- 5.9.1. Cheating, plagiarism, or other forms of dishonesty (See Academic Integrity).
  - 5.9.2. Furnishing false information or identification, whether written or oral, to any university official, faculty member, or office.
  - 5.9.3. Forgery, alteration, or misuse of any university or government document, record, or instrument of identification.
  - 5.9.4. Fraud – receiving, or attempting to receive, payment, services, or academic credit under false pretenses.
  - 5.9.5. Tampering with any university recognized election process.

5.10. **Disruption/Demonstration** – UWest is a diverse community based on free exchange of ideas and devoted to the use of reason and thought in the resolution of differences. Dissent (defined as disagreement, a difference of opinion, or thinking differently from others) is an integral aspect of expression in higher education. Whether in free debate or in the exchange of information, this community must rely on self-restraint and self-discipline if it is to retain its freedom to search and question. However, when self-restraint and self-discipline fail, the university will initiate such action as is necessary to prevent disruption of or substantial interference with its community and to preserve the rights of its individual members.

In exercising its responsibility to provide and maintain an atmosphere of free inquiry and expression, the university may establish reasonable time, place, and manner restrictions for the purpose of avoiding disruption to or substantial interference with its regular and essential operations and activities. The university will not base decisions regarding time, place, and manner upon the content of the message, except as permitted in those narrow areas of expression devoid of federal or state constitutional protection.

Lawful and peaceful demonstration as an expression of favor or dissent will be permitted. On the other hand, the university will not tolerate coercive disruption, defined generally herein as activity that imposes the will of other persons or groups within the university community, outside of the established university procedures and policies for the expression of opinion and the resolution of differences.

Coercive disruption is construed to include any activity which:

- 5.10.1. Disrupts the normal operation of the university and infringes on the safety of other members of the university community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, whether pedestrian or vehicular, on campus or at university-sponsored/supervised functions.
- 5.10.2. Interferes with teaching, administration, conduct proceedings, other university activities or other authorized non-university activities, including all functions on or off-campus.
- 5.10.3. Denies the rights of other students, the faculty, or the staff of the university.
- 5.10.4. Disrupts or obstructs educational and other activities of the university.
- 5.10.5. Reacts to the expression of the peaceful dissent of others by attempting to deny their rights.
- 5.10.6. Obstructs or restricts free movement of persons or vehicles on any part of the university campus, including the free entry to or exit from university facilities or functions.
- 5.10.7. Denies or interferes with the use of offices or other facilities by students, faculty, officers, staff or guests of the university.
- 5.10.8. Threatens or endangers the safety of any person on the university campus. This includes but is not limited to signs on any form of stakes.
- 5.10.9. Results in damage to or destruction of property.
- 5.10.10. Constitutes "hate violence," meaning any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group, or the property of any person or group because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender expression, disability, or political or religious beliefs of that person or group. (Acts shall not be considered "hate violence" based on speech alone, except upon a showing that the speech itself threatens violence against a specific person or group, that the person or group against whom the threat is directed reasonably fears that the violence will be committed because of the speech, and that the person

threatening violence had the apparent ability to carry out the threat.)

- 5.10.11. Makes sustained or repeated noise in a manner which substantially interferes with a speaker's ability to communicate his/her message or the rights of others to listen.
- 5.10.12. Involves a gathering that becomes unmanageable or exceeds the safe capacity for the space assigned. In such a situation, the university reserves the right to relocate or cancel the event.

*Note: Since a clear differentiation between lawful or peaceful dissent and coercive disruption may often be difficult, the foregoing list is illustrative and not exhaustive; this list may be amended from time to time. It should be understood that the application of this policy also takes situational factors into consideration.*

5.11. **Electronic Media Violations** – The misuse of electronic media devices is prohibited, including but not limited to: using camera and/or video enabled cell phones, PDAs, MP3 players, data storage devices, personal DVD players, cameras, printers, computers, computer lines/networks or computing facilities to:

- 5.11.1. Disrupt classroom or any other academically related proceedings.
- 5.11.2. Engage in any form of academic dishonesty.
- 5.11.3. Send, view, or obtain illegal or abusive messages, photos, video, or view obscene or pornographic material on university equipment or network, or in university offices or classroom settings.
- 5.11.4. Engage in any form of harassment, and/or discrimination.
- 5.11.5. Engage in the unauthorized use of electronic or other devices to make an audio, photo, or video record of any person(s) without prior knowledge, or without effective consent when such recording is likely to cause injury or distress. This includes, but not limited to, surreptitiously taking pictures of another in a locker room or bathroom.
- 5.11.6. Students may also be subject to conduct charges if it is brought to the university's attention that they had placed or distributed material via electronic media (e.g., on-line social networks like Facebook and MySpace, websites, blogs, e-mails, IM, CDs, DVDs, etc.) that violates the Student Conduct Code.

- 5.12. **Endangerment of Self or Others** – Conducting oneself in a manner that, intentionally or accidentally, endangers, or threatens to endanger, the health or safety of oneself (including threats of suicide made in jest or otherwise), other members or visitors within the university community or at university sponsored or related events is prohibited.
- 5.13. **Failure to Comply** – Students who fail to comply with directions or requests of university officials, including, but not limited to student volunteers and student employees, law enforcement officers, or contract service vendors acting in performance of their duties, will be referred to conduct review. Further, students who willfully resist, delay, or obstruct university officials in the discharge or attempts to discharge the duty of their office or employment will also be referred to conduct review.
- 5.14. **Filming** - All students who wish to film on or around UWest property must obtain the required approvals (General Services, Marketing, Chief Student Services Officer, Office of Residence Life, Office of Student Life, Rosemead Police Department, or other city agencies). Students who fail to do so will be required to halt their process until the appropriate approval is obtained (not all requests may be approved). Students must keep written proof of approval with them at all times during filming.
- 5.15. **Fire Safety and Equipment** – The following behaviors are prohibited:
- 5.15.1. Causing a false alarm, arson, tampering with the fire alarm system, smoke detectors, sprinkler system, emergency exits, carbon monoxide detectors, fire extinguishers, exit signs, and other equipment are federal offenses.
  - 5.15.2. Failing to evacuate a university building during fire and/or emergency alarms or re-entering the building before the all clear sign is given.
  - 5.15.3. The propping open of doors in residence buildings with enclosed corridors.
  - 5.15.4. Possessing and/or using candles, incense, oil lamps, helium tanks, hookahs, and other combustible and/or flame-producing

items in the residence areas. Burning candles in any campus building is prohibited (except for those events specifically scheduled through the Office of Student Life and other approved events).

- 5.15.5. Possessing and/or using multi-plugs, halogen lamps, and extension cords in the residence area. However, power strips with surge protectors are permitted.
- 5.15.6. Possessing and/or using fireworks, CO2 cartridges, explosives, chemicals and other hazardous materials.
- 5.15.7. Possessing and/or using barbeques and other outdoor cooking equipment in the residence hall rooms and common areas except those provided by and installed by university officials. University-provided outdoor cooking equipment can be used in designated areas.
- 5.15.8. Attaching excessive wall coverings or other items to walls and/or ceilings.

5.16. **Gambling** – Students are expected to abide by federal and state laws prohibiting illegal gambling. Prohibited activity includes but is not limited to: betting on, wagering on, or selling pools on any event; possessing on one’s person or premises (e.g. room, residence, car) any card, book or other device for registering bets; knowingly permitting the use of one’s premises or one’s telephone or other electronic communication devices for illegal gambling; offering, or accepting a bribe to influence the outcome of an event; and involvement in bookmaking or wagering pools with respect to the events. Gaming events, including but not limited to casino nights and poker events, are prohibited without the authorization of the Chief Student Services Officer or their designee.

5.17. **Guests** – Having guests on campus is a privilege. Guests must comply with university policies at all times. Any person(s) who comes onto campus to visit a student or students (whether or not they were specifically invited) is considered a guest of that student. Students are responsible for the behavior of their guests; this includes any possessions that the guest brings onto campus which violate university policy (e.g., weapons, drugs, alcohol, paraphernalia, or other similar



material). Students need to accompany their guests during their stay on campus. Students will be held fully responsible for their guests and will be subject to conduct review for the behavior of their guests.

- 5.17.1. Guests who violate university policy will be immediately removed from campus, and may be forbidden from entering UWest property or attending university events.
- 5.17.2. Guests are required to provide their name and show appropriate identification to a university official upon request. If guests do not have identification, they will be asked to leave or be escorted off campus.
- 5.17.3. Any university official has the right to request a guest to leave.
- 5.17.4. Students and their guest(s) may be restricted from the residence and recreational areas and/or immediately removed from those areas if they have, or are suspected to have, violated university policy.
- 5.17.5. Residential guest(s) must be registered by their host via on-duty Residence Hall staff (Desk Attendant or Residential Advisor) (see details in Residence Hall Policies).

5.18. **Identification** – All students and guests are required to provide their name and show appropriate identification to a university official upon request. Students must carry their UWest identification with them at all times when on university property or at university functions; guests must carry a driver's license, or other government-issued identification at all times. The following behaviors are also prohibited:

- 5.18.1. Falsely identifying oneself or others or failure to comply with this policy.
- 5.18.2. Possession, production, or distribution of false identification cards, or materials to fabricate such is illegal and strictly prohibited. Any false identification cards found to be in the possession of students or guests will be confiscated, destroyed, and may result in a citation from local law enforcement.

5.19. **Illegal Substances** – The following behaviors are prohibited:

- 5.19.1. Use, possession, sale, distribution and/or production of narcotic or other controlled substances (including marijuana), or acting as an accessory, liaison, or facilitator for any of the above,

except as expressly permitted by law “Medicinal” marijuana is prohibited on campus. Any drugs and/or paraphernalia found to be in a student’s possession, residence, or assigned area will be considered to be in the possession of the student whether or not he or she is the individual who purchased or furnished the drugs, paraphernalia, or handmade drug use device. Confiscated paraphernalia will not be returned to students at any time.

- 5.19.2. Illegal or improper use of prescription or over-the-counter medicines. All prescription medicines must be kept in their original bottle and must have the prescription from the doctor noted on the bottle. Prescription medicines found without their prescription attached will be confiscated until such time that the prescription can be produced. All prescription medications must be prescribed to the person in possession of the medication. The use or possession of “medicinal” marijuana is also prohibited on campus, and will be treated as a violation of the illegal substances policy.
- 5.19.3. Possession of drug paraphernalia, including but not limited to: water pipes, scales, needles, clips, rolling papers, bongs etc.; any device that may be associated with drug use, regardless of whether it is purchased or handmade, even as props for filming.
- 5.19.4. Use of a legal substance in an improper manner (e.g. ingesting a cleaning chemical, inhaling other chemical substances for the purpose of intoxication).
- 5.19.5. Providing drugs with the intent of taking advantage of another.
  - 5.19.5.1. (See also Good Samaritan & Amnesty Policies.)

5.20. **Keys and Unauthorized Entry/Exit** – Use of rooms and facilities must be requested through a work order submitted to General Services prior to their use. The following behaviors are prohibited:

- 5.20.1. Unauthorized/improper possession, duplication, or use of university keys.
- 5.20.2. Unauthorized/improper entry to/exit from or use of university premises.

5.21. **Lewd/Indecent Behavior** – The following behaviors are prohibited:

- 5.21.1. Urinating in areas other than toilets and urinals (including lawns, lounges, elevators, stairwells, parking lots, etc.).
  - 5.21.2. Public nudity.
  - 5.21.3. Engaging in intimate sexual contact in common or public areas.
  - 5.21.4. Public viewing or displaying of pornography.
- 5.22. **Parking and Vehicle Rules and Regulations** – It is prohibited to violate the policies and procedures outlined in the university’s Parking and Vehicle Rules and Regulations Policy. (See also regulations for Bicycle Operations.)
- 5.23. **Posting Policy** – All postings and publicity must adhere to the relevant guidelines (see Posting Policy)
- 5.24. **Property Damage/Vandalism** – Destruction, damage, misuse, and/or defacing of university, personal, or public property is prohibited. Note: It is strongly recommended that students purchase private insurance for their personal possessions as the university will not be responsible for reimbursing or requiring others to reimburse a student for destruction, damage, misuse, and/or defacing of their personal property.
- 5.25. **Residential Life Violations** – It is prohibited to violate the policies and procedures outlined in the UWest Housing Contract, and/or established university policies or procedures governing residence in university owned or administered property (see Residence Hall Policies).
- 5.26. **Sexual Misconduct** – Any sexual or romantic behavior, attempted or completed, that goes beyond the boundaries of consent (see Sexual Misconduct/Title IX Policy). These include sexual assault, sexual battery, rape, relationship abuse (domestic & dating/interpersonal violence, sexual exploitation, sexual harassment, stalking, and retaliation for reporting any of these behaviors. Intoxication of the respondent does not diminish his or her responsibility for an act of sexual misconduct.

- 5.27. **Smoking** – Smoking is prohibited except in designated areas. In designated areas, smoking is permitted for individuals age 18 and over only. The following behaviors are prohibited:
- 5.27.1. Smoking in all university buildings.
  - 5.27.2. Smoking in all residence hall rooms and common areas.
  - 5.27.3. Smoking within 20 feet of building entrances, residence halls, and apartment doors and windows.
  - 5.27.4. Smoking in or on quads, courtyards, and sidewalks in the residence areas.
- 5.28. **Soliciting** – Solicitation and door-to-door sales on campus is prohibited except as approved by the Student Life Director or the Office of Housing and Residence Life.
- 5.29. **Telecommunications Violations** - The following behaviors are prohibited:
- 5.29.1. Tapping telephone, mobile tracking, cable television line, or access wifi.
  - 5.29.2. Altering or accessing another's phone voice mailbox, website, and social media, without permission.
  - 5.29.3. Harassing by telephone, email, text message, and social media (e.g. annoying or threatening behavior, or violating any no contact or restraining order).
  - 5.29.4. Theft of telephone service (e.g., unauthorized use of the university's or another's telephone or personal security code).
- 5.30. **Theft** – Attempted or actual removal of property without prior permission is prohibited. This includes but is not limited to signs, lounge furniture, office furniture and equipment, classroom furniture and equipment, outdoor furniture owned by the university, and property and services under the control of food services.
- 5.31. **Violation of Law** – Any charge of violation, or actual violation of federal, state, or local laws may subject a student to the university conduct process.
- 5.32. **Violence** – The following behaviors are prohibited:
- 5.32.1. Any act of violence or threat of violence.

- 5.32.2. All physical abuse including physical assault and/or battery as well as any domestic disputes, hate crimes, and/or child abuse.
- 5.32.3. Any act of violent destruction of property.

**5.33. Weapons, Explosives, and Hazardous Materials** – Possession or use of the following is prohibited:

- 5.33.1. Any type of firearm, BB pellet gun, paint gun, realistic facsimile of a weapon or any counterfeit item, stun gun, and/or taser weapon.
- 5.33.2. Ammunition, including rounds, casings, shells, clips, magazines, and paint pellets and cartridges.
- 5.33.3. Switch blades, any blade over 3 inches that is not designed and used for good preparation or eating.
- 5.33.4. Bows and arrows with the exception of archery classes.
- 5.33.5. Martial arts weapons.
- 5.33.6. Slingshots and water balloon launchers. E
- 5.33.7. Explosive devices and fireworks.
- 5.33.8. Dangerous chemicals or other hazardous materials.
- 5.33.9. All other weapons listed in the California Penal Code section 12020, and/or other weapons considered dangerous on University premises or at University sponsored events.

**5.34. Other Violations** - Violation of any other published university policies, rules or regulations, including those implemented during the academic year.

**6. SSC III Violation of Law and University Conduct**

- 6.1. It is the student's right to report an incident to appropriate law enforcement agencies and/or university officials. The university reserves the right to contact law enforcement agencies for any violation(s) of local, state, or federal law(s). Specific violations of the law in which local authorities will likely be involved include, but are not limited to, those that are related to drugs, alcohol, assault and battery, sexual assault, trespassing, weapons/explosives, hazardous materials, and possession of false identification.
- 6.2. If a student is charged only with an off-campus violation of federal, state or local laws, conduct proceedings may still be instituted and

sanctions imposed for misconduct which demonstrating flagrant disregard for the university community.

- 6.3. University conduct proceedings may be instituted against a student charged with violation of a law in connection with conduct which is also a violation of the Student Conduct Code: for example, if both violations result from the same factual situation, without regard to the pending status of civil litigation in court or criminal arrest and prosecution. Proceedings under the Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Determinations under the Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor or against the criminal law defendant.
- 6.4. When a student is charged by federal, state or local authorities with a violation of law, the university will not request or agree to special consideration in the criminal proceeding for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the Student Conduct Code, however, the university may advise off-campus authorities of the existence of the code of conduct and of how matters will be handled internally within the university community. The university will cooperate as fully as is legally possible within the Family Educational Rights and Privacy Act (FERPA) or any other appropriate federal or state guidelines (see FERPA: Protecting the Privacy of Your Student Records) with law enforcement and other agencies in the enforcement of criminal law on campus and on the conditions imposed by criminal courts for the rehabilitation of student violators.

## **7. SSC IV: Student Conduct Code Procedure**

### **7.1. Rights of Students Charged with a Conduct Code Violation**

- 7.1.1. To have written notice of the misconduct charges that specifies the nature of the alleged violation.
- 7.1.2. To have the charges explained clearly and fully.
- 7.1.3. To have access to hear testimony and/or see all written statements concerning the charges.

- 7.1.4. To submit a written statement (in hard copy or electronic) outlining their perspective on the incident which initiated the conduct process.
- 7.1.5. To name any witness or witnesses pertinent to the allegations.
- 7.1.6. To be subject to a fair, impartial, and timely review of the incident.
- 7.1.7. To receive a written opinion outlining the results of the investigation and a prompt decision which includes the factual basis for the conclusions drawn.
- 7.1.8. To be advised of the appropriate appeal process.
- 7.1.9. To be accompanied to interviews, hearings, and other conduct-related meetings by a "support person" if the student so chooses, at their own expense.
- 7.1.10. To have the conduct allegations, review, and outcome treated with confidentiality.
- 7.1.11. To be referred to support services, including counseling on or off campus.

*Note: When particular situations (such as but not limited to Study Abroad, International Students, Extended Study Courses, etc.) necessitate a modified process, Appendix 1 will be adjusted to accommodate the modification.*

## **7.2. Conduct Correspondence**

All conduct letters will be sent through electronic transmission using the university-provided email address (username@my.uwest.edu). The delivery of the electronic transmission to the respondent's and complainant's UWest email addresses will serve as verification that notice has been given. It is the student's responsibility to regularly check the assigned UWest email account. Letters may also be delivered by hand in person, in which case one signed copy each acknowledging delivery and receipt will be given to the student and retained in the conduct file, respectively.

## **7.3. Interim Suspension**

- 7.3.1. In certain circumstances, the Chief Student Services Officer or designee may impose a university or residence hall suspension prior to the hearing before a Conduct Officer. Interim suspension may be imposed when any of the following conditions exist:

- 7.3.1.1. When the safety and well-being of members of the university community or university property is threatened or at risk.
- 7.3.1.2. When the student's own physical or emotional safety and well-being are threatened or at risk.
- 7.3.1.3. If the student poses a definite threat of disruption of or interference with the normal operations of the university.
- 7.3.2. During the interim suspension, students shall be denied access to the residence life area and/or to the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible.
- 7.3.3. A Notice of Interim Suspension will be sent and the hearing process will be initiated immediately from commencement of suspension.
- 7.3.4. Interim Suspension does not replace the regular process, which shall proceed on the ordinary schedules as described in the Student Conduct Code.

#### **7.4. Reports and Charges**

- 7.4.1. Any member of the university community may report an alleged violation of the Student Conduct Code by a student or group of students. Reports shall be prepared in writing and directed to the Conduct Officer. For more information regarding filing a report, contact the Office of Student Life or Office of Residential Life.
- 7.4.2. Aside from highly exceptional circumstances, any report should be submitted as soon as possible after the alleged violation(s) takes place, but not to exceed 6 months following discovery of the incident. Exceptions include:
  - 7.4.2.1.** There are no time constraints restricting the reporting of violations of academic integrity.
  - 7.4.2.2.** Alleged sexual misconduct or other behavior which may pose a serious threat to any member of the university community may be reported at any time. Conduct proceedings involving sexual misconduct or other very serious matters will be initiated as long as the alleged respondent remains enrolled or has standing at the university. The institution will proceed with an investigation



and steps within the conduct process despite the existence of criminal proceedings or findings. (See Sexual Misconduct & Title IX Policy).

- 7.4.3. The Chief Student Services Officer or designee may conduct an investigation to determine if the charges have merit, and/or request additional support for the charges.
  - 7.4.3.1.** If the charges are deemed to be without merit, such determination shall be final and there shall be no subsequent proceedings.
  - 7.4.3.2.** If the charges are deemed to have merit, the case will be referred to the appropriate Conduct Officer to hear the matter, resolve through a community conversation, or dispose of the matter administratively by mutual consent of the parties.
- 7.4.4. Students will receive notification of charges and instructions for scheduling a hearing, which should be scheduled by the deadline indicated in the notification letter. In the event that the student has not timely scheduled a hearing, the university shall schedule the hearing and advise the student of its occurrence. In this situation a request to reschedule will be at the discretion of the Hearing Officer (See also Section D: Hearings).
- 7.4.5. In the event of documented extenuating circumstances, a student may request to reschedule a hearing. This request must be made no later than 24 business hours prior to the originally scheduled hearing, and is at the discretion of the Hearing Officer.
- 7.4.6. Preferred time limits for scheduling of hearings may be extended at the discretion of the Chief Student Services Officer or designee. Exceptions to this time frame include holidays, semester breaks, final exam periods, and summers, in which case the hearing will be held by the Chief Student Services Officer or designee, or the hearing will be conducted as soon as a Conduct Officer can be convened.
- 7.4.7. In order to better prepare for their hearing, the respondent may also inspect and/or request those reports that pertain to the charges of the particular case. The names and identifying information of other individuals involved in the incident will be redacted in order to protect their privacy. Any information

presented (e.g. pictures, videos, voice recordings, etc.) may be reviewed in person and under the supervision of a Conduct Officer. At no point may a conduct proceedings or meetings be recorded by the student participants.

7.4.8. Related witness statements and any other pertinent paperwork shall be made available for review. Names and identifying information of other individuals reported in witness statements will be redacted in order to protect their privacy.

## **7.5. Hearings**

7.5.1. Hearings shall be conducted by a Conduct Officer according to the following guidelines:

**7.5.1.1.** Hearings shall be conducted in private.

**7.5.1.2.** At the discretion of the Conduct Officer, a university employee may serve as note taker during the hearing.

**7.5.1.3.** Admission of any person to the hearing shall be at the discretion of the Hearing Officer in consultation with the Chief Student Services Officer (when applicable).

**7.5.1.4.** In hearings involving more than one respondent, the Conduct Officer, at their discretion, may permit the hearings concerning each student to be conducted together with the consent of all respondents.

**7.5.1.5.** Students attending a hearing (as respondent or complainant) have the right to be accompanied by one Support Person with advance notice of 2 business days and at their own expense. The complainant and/or the respondent each are responsible for presenting their own case. Support Persons are not permitted to speak to the Conduct Officer unless directly questioned by the Conduct Officer. Support Persons may not participate directly in the hearing other than quiet communication with the student they are accompanying. This communication must not interfere with the conduct process. Failure to comply will result in the removal of the Support Person(s). One 5-minute recess may be requested during the course of a hearing if the complainant and/or the respondent wish to consult with his/her Support Person.

- 7.5.1.6.** Students involved in conduct hearings may have an attorney in attendance in lieu of a Support Person, at the student's own expense, and with advance notice of 2 business days. The attorney must conform to the same requirements as apply to a Support Person described above. Counsel is there only in a very limited scope, which is to advise the student as to safeguarding their rights.
- 7.5.1.7.** By written notification to the Conduct Officer (2 business days prior to the hearing), the respondents and complainants must identify their Support Person and if the individual is an attorney (see above).
- 7.5.1.8.** The complainant and respondent shall have the privilege of identifying witnesses whom the Hearing Officer will contact for their statements.
- 7.5.1.9.** The Hearing Officer may contact for their statement any witness identified through the officer's investigative process.
- 7.5.1.10.** Any pertinent materials and written statements (12 font, 5 double-spaced pages maximum) must be submitted for consideration to the Conduct Officer at least 2 business days prior to the hearing.
- 7.5.1.11.** All procedural questions are subject to the final decision of the Conduct Officer in consultation with the Chief Student Services Officer (when applicable).
- 7.5.1.12.** After the hearing and review of all statements and evidence, the Conduct Officer shall determine which, if any, portion of the Student Conduct Code the student has violated.
- 7.5.1.13.** The Conduct Officer's determination shall be made on the basis of whether it is more likely than not that the respondent violated the Student Conduct Code.
- 7.5.1.14.** All decisions of a Conduct Officer shall be based solely upon material presented at the hearing.
- 7.5.1.15.** Should new charges surface as a result of, or during, a conduct process, and no additional investigation is needed, the charges will be verbally introduced and heard during the current hearing. If additional investigation is

needed, the Conduct Officer will question the respondent, clarify items in report, and send findings following the hearing.

- 7.5.1.16.** Formal rules of process, procedure and/or technical rules of evidence, such as applied in criminal or civil court, are not used in Student Conduct Code proceedings.

*Note: Students charged with violations of the Student Conduct Code during Study Abroad or other travel courses will be notified of the charges and have the opportunity to respond to those charges, as well as the opportunity to appeal the outcome of their cases. However, the condensed duration of these courses and the limited availability of on-site administrators necessitate a modified conduct process in some situations.*

- 7.5.2. No student may be found to have violated the Student Conduct Code solely because the student failed to appear before the Conduct Officer. However, failure to appear, without documented proof supporting extenuating circumstances preventing such appearance, will result in the loss of the right to an appeal and for the Conduct Officer to adjudicate in the respondent's absence. In all cases, should there be a hearing, the material in support of the charges shall be presented and considered regardless of whether or not the student(s) attended the conduct hearing. If after being noticed, the Respondent does not appear at the hearing, the information in support of the charges may be presented and considered, even if the respondent is not present.
- 7.5.3. An individual's (or group's) cumulative community conversations, deferred incidents, and conduct history will not be considered by the Conduct Officer until the sanctioning phase of the conduct review process.

## 7.6. Hearing Outcomes

- 7.6.1. **Student Responsibility:** A student or group charged with any violation(s) of the Student Conduct Code will be found either Not Responsible or Responsible for each individual charge. However, charges may also be dismissed. Students with conduct history are required to receive Chief Student Services Officer clearance to participate in all study abroad or travel courses.

- 7.6.1.1. Found Not Responsible** - In each case in which a Conduct Officer determines that a student or student group has not violated the Student Conduct Code, a record of the finding will be kept on file with the Chief Student Services Officer. However, the outcome of Not Responsible will not impact the student or student group's standing within the university and no sanctions shall be imposed.
- 7.6.1.2. Found Responsible** - In each case in which a Conduct Officer determines that a student or student group has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by that Conduct Officer. The Conduct Officer shall advise the respondent in writing of the determination and of the sanction(s) imposed. Failure to comply with any sanctions may result in an Academic Hold; in the event it is a student group, there might be additional sanctions added or status sanction lengthened.
- 7.6.1.3. Case Dismissed** - In each case in which a Conduct Officer determines that evidence of a code violation was not met by a student or student group, a record of the incident will be kept on file with the Student Affairs Office. However this incident will not have any bearing on the student or student group's standing within the university and will not be reported to external agencies.
- 7.6.2. Cumulative Conduct:** A student's or student group's prior conduct history will be taken into account during sanctioning. Multiple violations of the Student Conduct Code during a student's or group's tenure at the university may result in increasingly severe sanctions.
- 7.6.3. Conduct Status:** In hearing outcomes where the respondent is Found Responsible, the Conduct Officer determines the appropriate sanctions/conduct status. The following conduct status may be imposed upon any student found responsible for violating the Student Conduct Code.
- 7.6.3.1. Disciplinary Warning:** This is a written reprimand to the student that they are violating or have violated the Student Conduct Code and that any future violation(s) may

result in more serious sanctions. Formal Warnings have no time limit.

- 7.6.3.2. Probation:** Disciplinary probation may involve counseling with faculty or administrative staff; restriction of student privileges; prohibitions against participation in university activities or events, including athletic or non-athletic activities; and prohibitions against holding office or participating in student organizations, including student government, or residence, school, or university organizations or activities. This status is in effect for a specified period of time and may make the student ineligible to hold leadership or employment positions (e.g., Student Government, Orientation student staff, Residence Life student staff, University Ambassador, organization involvement, and other social functions), affect a student's ability to study abroad, and participate in other off-campus programs. This status is in effect for a specified period of time and includes the probability of more severe sanctions for any future violation(s) of the Student Conduct Code during the probationary period.
- 7.6.3.3. Residence Probation:** Residence Probation may involve periodic meetings with a member of the residence staff and/or restriction of specific residence privileges.
- 7.6.3.4. Suspension or expulsion from university housing**
- 7.6.3.5. Suspension:** Separation of the student from the university for a specified period of time, after which the student is eligible to return. Conditions for re-admission will be specified. Notification of suspension may include notification of student's home campus in cases involving international students, advisors, faculty, and other appropriate personnel at the discretion of the Chief Student Services Officer. Students will be held responsible for meeting their financial obligations to the university and **may** not visit the university while under suspension.
- 7.6.3.6. Dismissal:** Permanent surrender of all rights and privileges of membership in the university community and

exclusion from the campus, from any university property, and from all university functions. The effective date may be determined by the Hearing Officer. Notification of expulsion may include notification to parents of dependent students, advisors, faculty, and other appropriate personnel at the discretion of the Chief Student Services Officer. Students may be held responsible for meeting their financial obligations to the university and may not visit the university while under expulsion. Expulsion will be noted on the student's transcript.

**7.6.3.7. Hearing Review Panel:** Due to their level of severity, conduct status decisions involving Suspension and Expulsion, and Revoking of Admission/Degree are submitted to a Hearing Review Panel for approval or modification. The Hearing Review Panel is made up of at least three members, of which at least one is faculty and at least one is a staff member/administrator.

**7.6.4. Restitution:** The student will reimburse the university and/or other appropriate party for damage to or loss of property or for costs or expenses incurred by the university or other party. Restitution will be made at full cost of replacement or repair and other expenses.

**7.6.5. Educational/Other Sanctions/Community Agreements:** Intended to encourage the student to examine their behaviors and to develop new approaches to membership in the university community. It is important to be aware that educational sanctions can be used in the context of educating others. Fulfilling sanctions is essential, and students are expected to complete them in a thoughtful and timely manner according to the deadlines prescribed in the hearing outcome letter. Sanctions must follow all academic integrity guidelines imposed by the university. Failure to complete sanctions or community agreements by their due date will result in the placement of a Student Hold on the student's accounts/records. Students will not be able to conduct any official university business while on this hold. Thus, students will not be able to register, add/drop classes or request transcripts and the current registration may be voided.

In cases of student organizations, additional sanctions may be added or status sanctions extended.

- 7.6.6. In addition to any change in student status, one or more of the following may be imposed. They include, but are not limited to:
- 7.6.6.1. Academic sanctions** –holding transcripts, removal from classroom/courses.
  - 7.6.6.2. Notification** – informing relevant parties (home campus, campus employer, faculty, national/executive offices, etc.).
  - 7.6.6.3. Loss of privileges**
  - 7.6.6.4. Loss of visitation** privileges in university-owned housing.
  - 7.6.6.5. Reflective assignments** – apology letters, research paper on an assigned topic, written responses to posed questions.
  - 7.6.6.6. Counseling** – as a condition of probation or reentry after suspension, a student may be required to show proof of undergoing counseling of a general or specific (substance abuse, anger management, etc.) nature.
  - 7.6.6.7. Restitution** – compensation for loss, damage, or injury (may take the form of appropriate service and/or monetary or material replacement).
  - 7.6.6.8. Workshops** – decision-making skills workshops, anger management, alcohol and drug education.
  - 7.6.6.9. Loss of recognition** – loss of all privileges including university recognition, for a specified time.
  - 7.6.6.10. Suspension of the organization** - as a recognized university entity.
  - 7.6.6.11. Other sanctions** as defined by Chief Student Services Officer.
- 7.6.7. **Other Considerations Related To Sanctions:**
- 7.6.7.1.** There is no limit to the number of educational sanctions that may be imposed for any single violation.
  - 7.6.7.2.** It is important to be aware that all sanctions/agreements submitted may be used by the institution in its effort to further educate other community members.



**7.6.7.3.** Failure to satisfactorily complete or comply with all sanctions as prescribed:

**7.6.7.3.1.** Will result in a Hold.

**7.6.7.3.2.** May result in further sanctions, including suspension, until such time as full compliance of sanctions is obtained.

**7.6.8. Notification and Confidentiality:**

**7.6.8.1. Parental/Home School Notification** – In accordance with FERPA, parents/guardians may be notified when students who are under the age of 21 are found responsible for any drug and/or alcohol related violations.

**7.6.8.2. Financial Aid Notification** - As required by federal law, drug violations may be reported to the Office of Financial Aid, which may have repercussions on future federal aid eligibility.

**7.6.8.3. Student Groups** - The right of privacy of student groups is not protected by FERPA (see Appendix 2). However, the Chief Student Services Officer or designee has the discretion to determine when a student group's need for privacy shall be protected.

**7.6.8.4. Complainant Notification** - At the discretion of the Chief Student Services Officer, complainants may be notified of the outcome of the hearing, including sanctions, in accordance with FERPA (see Appendix 2). In instances of sexual misconduct, the complainant will be notified of the hearing outcome, including sanctions.

**7.6.8.5. University Affiliates** - At the discretion of the Chief Student Services Officer, student organization advisor, student employment, and other appropriate personnel may be notified of the outcome of the hearing.

**7.6.9. Appeals**

**7.6.9.1.** There is only one appeal available for any and all sanctions imposed per incident.

**7.6.9.2.** A respondent or group may request an appeal of a hearing outcome. Appeals are not granted automatically as they must be thoughtful, well-reasoned, substantive, and

must demonstrate that at least one of the following criteria exists:

- 7.6.9.2.1.** There was a substantive procedural error that may have prohibited the hearing from being conducted fairly in light of the charges. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- 7.6.9.2.2.** The sanction(s) imposed was not appropriate for the violation of the Standards of Conduct for which the student was found to be responsible.
- 7.6.9.2.3.** New evidence that was not available at the time of the hearing has become available, and is potentially sufficient to alter a decision.
- 7.6.9.3.** A request for appeal shall be submitted in writing within 10 business days of the decision issue dated by the Conduct Officer (date listed on the Hearing Outcome letter), must clearly demonstrate the grounds for appeal, and is not to exceed 12 font, 5 double-spaced pages in length. All appeals requests, regardless of the hearing body, should be submitted to the Chief Student Services Officer via email.
- 7.6.9.4.** In situations where the Chief Student Services Officer serves as the Hearing Officer, the appeal body or person will be appointed by the Dean of Enrollment or other executive administrator.
- 7.6.9.5.** The Chief Student Services Officer or designee has the discretion to submit a request for appeal if deemed necessary.
- 7.6.9.6.** Upon receipt of the request for appeal, it will be reviewed to determine if the appeal has merit. A request for appeal shall be limited to review of the documentation associated with the initial hearing, supporting documents, and testimony. If none of the criteria for appeal is determined to have been met, the appeals body shall sustain the decision of the respective Conduct Officer. If,

however, any of the conditions is found to exist, the appeals body may:

**7.6.9.6.1.** Hear the full appeal;

**7.6.9.6.2.** Hear only a circumscribed portion of the appeal;

**7.6.9.6.3.** Render a decision without a hearing involving the parties.

**7.6.9.7.** In determining whether to modify any given sanction(s), the appeals body has the option to take any of the following actions:

**7.6.9.7.1.** Elect not to change any of the sanctions imposed by the original hearing body;

**7.6.9.7.2.** Reduce the severity of the conduct status (the severity of change in conduct status cannot be increased);

**7.6.9.7.3.** Adjust educational sanctions.

**7.6.9.8.** At the discretion of the Chief Student Services Officer, the complainant may be notified of the outcome of the respondent or respondents' appeal of the case, in accordance with FERPA.

**7.6.9.9.** All appeal decisions are final and binding on all parties and shall be given to the respondent in written form.

## **8. SCC V: Interpretation & Revision**

- 8.1. Any question of interpretation regarding the Student Conduct Code shall be referred to the Chief Student Services Officer for final determination.
- 8.2. The Student Conduct Code shall be reviewed as necessary under the direction of the Chief Student Services Officer.
- 8.3. This Student Conduct Code supersedes any and all previous versions of the Student Conduct Code, identifiable by the date below, and shall serve as the official reference for all student conduct matters.

Date of Review: July 2017.

### **III. Academic Integrity: Defining Plagiarism, Cheating, & Other Violations**

University of the West informs its education through its values. Putting these values into action requires students, staff, and faculty to practice honesty, responsibility, and integrity. UWest believes that students should have the opportunity to actively pursue knowledge and learning in a positive and fulfilling environment. Such an environment has no room for academic dishonesty, which violates the most fundamental values of the intellectual community and undermines its achievements. Therefore, all members of the UWest academic community are expected to demonstrate a commitment to the principles of academic integrity.

Faculty and students share the responsibility of safeguarding the integrity of the classroom. Students have the responsibility to be aware of what constitutes academic dishonesty and to uphold the standards of honest academic endeavor, while faculty have the responsibility to communicate classroom standards clearly. The administration is responsible for applying sanctions that go beyond the classroom.

Academic dishonesty includes, but is not limited to, plagiarism, cheating, falsifying records, lying, obtaining or distributing examination materials prior to exams without the consent of the instructor, submitting another's work as one's own, submitting work completed for another course without the agreement of both instructors, and helping any other student in any act of dishonesty.

Faculty must provide a written report of any lapse of integrity to the Chief Academic Officer. The CAO, in consultation with faculty and department chair, will investigate the allegation. If a student is found to have committed an act of academic dishonesty, sanctions will be imposed and a record of the infraction will be entered into the student's permanent record. At a minimum the student will receive zero credit on the assignment or examination in question. Further sanctions may be imposed depending on the severity of the action and the student's past record, and may include a failing grade for the course, dismissal for one term, or expulsion from the university.

#### **IV. Sexual Misconduct/Title IX Policy**

### **University of the West Gender-Based Discrimination/ Sexual Misconduct/Title IX Policy**

#### **1. University Commitment**

UWest does not tolerate gender-based/sexual discrimination and misconduct and is committed to educating the community in ways to prevent its occurrence. Sexual misconduct constituting sexual violence is a form of sex discrimination and is prohibited by Title IX of the Education Code and other federal and state laws.

All forms of sexual violence are considered to be serious offenses. This policy includes **sexual harassment, sexual assault & non-consensual sexual contact, dating violence, domestic violence, and stalking.**

Sexual violence can be committed by individuals of any gender, regardless of an individual's sexual orientation, gender identity, or gender expression, and can occur between individuals of the same gender or different genders, strangers or acquaintances, as well as people involved in intimate or sexual relationships.

Individuals alleged to have committed rape, sexual assault, and/or relationship violence may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, students and employees may face disciplinary action at the university.

In addition to any criminal prosecution, students and employees charged with sexual discrimination, harassment, or violence will be subject to the university conduct process and will be subject to appropriate university sanctions.

In addition, during any investigation, UWest may implement interim measures to maintain a safe and non-discriminatory educational environment. Such measures may include immediate interim suspension from the university, required move from residence halls or other university-owned housing, adjustment to course schedule, or prohibition from contact with parties involved in the alleged incident (No Contact

Order). In all such proceedings, the university is committed to maintaining confidentiality, providing a trauma-informed response, and pursuing a fundamentally fair process for all parties involved.

## **2. Scope**

This policy applies to all students, faculty, supervisory and nonsupervisory staff, volunteers, interns, vendors, independent contractors, persons performing services under contract with the university, visitors, and any other individuals regularly or temporarily employed, studying, living, visiting, or otherwise participating in UWest's educational programs and activities.

This policy applies to conduct occurring on UWest property, at university-sponsored events, in university programs, and anywhere off campus in the United States in locations over which the university exercised substantial control over both the Respondent and the context in which the sexual misconduct occurred, and where the conduct has continuing adverse effects on any member of the UWest community in any UWest employment or education program or activity.

Members of the UWest community are encouraged to immediately report sexual violence to the university as well as to local law enforcement, regardless of where the incident occurred, or who committed it (a stranger or non-stranger). Reports to UWest and law enforcement may be pursued.

An individual who has experienced sexual violence is encouraged to immediately seek assistance from a medical provider. Even if UWest does not have jurisdiction over the person accused of sexual violence, the university will still take prompt action to provide for the safety and well-being of the individual reporting and the campus community. UWest will take prompt action to determine what occurred and take reasonable steps to remedy the effects of the sexual violence and prevent recurrence of the behavior.

### 3. **Non-Discrimination Policy & Title IX**

UWest does not discriminate on the basis of sex, race, color, religion, national origin, citizenship, ancestry, age, marital status, physical or mental disability, medical condition, genetic information, pregnancy or perceived pregnancy, gender, gender identity, gender expression, sexual orientation, protected military or veteran status or any other characteristic or condition protected by the state and federal law. The university respects the rights of each person as a valued individual.

Title IX of the Education Act requires gender equity for students of all genders in every educational program that receives federal funding. Specifically, the law states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

### 4. **Definitions**

**4.1. Sexual Harassment** refers to events or actions (verbal, visual, or physical in nature) that are continued and unwelcome (neither solicited nor incited and it is regarded by the recipient as undesirable or offensive) conduct of a sexual nature that would be offensive to a reasonable person; which could interfere with an individual's academic pursuits or create or substantially contribute to an intimidating or hostile work, academic, or student living environment.

Further, Title IX identifies sexual harassment, including sexual assault, as unlawful sex discrimination and designates any of the following conduct on the basis of sex as constituting sexual harassment:

- A school employee conditioning an educational benefit or service upon a person’s participation in unwelcome sexual conduct (often called “quid pro quo” harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking (as defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a) (see below).

Title IX and sexual misconduct policies also prohibit remote and online sexual harassment occurring, for example, over a telephone, in writing, and/or over Internet platforms and social media. This type of misconduct includes materials received by a victim and materials posted about a victim. Examples of online sexual harassment include cyberstalking (e.g., catfishing, monitoring location check-ins, virtual visiting via Google Maps Street View, hijacking of webcam, installing stalkerware, tracking a person’s location via geotags, etc.)

**4.2. Sexual assault** is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI) and includes

- any sexual act directed against another person;
- forcibly and/or against that person’s will; OR
- not forcibly or against that person’s will where the victim is incapable of giving consent.



Sexual offenses of this type include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.

Under this category of misconduct, **non-consensual sexual contact** is intentional contact with the intimate body parts of another (whether directly or through clothing), or disrobing or exposure of another without permission, by force or threat of force, without consent, or where the person is incapacitated. Intimate body part means sexual organ, anus, groin, breast or buttocks.

**4.3. Dating violence** is any act of violence, or threatened act of violence, against a person who is (or has been) in a romantic or intimate relationship with the person accused of sexual violence.

**4.4. Domestic violence** includes felony and misdemeanor crimes of violence committed by a current or former spouse, by a person with whom the victim shares a child, who is or has cohabitated with the victim, or by a person similarly situated to a spouse (common law marriage), or by any other person against an adult or youth victim.

**4.5. Stalking** is a course of conduct directed at an individual that would cause a reasonable person to fear for their or safety or the safety of others, or suffer substantial emotional distress. (See also cyberstalking under 4.1).

## 5. Consent

**5.1.** Consent is a crucial component of the sexual misconduct policy. Consent is the affirmative, conscious, voluntary, informed, and uncoerced agreement through words and/or actions, which a reasonable person would interpret as a willingness to participate in mutually agreed-

upon sexual activity. Sexual activity should occur only when all participants willingly and affirmatively choose to engage in particular acts. It is the responsibility of the initiator of the sexual activity, at each stage, to obtain effective consent. The use of intimidation, coercion, threats, force, or violence negates any consent obtained.

Indications that consent is not present include, but are not limited to:

**5.1.1.** A verbal “no” (no matter how indecisive) or resistance (no matter how passive);

**5.1.2.** When physical force is used, or when there is a reasonable belief of the threat of physical force;

**5.1.3.** When the recipient of the sexual conduct is incapacitated due to alcohol or drugs.

**5.1.4.** When any kind of coercion is present.

**5.2.** Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relationship between them, should never by itself be assumed to be an indicator of consent. Consent cannot be inferred from silence, passivity or lack of active resistance. Consent cannot be inferred from consent to a prior or different activity. If consent is revoked, the other party must immediately stop whatever sexual activity is occurring.

**5.3.** A person will not be considered to have given consent if the individual is incapable of making an intentional decision to participate in a sexual activity, including being unconscious or asleep; incapacitated by drugs, alcohol, or medication so that the Complainant could not understand the fact, nature or extent of the sexual activity; or if they are unable to communicate due to a mental or physical condition. A person is considered to be incapacitated when that person lacks the ability to make informed, rational judgments and decisions to engage in sexual activity. Where alcohol or drugs are involved, incapacitation is defined

with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

**5.4.** Being intoxicated or otherwise impaired does not diminish one's responsibility to obtain consent. The question is whether or not the person who initiated the sexual activity knew, or whether a sober and reasonable person in the same position should have known, whether the other person gave effective consent.

## **6. Prohibition Against Retaliation**

No member of the UWest community will be retaliated against for making a good-faith report of sexual violence or for participating in an investigation, proceeding, or hearing conducted by UWest, or by a state or federal agency. Overt or covert acts of retaliation, reprisal, interference, discrimination, intimidation, or harassment against an individual or group for exercising their rights under Title IX or other federal and state laws is unlawful.

UWest will take steps to prevent retaliation and will take prompt and appropriate corrective action if retaliation occurs. Individuals who violate this policy may be subject to disciplinary action up to and including expulsion, termination of employment, or permanent separation from UWest.

## **7. Title IX Coordinator**

The Title IX Coordinator is responsible for coordinating UWest's compliance with Title IX and for the university's overall response to conduct falling under Title IX. The Title IX Coordinator oversees all Title IX complaints, monitors outcomes, identifies and addresses any patterns of systemic problems that arise, maintains records, and assesses effects on the campus climate. The Title IX Coordinator also oversees the implementation and application of UWest's Title IX related

policies within the scope of Title IX and coordinates the university's response to all complaints of sexual violence under Title IX to ensure consistent treatment of parties involved, and prompt and equitable resolution of complaints. Students who have complaints, questions, or concerns regarding sexual discrimination, harassment or violence should contact UWest's Campus Title IX Coordinator.

### **8. Rights of the Complainant & Respondent in a Gender-Based Discrimination/Sexual Misconduct/Title IX Complaint**

University of the West's procedures for the investigation, adjudication, and resolution of sexual misconduct complaints brought against students are designed to be accessible, prompt, equitable, and impartial.

Throughout this process, both the Complainant and Respondent have the following rights:

- To be treated with respect, dignity, and sensitivity;
- To receive from the university appropriate support and remedies, including referral to on- and off-campus resources;
- Privacy and confidentiality to the extent possible, including keeping confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Title IX proceeding;
- The presence of an Advisor throughout the process;
- To participate or to decline to participate in the investigation or complaint resolution process. However, a decision not to participate in the process either in whole or in part will not prevent the university from proceeding with the information available.
- A fundamentally fair, prompt, objective, and thorough investigation of the allegations;
- Adequate time to review documents;

- To appeal the decision made or any sanctions imposed by the Title IX Hearing Panel;
- To refrain from making self-incriminating statements;
- Notification, in writing, of all meetings, evidence, and the case resolution, including the outcome of any appeals;
- For the Complainant, to report the incident to law enforcement at any time.
- The presumption that the Respondent is not responsible until proven so in the determination of the Hearing Panel.

## **9. Sexual Misconduct/Title IX Procedure: Preliminary Matters**

- 9.1.** Timing of complaints - If the Respondent is a current UWest student (undergraduate or graduate, full-time or part-time), there is no time limit for filing a complaint to initiate these procedures. However, students are strongly encouraged to report sexual misconduct in a timely manner to maximize the university's ability to gather evidence, and conduct a thorough, impartial, and reliable investigation. If the Respondent is a second semester senior (or in the final semester of a graduate program), the university may withhold that student's UWest degree pending conclusion of the complaint resolution procedures.
- 9.2.** Effect of criminal proceedings - The filing and processing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. Neither law enforcement's determination as to whether or not to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether sexual misconduct occurred under the university's Gender-Based Discrimination/Sexual Misconduct/Title IX Policy.

- 9.3.** Effect of a pending complaint on the Respondent - If the Respondent is a current UWest student, no notation will be placed on the Respondent's transcript of a complaint or pending disciplinary action prior to the conclusion of the complaint resolution process. If the Respondent withdraws from UWest while a sexual misconduct complaint is pending, the Respondent's transcript will reflect a withdrawal and a notation of pending disciplinary action subject to modification to reflect the outcome of the disciplinary action.
- 9.4.** Amnesty - A student who files a sexual misconduct complaint, or who serves as a third party witness during the complaint resolution process, will not be subject to disciplinary action by the university for his or her own personal consumption of alcohol or other drugs at or near the time of the alleged sexual misconduct, provided that such violations did not and do not place the health or safety of any other person at risk. However, the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity. The university may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.
- 9.5.** Support person - The Complainant and Respondent may each choose and be accompanied to any meeting or hearing related to these procedures by a Support Person, who may provide support during such meeting or hearing. During meetings and interviews, the Support Person may quietly confer or pass notes with the party in a non-disruptive manner. The Support Person may not intervene in a meeting or interview, or address the Investigator or Hearing Panel. Consistent with the university's obligation to promptly resolve sexual misconduct complaints, the university

reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected Support Person.

- 9.6.** Declining to participate - A Complainant and/or Respondent may decline to participate in the investigative or complaint resolution process. The university may continue the process without the Complainant's and/or Respondent's participation. In most cases, a refusal to participate in the investigative process will preclude a Complainant or Respondent from appealing any determination. The Title IX Coordinator will make this determination.
- 9.7.** Time frame for complaint resolution - The university will seek to resolve every report of sexual misconduct within sixty (60) calendar days of the start of an investigation, not counting any appeals. Time frames may vary depending on the complexity of a case, the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The university may extend any time frame for good cause, with a written explanation to the Complainant and Respondent.
- 9.8.** Prohibition on retaliation - It is illegal and a violation of the university's Gender-Based Discrimination/Sexual Misconduct/Title IX Policy to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person for reporting sexual misconduct, filing a sexual misconduct complaint, or participating in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion from the university. The exercise of rights protected under the First Amendment does not constitute retaliation.

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- 9.9. Notice** - The Title IX Coordinator will provide the Complainant and Respondent, respectively, with a written explanation of their rights and options, and any available accommodations, as soon as possible after a complaint is reported. The Title IX coordinators will also ensure that both the Complainant and Respondent are updated throughout the investigative process, including with timely notice of meetings where either the Complainant's or the Respondent's presence may be required.

## **10. Sexual Misconduct/Title IX Procedure: Complaints**

**10.1. Procedure** The procedure for sexual misconduct complaints is similar to the general Student Conduct Code Procedure, with the following specifications:

- 10.1.1.** The complaint resolution process is overseen by the Title IX Coordinator.
- 10.1.2.** The Title IX Coordinator refers sexual misconduct complaints to the Title IX Investigator/s.
- 10.1.3.** The Title IX Investigator is a university conduct officer trained to investigate Title IX complaints. The Investigator's role is to gather all evidence, including statements by Complainant, Respondent, witnesses, and other relevant parties, conduct interviews, and prepare a written report of the findings from the investigation.
- 10.1.4.** The findings of the Title IX Investigator are referred to a Hearing Panel.

### **10.2. Initiating a Complaint**

#### **10.2.1 Individual**

Any person may report sex discrimination, including sexual harassment (whether or not the person



reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

- 10.2.2 Administrative** In extraordinary cases, such as situations that threaten the safety of members of the UWest community, the university may initiate a complaint through the Title IX Coordinator against a UWest student, employee, contractor, etc.

### **10.3. Filing a Complaint**

- 10.3.1.** After receiving a report of sexual misconduct, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.
- 10.3.2.** A Complainant or Reporter may submit a written complaint to the Campus Title IX Coordinator. The complaint is a manually or electronically signed statement containing sufficient information to permit the Respondent to understand and respond adequately to the charges being brought; however, the complaint may not reflect every detail related to the allegations, as additional information may be discovered during

the investigation.

- 10.3.3.** A Complainant or Reporter may also call or meet with the Title IX Coordinator to initiate a formal complaint. Notes are taken during all meetings and may be used in full or in part as the complaint statement, with the review and written and signed agreement of the Complainant or Reporter.
- 10.3.4.** If the allegations in a formal complaint do not meet the definition of sexual harassment the university must dismiss such allegations for purposes of Title IX but may still address the allegations as appropriate under the UWest Student Conduct Code.
- 10.3.5.** At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

#### **10.4. Information for Complainant**

- 10.4.1.** After receiving a formal complaint, the Title IX Coordinator will initiate a formal investigation, led by the Title IX Investigator. The Investigator will notify the Complainant of the option to have a Support Person accompany them to any meeting or interview related to the complaint resolution process.
- 10.4.2.** The Investigator will also:
  - 10.4.2.1.** Provide the Complainant with information regarding the Rights of the Complainant and Respondent;
  - 10.4.2.2.** Explain the prohibition against retaliation;
  - 10.4.2.3.** Provide a copy of this policy and explain the process for investigating and resolving a sexual misconduct complaint

(including the available appeal procedures);

**10.4.2.4.** Instruct the Complainant not to destroy any potentially relevant documentation in any format;

**10.4.2.5.** Explain the availability of interim measures;

**10.4.2.6.** Provide the Complainant with a list of on-campus and off-campus support resources.

**10.5. Reporting Employees (Non-Confidential Resource)** The university recognizes that student Complainants may be most comfortable disclosing sexual misconduct to a university employee they know well, such as a faculty member, work study supervisor, or resident adviser (“RA”). Students are welcome to speak with them, but should understand that these individuals are considered “responsible employees” of the university, and if they receive a report of sexual misconduct are required to inform the Title IX Coordinator about the incident. The university defines a “responsible employee” to include supervisors and officials with significant responsibility for student and campus activities including, but not limited to, academics, student residences, discipline, and campus safety. Employees whose positions legally require confidentiality (e.g., counseling staff and clergy/chaplains) are not “responsible employees.” Before a student discloses an incident of sexual misconduct, university faculty and staff will try to ensure that the student understands the employee’s reporting obligations. If the student wishes to maintain confidentiality, they will direct the student to confidential resources.

## **10.6. Reports to a Non-Confidential Resource: Requests for Confidentiality**

**10.6.1.** In cases where the Complainant has disclosed an

incident of sexual misconduct to a “responsible employee” (who must report the incident to the Title IX Coordinator) and also requested that their identity not be disclosed or that no action be taken, the Title IX Coordinator, in consultation with a small number of key university administrators, will weigh the request for confidentiality against the university’s obligation to provide a safe, non-discriminatory environment for all students, including the Complainant.

**10.6.2.** When weighing a Complainant’s request that no investigation be pursued or the Complainant’s identity not be disclosed, the Title IX Coordinator will respect the Complainants’ wishes unless the Coordinator determines that singing a formal complaint to initiate an investigation over the wishes of the Complainant is not clearly unreasonable in light of the known circumstances. Such circumstance will include whether:

**10.6.2.1.** The Respondent is likely to commit additional acts of sexual or other violence, such as:

**10.6.2.1.1.** There have been other sexual misconduct complaints about the same Respondent;

**10.6.2.1.2.** The Respondent has a history of arrests or records from a prior school indicating a history of violence;

**10.6.2.1.3.** The Respondent threatened further sexual misconduct or other violence against the Complainant or others;

**10.6.2.2.** The sexual misconduct was committed by multiple Respondents;

**10.6.2.3.** The sexual misconduct was perpetrated

with a weapon;

**10.6.2.4.** The Complainant is a minor;

**10.6.2.5.** The Respondent is a UWest employee, contractor, etc.;

**10.6.2.6.** The university possesses other means to investigate the sexual misconduct (e.g., security cameras or personnel, physical evidence).

**10.6.2.7.** The Complainant has made the Respondent aware of their intent to report the alleged misconduct.

**10.6.2.8.** The presence of one or more of these factors could lead the university to investigate and, if appropriate, pursue conduct action against the Respondent. If none of these factors are present, the university will likely respect the Complainant's request not to proceed with an investigation.

**10.6.3.** If the university honors a request for confidentiality or decision not to participate in an investigation, the university's ability to meaningfully investigate the incident or pursue conduct action against the Respondent(s) may be limited.

**10.6.4.** In some cases, the university may not be able to honor a confidentiality request in order to adhere to its obligation to provide a safe, non-discriminatory environment for the UWest community. If the Title IX Coordinator determines that the university cannot maintain a Complainant's confidentiality, the Title IX Coordinator will inform the Complainant prior to starting an investigation and will only share information with those university officials responsible for handling the university's response.

**10.7. Confidential Resources** UWest employees whose

positions legally require confidentiality are counseling staff in the Wellness Center (mental health therapists & mental health therapist interns) and campus chaplains.

## **10.8. Interim Measures**

**10.8.1.** Upon the receipt of a sexual misconduct complaint, the Title IX Coordinator will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. The range of interim measures may include, but not be limited to:

**10.8.1.1.** Issuing an administrative No Contact Order;

**10.8.1.2.** Moving the Complainant's and/or Respondent's campus residence;

**10.8.1.3.** Adjusting the Complainant's and/or Respondent's work schedule, assignment, or location for university employment;

**10.8.1.4.** Changing the Complainant and/or Respondent's academic schedule, allowing the Complainant and/or Respondent to take an Incomplete in one or more courses, allowing the Complainant and/or Respondent to drop (or retake) a course without penalty, or attend class via web conference;

**10.8.1.5.** Allowing the Complainant and/or Respondent to withdraw from or retake a class without penalty, or extending deadlines for examinations or other assignments;

**10.8.1.6.** Reassigning the Respondent to another section or, when no other section is available, Independent Study if the Complainant and Respondent are enrolled in the same class or lab. Independent Study is at the discretion of the Title IX Coordinator in consultation with the Chief

Academic Officer and department chair, and may include such measures as providing class recordings or tutoring sessions in the Student Success Center;

**10.8.1.7.** Providing access to tutoring or other academic support;

**10.8.1.8.** Interim suspension of the Respondent.

**10.8.2.** An individual's failure to comply with restrictions imposed by interim measures is a violation of university policy and a basis for disciplinary action up to and including expulsion from the university.

**10.9. Withdrawal of a Complaint** Prior to the conclusion of a sexual misconduct investigation, the Complainant may withdraw their complaint by giving written notice. Withdrawal of the complaint will ordinarily end the complaint investigation and resolution process. However, the university reserves the right to proceed with the complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the UWest community. Further, while the university may discontinue the investigation and resolution process, it may initiate a relevant educational discussion or pursue other educational remedies with one or more involved parties.

**10.9.1. False Statements** While the university will respect a Complainant's right to withdraw a complaint, Complainants and Reporters found to have made untrue statements in bad faith to the Title IX Coordinator and/or Title IX Investigator may be held responsible under the Student Code of Conduct regulations on dishonesty.

**10.10. Responding to a Complaint**

**10.10.1. Notification of Respondent** The person alleged to have committed sexual misconduct is called the "Respondent." Unless the Complainant requests and is granted confidentiality, the

Respondent will be notified in writing that a complaint alleging sexual misconduct has been filed against them. The Respondent will be advised that they may have a Support Person accompany them to any meeting or interview related to the investigation and complaint resolution process.

- 10.10.2. Information for Respondent** Within five (5) business days of receiving notice of the complaint, the Respondent must arrange to meet with the Title IX Investigator. At that meeting, the Investigator will:
- 10.10.2.1.** Provide the Respondent with a copy of this policy and review the policy and procedures including the investigation and adjudication processes.
  - 10.10.2.2.** Provide the Respondent with information regarding the Rights of the Complainant and Respondent and explain these rights and responsibilities to the Respondent;
  - 10.10.2.3.** Allow the Respondent to review the written complaint.  
Explain the prohibition against retaliation;
  - 10.10.2.4.** Discuss the nature of the complaint;
  - 10.10.2.5.** Explain the process for investigating and resolving the complaint (including the available appeal procedures);
  - 10.10.2.6.** Instruct the Respondent not to destroy any potentially relevant documentation in any format;
  - 10.10.2.7.** Provide the Respondent with a list of on-campus and off-campus support



resources.

**10.10.3. Failure to Respond** If the Respondent fails to meet or cooperate with the Investigator, the investigation and resolution of the complaint will proceed without input from the Respondent. If interim measures have been imposed, the Investigator will explain the scope of those measures and the Respondent's duty to comply with the interim measures.

**10.10.4. Acceptance of Responsibility**

**10.10.4.1.** After reviewing the complaint and meeting with the Investigator, the Respondent may choose to end the complaint resolution process by accepting responsibility for the conduct alleged in the complaint. If the Respondent accepts responsibility for the conduct alleged in the complaint, the Title IX Coordinator will refer the complaint to the Hearing Panel, who will determine the appropriate sanctions and educational measures, if any.

**10.10.4.2.** If the Respondent disputes the allegations of the complaint, the matter will proceed to an investigation.

**10.10.4.3.** At any point in the process, the Respondent may accept responsibility for the conduct alleged in the complaint. In such cases, the Title IX Coordinator will refer the complaint to the Hearing Panel, who will determine the appropriate sanctions and

educational measures.

## **10.11. Complaint Resolution**

### **10.11.1. Voluntary Resolution**

**10.11.1.1.** A Complainant and a Respondent may choose to resolve a complaint through voluntary resolution.

Voluntary resolution may include conflict mediation or a restorative conference with a university community member or professional mediator. However, voluntary resolution may only be used:

**10.11.1.1.1.** Prior to a decision by the Hearing Panel being issued;

**10.11.1.1.2.** When the Title IX Coordinator determines this is a suitable option for resolving the complaint, and both the Complainant and Respondent agree to use the process; and

**10.11.1.1.3.** When the complaint does not involve sexual assault, as defined in this policy, or other forms of violence.

**10.11.1.1.4.** A voluntary resolution process is not available to resolve allegations that an employee sexually harassed a student.

- 10.11.1.2.** Either the Complainant or Respondent may choose to end the voluntary resolution process at any time and commence or resume the formal complaint resolution process.
- 10.11.1.3.** Because the outcome of voluntary resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution, the matter will be referred back to the Title IX Coordinator for formal investigation.

## **10.12. Investigation Process**

- 10.12.1. General** The investigation will include one or more interviews with the Complainant, the Respondent, and any witnesses. The investigation will include the gathering of physical, documentary, or other relevant and available evidence, including law enforcement reports. As part of the investigation, the university will provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence. The Title IX Coordinator and/or Title IX Investigator may require student-witnesses and employee-witnesses to cooperate with the investigation regardless of the parties' selection of witnesses. Notes will be taken at all meetings. The Title IX Coordinator may attend meetings to monitor compliance with the policy. A notetaker may also be assigned to take notes in meetings, which participants will have the opportunity to review.
- 10.12.2. Standard of Proof** As in all other types of

student and employee conduct procedures, also in resolving complaints pursuant to the Gender-Based Discrimination/Sexual Misconduct/Title IX Policy, the university will use a “preponderance of the evidence,” standard, which determines whether the evidence gathered and information provided during the investigation supports a finding that it is more likely than not that the Respondent violated the policy.

- 10.12.3.** The Investigator will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least ten (10) days for the parties to inspect, review, and respond to the evidence.

**10.12.4. Investigation Finding**

**10.12.4.1. Report of Findings** At the conclusion of the investigation, the Investigator will prepare a Report of Findings summarizing and analyzing the relevant facts determined through the investigation, with reference to any supporting documentation or statements.

**10.12.4.2.** The Title IX Investigator will provide the Title IX Coordinator with a copy of the Report of Findings within five (5) business days of its completion, which the Title IX Coordinator will forward to the Hearing Panel.

**10.12.4.3. Notification of Parties** The Title IX Coordinator will send the parties to the complaint and their Advisors a copy of the Report of Findings in electronic format or hard copy, with at least 10 days for the parties to

respond.

### **10.12.5. Hearing Panel**

**10.12.5.1.** The Report of Findings is submitted to the Hearing Panel along with all relevant documentation, including any response by the parties. The panel is made up of at least three members, including a trained Hearing Panel Chair and at least one faculty member and one staff/administrative member. The Title IX Coordinator contacts the Chief Academic Officer to recommend faculty member/s for the panel and the senior enrollment administrator to recommend staff/administrative member/s. In cases where the Respondent is an employee or contractor of the university, the senior Human Resources administrator serves as a Hearing Panel member but cannot serve as panel chair.

**10.12.5.2.** The Hearing Panel meets to review the report and all pertinent documents and to adjudicate the outcome of the alleged sexual misconduct process. The Title IX Coordinator facilitates the review meetings and provides general information but does not attend nor participate in the deliberations nor the decision making. The Hearing Panel may also request to meet with the Title IX Investigator to clarify points in the Report of Findings.

### **10.12.5.3 Live Hearing & Cross-Examination**

The Hearing Panel is required to conduct live hearings, which may be held remotely, and during which the parties will be located in separate rooms while being able to see and hear anyone testifying. The live hearings shall include questioning by the Hearing Panel of both parties to the complaint as well as all witnesses.

**10.12.5.3.1. Advisors** Both the Complainant and the Respondent shall have an Advisor of the party's choice present during the hearing, who may be, but need not be, an attorney. If either or both parties do not bring an advisor, the university will provide one. The Advisors must adhere to the Hearing Guidelines.

**10.12.5.3.2. Cross-examination** The Advisors are permitted to question the other party and all witnesses directly, orally, and in real time, asking relevant questions and follow-up questions, including those challenging credibility.

The questions must be posed by the Advisors and never the parties, must be relevant, and are subject to approval by the Hearing Panel Chair before they can be answered by the other party or witness. The Chair must explain to the party's Advisor asking cross-examination questions any decision to exclude a question as not relevant.

- 10.12.5.3.3.** Any parties to the live hearing who do not conduct themselves according to the Hearing Guidelines may be excluded from the hearing as determined by the Hearing Panel Chair.
- 10.12.5.3.4.** If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility;

provided, however, that the Hearing Panel cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

**10.12.5.4.** Within ten (10) business days of concluding all steps in the review and adjudication, the Hearing Panel will make a determination whether the Gender-Based Discrimination/Sexual Misconduct/Title IX Policy was violated and, if so, what sanctions and/or educational measures are imposed. The panel provides their decision to the Title IX Coordinator in a written decision. The Title IX Coordinator may respond to the decision in order to request additional clarifications or request corrections to errors of fact or typographical errors. The Hearing Panel decision is otherwise final.

**10.12.6. Determination & Notice of the Outcome** The Title IX Coordinator will provide the Complainant and Respondent with simultaneous, written notice of the outcome (Outcome Letter) of the university's resolution of the sexual



misconduct complaint, the sanction/s, if any, that have been imposed on the Respondent, and any additional steps that the university has taken to eliminate a hostile environment and prevent any recurrence of any sexual misconduct. The Outcome Letter will include the allegations, procedural steps, factual findings, policy findings, analysis for each of the preceding, the sanctions, and a description of appeal process for both the Complainant and the Respondent.

**10.12.7. Sanctions for Sexual Misconduct/Title IX**

**Policy Violations** The following, individually or in combination, are potential sanctions for violations of the Sexual Misconduct/Title IX Policy. Where appropriate, the statement of the sanction includes the duration, any conditions to be observed during that period, and the conditions for termination of the sanction.

**10.12.7.1. Major sanctions**

**10.12.7.1.1.** Expulsion from the university;

**10.12.7.1.2.** Suspension from the university for a specific period of time;

**10.12.7.1.3.** Denial of graduation, diploma, or degree;

**10.12.7.1.4.** Deferral of graduation, diploma, or degree for a specific period of time;

**10.12.7.1.5.** Revocation or withdrawal of diploma or degree previously credited, awarded, or conferred;

**10.12.7.2. Other available sanctions**

- 10.12.7.2.1.** Expulsion from university housing;
- 10.12.7.2.2.** Suspension from university housing for a specific period of time;
- 10.12.7.2.3.** Probation: Disciplinary probation may involve counseling with faculty or administrative staff; restriction of student privileges; prohibitions against participation in university activities or events, including athletic or non-athletic activities; and prohibitions against holding office or participating in student organizations, including student government, or residence, school, or university organizations or activities.
- 10.12.7.2.4.** Residence probation: Residence probation may involve periodic meetings with a member of the residence staff and/or restriction of specific residence privileges.
- 10.12.7.2.5.** Disciplinary warning

**10.12.7.2.6.** Restitution: The student will reimburse the university and/or other appropriate party for damage to or loss of property or for costs or expenses incurred by the university or other party. Restitution will be made at full cost of replacement or repair, and other expenses.

**10.12.7.2.7.** If the Respondent is a graduate student who also serves as a teaching assistant, sanctioning decisions related to the Respondent's teaching responsibilities will be made by the Chief Academic Officer.

**10.12.7.3 Sanctions for Employees** are based on the provisions of the Employee Handbook or Faculty Handbook and may include but are not limited to one or more of the following: dismissal, suspension with or without pay, reassignment of responsibilities, reassignment of workspace, disciplinary warning, referral for sensitivity counseling and training.

**10.13. Remedies for Complainants** As part of the sanctioning process, the Title IX Coordinator may require that existing interim remedies stay in place

for a prescribed period of time. The Title IX Coordinator may also impose new remedies or administrative actions such as No Contact Orders, housing placement, or academic accommodations based upon the investigation and resolution of the case.

#### **10.14. Appeal Process**

**10.14.1.** The Respondent or Complainant may request an appeal of a sexual misconduct hearing outcome. Appeals are not granted automatically as they must be thoughtful, well reasoned, substantive, and must demonstrate that at least one of the following criteria exists:

**10.14.1.1.** There was a substantive procedural error that may have prohibited the hearing from being conducted fairly in light of the charges. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results;

**10.14.1.2.** The outcome was influenced by bias or conflict of interest;

**10.14.1.3.** There is new evidence not reasonably available at the time of the determination that is potentially sufficient to alter a decision.

**10.14.1.4.** For an appeal to be sustained, one or more of the above criterial must both be

present and have impacted the final outcome of the complaint.

**10.14.2.** A request for appeal shall be submitted in writing within 10 business days of the decision date listed on the Outcome Letter, must clearly demonstrate the grounds for appeal, and is not to exceed 12 font, 5 double-spaced pages in length. All appeal requests, regardless of the hearing body, should be submitted to the Title IX Coordinator via email.

**10.14.3.** The Title IX Coordinator appoints an appeal person or persons, hereafter “appeal body,” that does not include members of the Hearing Panel. The appeal body reviews the request for appeal to determine if the appeal has merit. A request for appeal shall be limited to review of the documentation associated with the initial hearing, supporting documents, and testimony. The Title IX Coordinator also informs the other party to the complaint, i.e. Complainant or Respondent, of the appeal.

**10.14.3.1.** If none of the criteria for appeal is determined to have been met, the appeal body shall sustain the decision of the Hearing Panel.

**10.14.3.2.** If, however, any of the conditions for appeal is found to exist, the appeals body may:

**10.14.3.2.1.** Hear the full

- appeal;
- 10.14.3.2.2.** Hear only a circumscribed portion of the appeal;
- 10.14.3.2.3.** Render a decision without a hearing involving the parties.
- 10.14.3.3.** In determining whether to modify any given sanction(s), the appeals body has the option to take any of the following actions:
  - 10.14.3.3.1.** Elect not to change any of the sanctions imposed by the original hearing body;
  - 10.14.3.3.2.** Reduce or increase the severity of the conduct status;
  - 10.14.3.3.3.** Adjust educational sanctions.
- 10.14.4.** The Complainant shall be notified of the outcome of the Respondent's appeal of the case and vice versa.
- 10.14.5.** Within ten (10) business days of reviewing the appeal, the appeal body renders a decision in writing to the Title

IX Coordinator and includes a description of the review process undertaken by the appeal body, a list of documentation and other evidence taken into consideration, and the reasoning for the appeal decision.

**10.14.6.** All appeal decisions are final and binding on all parties and shall be given to the party requesting the appeal in written form.

## **V. Discrimination Grievances: Your Right to Report**

### **1.1. General Discrimination Grievance**

Students who believe they have been subjected to any form of unlawful discrimination may file a discrimination grievance. A discrimination grievance is a formal complaint made by a student in response to an alleged action of the university or any of its faculty members, administrators, staff, or students. Unlawful discrimination includes harassment based on an individual's membership in any legally protected category such as race, ethnicity, color, national origin or citizenship, creed, religion, gender or gender expression and identity, sex, sexual orientation, disability, age, or any other protected status.

- 1.1.1.** The university is committed to conducting a fair and impartial investigation of all such grievances, with due regard for the rights of all parties. Retaliation against any person who has made a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is illegal and a violation of University of the West policy.
- 1.1.2.** Any student with a complaint of this kind shall make a reasonable effort to resolve the matter on an informal basis before initiating a formal grievance. An administrative staff member will assist the student in seeking resolution by informal means. If the informal process does not lead to a resolution that is satisfactory to the grievant, the student may request a formal grievance hearing.
- 1.1.3.** The process outlined in this section applies to all complaints of unlawful discrimination or harassment, except (1) those alleging any form of sexual misconduct, and (2) those brought by students on the basis of disability. Any person alleging sexual misconduct on the part of a UWest student should refer to the Sexual Misconduct/Title IX Policy and the Procedures for the Resolution of Sexual Misconduct Complaints Against Students. Students who wish to file a complaint alleging discrimination based on disability should file with the Disabilities



Services Officer (Student Success Center), in accordance with the procedures set forth in the Disability Discrimination Grievance.

**1.1.4. Step 1 - Informal Action**

**1.1.4.1.** Before a formal grievance may be filed, an informal resolution must be attempted. The process should be initiated as soon as possible after the grievable incident but generally within ten business days of it. If the problem is not resolved through direct conversation, an informal discussion may take place with the person at the lowest level of authority directly above the person(s) at whom the complaint is directed.

**1.1.4.2.** The Office of Student Life (OSL) shall attempt to resolve the grievance through informal meetings and discussions among the pertinent parties while remaining impartial on all issues involved. This informal process will attempt to involve the levels of administration concerned with the problem and should be completed within ten business days of the grievant's initial report to OSL. If the grievant still believes the issue has not been resolved satisfactorily, she or he may submit a Student Grievance form to OSL within 20 business days of initiating the informal process. Forms are available from OSL.

**1.1.4.3.** A student may submit a grievance after graduation if the grievance occurred prior to graduation but became

known only after graduation. However, the grievance must conform to this policy and must be submitted no more than 30 business days after the grievant should have reasonably become aware of the act or condition on which the complaint is based.

**1.1.5. Step 2 - Formal Action**

**1.1.5.1. Preliminary**

**1.1.5.1.1.** Upon receiving the Student Grievance form, OS� shall call a meeting of the Student Grievance Hearing Committee. The committee roster will usually include the following:

Chair (non-voting member): Student Life Coordinator

Executive Secretary (non-voting member)

One administrative designee appointed by the Chief Student Services Officer

Faculty Senate officer or designee

Faculty member appointed by the Chief Academic Officer

UWSG Student Issues Officer or designee

Student representative appointed by UWSG Executive Council

HR Manager or designee in cases involving student complaints against employees of the university

**1.1.5.1.2.** At the discretion of the Chief Student Services Officer or the University President, the initial roster may be amended for expedience but shall be sufficient to ensure a fair and equitable hearing.

**1.1.5.2. Formal Hearing**

- 1.1.5.2.1.** The Hearing Committee shall meet within ten business days of receipt of the Student Grievance form.
- 1.1.5.2.2.** Within five business days prior to the hearing date, the Hearing Committee Chair will provide the parties with notice of the hearing date and copies of the written complaint, the Statement of Student Rights and Responsibilities, and the Student Grievance Policy.
- 1.1.5.2.3.** At least four voting members, including at least one student member, must be in attendance for the hearing to proceed. The committee chair and executive secretary must attend all meetings.
- 1.1.5.2.4.** The hearing shall be closed to the public. Each party shall have the right to present personal statements, testimony, evidence, and witness statements, and may be accompanied by one non-legal person of choice. No party may be represented by legal counsel.
- 1.1.5.2.5.** The Hearing Committee shall discuss the charge, hear the testimony, examine the witnesses, and receive all available evidence to the charge. The Hearing Committee shall deliberate in private, and will attempt to reach a decision by discussion and consensus. If consensus is not reached, a decision will go to vote. A formal report and decision will be submitted to all parties and the Chief Student Services Officer within 20 business days following the conclusion of all investigation and hearing meetings. The Hearing Committee's decision shall be final except as outlined under Step 3 Appeal Process.
- 1.1.5.2.6.** If in the course of the proceedings, a student graduates before a solution is found, the student shall not be denied full consideration under this policy.

**1.1.5.2.7.** If the grievant does not respond to a request for information within the time specified or does not attend the hearing without prior notification, the grievance will be dismissed, and no further action will be taken.

**1.1.5.2.8.** A confidential record of the proceedings shall be maintained in the Office of the Chief Student Services Officer for a period of seven years.

**1.1.5.3.** Step 3 - Appeal Process

**1.1.5.3.1.** Each party to the grievance may appeal the Hearing Committee decision if one or more of the following conditions apply:

**1.1.5.3.1.1.** New evidence that was not available at the time of the hearing has become available and is potentially sufficient to alter a decision.

**1.1.5.3.1.2.** It can be demonstrated that there was a substantive procedural error that may have prohibited the hearing from being conducted fairly in light of the charges. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

**1.1.5.3.1.3.** The sanctions are not appropriate to the severity of the infraction.

**1.1.5.3.2.** The appeal must be submitted to the Chief Student Services Officer within ten business days of receipt of the Hearing Committee's decision. If the Chief Student Services Officer served as hearing chair or is party to the grievance, the appeal body or person will be appointed by the President.

**1.1.5.3.3.** The Chief Student Services Officer (appeal review person/body) will review the appeal and

notify the Hearing Committee if the original decision is upheld or overturned. The Hearing Committee will have five business days to reconsider the decision and submit a revision if so indicated. The CSSO (appeal review person/body) will review the resubmission and render a final decision to all parties within ten business days of the receipt of the appeal.

## **1.2. Disability Discrimination Grievance Policy**

**1.2.1.** University of the West prohibits discrimination against any individual on the basis of physical or mental disability. This policy extends to all rights, privileges, programs and activities, including housing, employment, admissions, financial assistance, educational and other programs. The university provides reasonable accommodations to persons with disabilities unless such accommodations would impose an undue burden or fundamental alteration to the program in question. The purpose of this policy is to ensure that all complaints of discrimination based on disability are thoroughly and fairly investigated by the university. UWest will conduct a fundamentally fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties. Retaliation against any individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of UWest policy.

**1.2.2.** These procedures shall constitute the grievance procedure mandated by regulations implementing Section 504 of the Rehabilitation Act. Questions about the Disability Discrimination Grievance Policy should be addressed to the Disability Services Officer.

**1.2.2.1.** Students believing that they have been discriminated against on the basis of disability may file in writing a formal grievance with the Disability Services Officer. The statement should be as specific as possible regarding the actions(s) or inaction(s) that precipitated the grievance:

date, place, persons involved, efforts made to settle the matter informally, and the remedy sought.

- 1.2.2.2.** Where the grievance arises out of a decision made by the Disability Services Officer regarding a student's eligibility for academic or other accommodations, the grievance will be forwarded for investigation to the Chief Student Services Officer.
- 1.2.2.3.** Grievances otherwise involving academic matters, for example, cases in which grades are disputed, will be forwarded to the Chief Student Services Officer, who in consultation with the Chief Academic Officer will determine which office(s) should conduct the investigation. Otherwise, the Disability Services Officer shall investigate the matters set forth in the written grievance. In conducting this investigation, the investigator may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance, and may request a written response from appropriate individuals in the university. The investigator may also choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.
- 1.2.2.4.** After completing the investigation, the investigator will forward a copy of a report and recommendation to the appropriate university official. If the complaint arises out of an academic department, the report will be forwarded to the chair of the appropriate department, unless the chair is the subject of the grievance. In such cases, the report will be sent to the Chief Academic Officer. If the complaint arises from a nonacademic unit, the report will be forwarded to the administrative head of the unit, unless that person is the subject of the grievance. In such cases, the report will be forwarded to the Chief Student Services Officer, who will forward it to the appropriate officer of the university.

- 1.2.2.5.** Within forty-five (45) days of the filing of the grievance, the CAO, CSSO, or administrative head will render a decision on the merits of the student's complaint. If resolution is not possible within forty-five (45) days, the CAO, dean, or administrative head shall inform the student of the status of the investigation.
- 1.2.2.6.** Copies of the decision by the CAO, CSSO, or administrative head will be sent to the student, the Chief Student Services Officer, and the Disability Services Officer. A copy may also be sent to the department and/or the persons whose actions (or inactions) are the subject of the grievance, as appropriate.
- 1.2.2.7.** In the event that the student is not satisfied with the resolution of the grievance, an appeal may be made. The appeal should be filed with the Office of Disability Services, who will direct the appeal and all appropriate records to the appropriate office of the university for review and resolution.
- 1.2.2.8. Copies of the decision will be maintained in the Office of the Chief Student Services Officer and the Office of Disability Services.

## **VI. Residence Hall Policies**

### **1. Standards of Conduct**

#### **1.1. Concealment of Information**

1.1.1. The concealment of information from university staff members is considered a violation of policy.

#### **1.2. Harassment**

Harassing behavior of any kind is prohibited. See Student Conduct Code.

1.2.1. **Physical Harassment:** Physical harm or the threat of physical harm, intimidation, as well as conduct that threatens the health and safety of the community is prohibited.

1.2.2. **Sexual Harassment:** Sexual activity which occurs without the explicit consent of all involved, not in private, or without the proper consideration given to the rights of other residents is prohibited.'

1.2.3. **Verbal & Nonverbal Harassment:** Verbal and nonverbal harassment made directly or indirectly (via email, social networking sites, written messages, etc.) is not tolerated. This includes threats, malicious pranks, abusive name-calling, prank phone calls, and racial, gender, or sexual orientation harassment.

#### **1.3. Personal Care**

Residents are responsible for their own self-care and personal needs. The Wellness center is available Monday, Tuesdays and Fridays from 9am-5pm and offers a variety of counseling and psychological services such as individual counseling, consultation, support groups, and referrals to outside agencies.

#### **1.4. Resident Behavior**

Residents must refrain from actions that violate the University Student Conduct Code, disrupt the normal



functioning and operation of university housing, and pose a significant risk of harm to the community.

#### 1.5. **Staff Direction**

Residents and their guests are required to comply with official requests of University staff members. Not answering doors, being uncooperative or verbally abusive, failing to provide information, providing false information, or otherwise interfering with staff is prohibited.

## 2. **Community Standards of Living**

### 2.1. **Alcohol & Other Drugs**

2.1.1. University of the West is an alcohol-free institution.

#### 2.1.2. **Alcohol Containers**

It is a violation of policy for persons to be in the presence of alcohol containers (sealed or open) in university housing. This includes containers that are used as decorative items.

#### 2.1.3. **Alcohol**

It is a violation for persons under and over the age of 21 to possess, distribute, consume, be in the presence of alcohol, or be in the presence of others consuming alcohol in university housing. Students who fail to remove themselves from incidents where alcohol is present or are suspected of either being under the influence or in possession of alcohol (because of odor, disruptive behavior, etc.) are also in violation of this policy.

#### 2.1.4. **Alcohol: Emergency Response**

Any resident, regardless of age, evaluated by Emergency Services due to alcohol consumption will be minimally referred to the Residence Hall Coordinator.

### **2.1.5. Behavior While Under the Influence**

Being under the influence of alcohol or any other substance is not permitted in university housing. Residents are responsible for their behavior. The inability to exercise care for one's own safety or the safety of others due to alcohol or other drug consumption is considered a violation of policy.

### **2.1.6. Controlled Substances**

It is prohibited to use, possess, distribute, solicit, procure, sell or manufacture narcotics or controlled substances.

### **2.1.7. Illegal Drugs**

The possession, use, distribution, cultivation, manufacture, or sale of drugs, including medicinal marijuana, or drug paraphernalia (e.g., bongs, pipes, and vaporizers) is prohibited. Additionally, being in the presence of illegal drugs is prohibited within, or in the vicinity of, university housing and campus. Students suspected of using drugs (because of odor, disruptive behavior or by information brought to the staff) will have their actions documented and staff follow-up.

### **2.1.8. Illegal Drugs-Emergency Response**

Any student evaluated by Emergency Services due to drug use will be minimally referred to the Residence Hall Coordinator.

## **2.2. Bunk Beds and Lofts**

Bunk beds and lofts must be positioned away from the windows.

## **2.3. Closet/Cabinet Doors**

Removing closet/cabinet doors is prohibited. If doors are removed, they will be reinstalled immediately and the resident's will be charged.

#### 2.4. **Cleaning**

Residents are responsible for maintaining a clean, sanitary and non-hazardous living environment. Common areas have scheduled cleaning as instructed by the housekeeping and custodial staff. It is also the resident's responsibility to keep common areas (lounges, bathrooms, kitchens, etc.) clean, sanitary and nonhazardous. Fees and/or other sanctions will be assessed for excessive cleaning.

#### 2.5. **Damage**

Residents will be held responsible for damage, either caused willfully or negligently to University property. Fines for the cost of repair will be given to the responsible individual(s). Damage should be reported immediately. Do not attempt to repair damages; doing so may result in additional charges.

#### 2.6. **Doors**

Tampering with or propping doors is prohibited. `

#### 2.7. **Event Planning**

No loud, unruly, or alcohol-related events are permitted in university housing. Large events are limited to the lounges and recreation rooms and require prior approval of the Residence Hall Coordinator. Outdoor or off-campus events must be approved by residence hall staff. Policies and procedures regulating programs and activities apply to all residence hall and Student Government Coordinating Board sponsored events whether on or off campus.

#### 2.8. **Facility Use**

2.9. The residence halls and their facilities (lounges, study rooms, computer labs and gyms) are reserved for the use of residents. The use of facilities by outside organizations is limited and up to the discretion of the Residential Life Staff.

#### 2.10. **Furnishings**

Removing furniture from rooms or public areas is prohibited. There may be a \$50 fine if found with lounge furniture and a per-day use fee.

### **2.11. Guest Visitation**

Roommate approval is required prior to hosting a guest. \*A request to not have guests supersedes the ability to have guests. All guests are not allowed in the resident rooms between the hours of 12:00am and 9:00am. Unescorted individuals found in Housing property will be escorted off the property and/or cited by Police for criminal trespassing.

### **2.12. Guest Behavior**

Residents are responsible for the actions of their guests at all times. Should one's guest(s) violate residence hall, dining, and/or internet policies, the host will be subject to disciplinary action and the guest(s) may be asked to leave. Residents are responsible for properly and accurately identifying guest(s) to staff upon request.

Residents are:

- 2.12.1.1. Expected to inform their guests of all Residence Hall and UWest University policies.
- 2.12.1.2. Responsible for accompanying their guests at all times while in the Housing property.
- 2.12.1.3. Held judicially and financially accountable for their guests.

### **2.13. Hall and Floor Meetings**

Residents are accountable for the information presented at hall and floor meetings.

### **2.14. Heating and Air Conditioning**

Air conditioning units and space heaters are prohibited.

### **2.15. Keys**

The duplication or use of any university-issued key (room, building, mail, security, etc.), without authorization is prohibited. Replacement fee for lost keys or access cards is \$25.

### **2.16. Ledges, Roofs, Balconies, and Walls**

The use of ledges and roofs for any purpose, hanging or sitting on balcony railings, and the scaling of building exteriors is prohibited. Throwing objects from ledges, roofs, and balconies is prohibited.

### **2.17. Pets**

2.17.1. Pets and animals are prohibited in university housing at all times. This includes visiting pets, regardless of length of stay.

2.17.2. Exception: Housing approved and registered service animal.

### **2.18. Posting and Distribution**

All postings must be approved by the Residential Life Staff of the building. Posting materials on room/suite, hallway, or floor lounge windows is prohibited. Any signs or objects deemed offensive may be removed. Materials that create a hostile or intimidating environment could be a violation of University harassment policies. Individuals, as well as organizations, will be held accountable for this policy.

### **2.19. Prohibited Activities**

#### **2.19.1. Chalking**

Chalking on residence hall buildings and walls is prohibited. Chalking is only permitted on sidewalks with prior approval by the RHA Coordinating Board.

#### **2.19.2. Counterfeiting**

Copying, manufacturing or otherwise altering university documents is prohibited. This

includes, but is not limited to, ID cards.

**2.19.3. Entrepreneurial Enterprises**

No business may operate out of, or use as its base of support, any room or residence on Residence Hall property.

**2.19.4. Gambling**

Gambling is not permitted.

**2.19.5. Solicitation**

Commercial door-to-door solicitation of any kind is prohibited, unless preapproved by RHA Coordinating Board.

**2.19.6. Sports and Roughhousing**

Hallways and lounges are not to be used as grounds for sports, wrestling or roughhousing.

**2.19.7. Prohibited Items**

**2.19.7.1. Dart Boards**

Dart boards are prohibited due to the potential for damages and personal injury.

**2.19.7.2. Hookahs**

The possession, storage, or use of Hookahs in university housing is prohibited.

**2.19.7.3. Lamps, Halogen & Incandescent**

Halogen and torchiere-style lamps are prohibited in university housing.

**2.19.7.4. Motorized Vehicles**

No vehicles or machines (e.g., motorcycles, electric scooters, and jet skis) can be brought into, or stored in, university housing.

2.19.7.5. **Satellite Dishes**

Satellite Dishes are prohibited in or around university housing.

2.19.7.6. **Smoke or Fog Machines**

The possession, storage or use of smoke and/or fog machines in university housing is prohibited.

2.19.7.7. **Waterbeds**

Waterbeds are prohibited.

2.19.7.8. **Water Devices**

Storage, possession, or use of water devices (e.g., water balloons, water guns) are prohibited in university housing. Organized water events are permitted on the lawns outside of university housing if they are sanctioned by Residential Life or Student Life Staff.

2.19.7.9. **Weapons**

Possession, use, or threatened use of any weapon is prohibited. This includes, but is not limited to: firearms (with or without a California permit), ammunition, knives with a fixed blade over 2.5 inches, retractable bladed knives, any device which closely resembles a firearm (including air/water/gas propelled guns or any projectile devices). Personal defensive devices (e.g., stun guns, tasers) are also prohibited. Violation of this policy is subject to immediate contract cancellation.

2.19.8. **Public Areas**

Hallways must be kept free of obstructions. Sleeping in lounges or other public areas is prohibited, unless it is in conjunction with an official hall-sponsored event. Use of these areas

for group activities requires approval from hall staff.

#### **2.19.9. Quiet & Courtesy Hours**

2.19.9.1. The minimum quiet hours established for all residence halls are:

Sunday –Thursday: beginning at 10pm and ending at 9am

Friday: beginning at midnight and ending at 10am

Saturday: beginning at midnight and ending at 10am

2.19.9.2. These hours pertain to all regular school weeks. Quiet hours begin at Midnight a.m. on University Holidays. During Finals Week, Quiet Hours are 24 hours-a-day. During Quiet Hours, noise from stereos, amplified music, televisions, musical instruments, radios, voices, etc., should not be heard by people in neighboring rooms, corridors, or areas outside of the building. At no time should music be projected to be heard outdoors. All residents share the responsibility for enforcing Quiet Hours.

2.19.9.3. Beyond Quiet Hours, students and staff may ask any resident, person or group to observe Courtesy Hours (which are in effect 24 hours a day). A student's right for quiet supersedes another's right to make noise.

#### **2.19.10. Skates/Skateboards/Bicycles/Scooters**

The use of roller skates, roller blades, skateboards, bicycles, scooters, etc. is prohibited in university housing. Trick riding and stunts create a safety hazard and are



prohibited on walkways or in other areas within the vicinity of university housing.

#### **2.19.11. Theft or Misuse of Property**

Theft, tampering, possession, damage, destruction, or misuse of personal or residence hall property is prohibited.

#### **2.19.12. Trash**

Trash is to be discarded in designated areas only.

#### **2.19.13. Trespassing**

Unauthorized presence in buildings, rooms, or restricted areas is prohibited.

#### **2.19.14. Vandalism**

Damage, removal, or defacing of university or personal property is prohibited.

#### **2.19.15. Videotaping & Camera Use**

No person may film, audio record, or take photographs of any person without that person's explicit knowledge and consent where residents have a reasonable expectation of privacy.

#### **2.19.16. Windows and Screens**

The removal of windows or screens for any duration of time, climbing in and out of windows, and throwing objects out of windows is prohibited.

### **3. Fire Safety**

#### **3.1. Candles & Incense**

The possession or storage of candles and incense in university housing is prohibited.

#### **3.2. Cooking**

Cooking is only permitted in designated areas and residents are responsible for maintaining a clean and safe cooking area. Microwave ovens, water heaters, coffee makers, barbecues, rice cookers and other electrical or gas cooking instruments are prohibited in student rooms and other residence hall spaces not designated for cooking.

### 3.3. **Fire Alarms**

Activation of fire alarms (intentional or accidental) is prohibited.

### 3.4. **Fire Alarm Evacuation**

Residents are required to immediately evacuate the building when the alarm sounds.

### 3.5. **Fire and Emergency Equipment**

It is prohibited to tamper with any emergency equipment (e.g., fire alarm pull stations, smoke and heat detectors, fire extinguishers, hoses, fire sprinkler systems, exit signs, evacuation maps, and lights).

### 3.6. **Fire Damage**

If a resident intentionally starts a fire, or if a fire results from negligence, residents may be held financially responsible for property damage or personal loss, and may be removed from university housing.

### 3.7. **Fireworks and Explosives**

Possession, storage or use of any fireworks or explosives on housing property is prohibited.

### 3.8. **Hazardous Materials**

Storage or use of hazardous materials, flammable liquids, gasses, or corrosive materials in any quantity is prohibited in university housing.

### 3.9. **Open Flames**

Lighting any object that maintains an open flame

(e.g., candles, incense, sterno) is prohibited in university housing.

### 3.10. **Smoke Detectors**

Tampering with or covering smoke detectors is prohibited.

### 3.11. **Smoking**

It is prohibited to smoke inside residence halls, dining facilities, or recreation areas. Smoking is only allowed in designated areas. Non-compliance may result in minimum fine of \$100.

## 4. **Procedures**

### 4.1. **Check-in**

Students receive a Room Condition Form at check in. Students are required to note all existing room conditions, obtain indicated signatures, and return this form to staff as directed.

### 4.2. **Check-out**

4.2.1. There will be a \$150 charge for failure to follow the appropriate check-out procedures when changing rooms or moving out of the hall after contract cancellation, at the end of a semester or at the end of the academic year.

4.2.2. During periods when the halls are closed, access to buildings requires prior approval.

4.2.3. Failure to vacate one's room by the last day of the contract will also result in removal of personal property by the University, according to state law.

4.2.4. Residents will also be assessed fees associated with storage of belongings.

4.2.5. Failure to leave the room in a clean and orderly condition as determined by the University will result in a cleaning charge.

*Note: While every policy cannot be listed, student behavior that is inconsistent with the direction of the Office of Residential Life and the mission of the university will be appropriately addressed and documented.*

## **VII. Good Samaritan and Amnesty Policies**

- 1.** UWest cares about the safety and welfare of each member of its community. At times, community members may need assistance. Sometimes students are hesitant to call assistance for fear that the student needing assistance or themselves may be charged with university policy violations. UWest hopes to remove this fear by clarifying the policies to encourage students to report sexual misconduct and to seek assistance for themselves or others who need help. The Good Samaritan policy applies to students seeking help on behalf of other students and the medical amnesty policy applies to the person(s) in need of medical attention. The sexual misconduct amnesty policy applies to both any witnesses and the complainant in an incident.

### **1.1. Good Samaritan Policy**

The Good Samaritan policy allows the university to eliminate conduct consequences as articulated in the Standards of Conduct, for those who may be under the influence of alcohol or other substances and who make a good faith call for medical or other help on behalf of another student. This policy applies in situations involving alcohol, other drugs, interpersonal violence, and other situations considered dangerous by a reasonable individual. This means that no formal university conduct actions or sanctions will be assigned to the reporting student(s) for minor violations relating to the incident. The incident will still be documented and educational interventions may be required as an alternative to conduct action. This policy does not protect against repeated or serious violations of the Standards of Conduct such as, but not limited to, abusive behavior, failure to comply, interpersonal violence, and distribution of alcohol and/or other drugs, theft, property damage, etc.

## **1.2. Medical Amnesty Policy**

The medical amnesty policy is a reduction in the conduct consequences for students who receive medical attention due to alcohol intoxication, alcohol poisoning, or other drug intoxication. Students who receive medical attention for alcohol and other drug intoxication will be required to complete educational interventions. This means that no formal university conduct actions or sanctions will be assigned to the student, unless he or she fails to complete the assigned educational interventions. This policy shall only apply to a student's first alcohol policy violation that requires medical attention, regardless of how the response was initiated. Additionally, this policy does not protect against serious violations of the Standards of Conduct such as, but not limited to, abusive behavior, failure to comply, interpersonal violence, and distribution of alcohol and/or other drugs, hazing, theft, property damage, etc.

## **1.3. Sexual Misconduct Good Samaritan Policy**

UWest strongly advocates the reporting of sexual misconduct (including sexual assault, domestic abuse and violence, dating abuse and violence, stalking, and sexual harassment). To encourage and support the reporting of such matters, it is important to note that the complainant or any witnesses will not be held accountable for violations of the Standards of Conduct (including alcohol or illegal substances policies) that may have occurred at the time of or as a result of the incident in question, provided that these violations did not endanger others or are not egregious in nature or do not violate the academic integrity policy.

## **VIII. Fitness Center Policies**

- 1.** University of the West welcomes all students to the UWest Fitness Center. As members of the campus community and patrons of the Fitness Center, we need your assistance in maintaining a safe and healthy environment. We strongly encourage our community members to read, understand and abide by the policies and procedures herein summarized.

University of the West strives to provide a safe and enjoyable atmosphere for all participants and reserves the right to immediately implement any new policies and/or procedures to protect our community. Student comments and suggestions are welcome.

Add language that this policy applies to all users (students, staff, etc.)

### **2. ASSUMPTION OF RISK**

- 2.1.** Each participant is responsible to determine whether they have the proper fitness level to participate in activity at the Fitness Center. Participants are strongly encouraged to consult with their health care provider(s) before starting any exercise program.
- 2.2.** Participation in activity at the Fitness Center is voluntary. By voluntarily using the Fitness Center, participants assume all risk for any harm or injury sustained.
- 2.3.** Consider the consequences of your actions and do not engage in behavior that may harm other patrons or damage equipment.

### **3. ACCESS**

- 3.1.** The Fitness Center is a controlled-access facility and is intended for use and enjoyment of current UWest students and other authorized members of the UWest community.

- 3.2.** Appropriate ID must be presented for entry to the Fitness Facility:
- 3.2.1.** Valid UWest ID Card for currently enrolled students
  - 3.2.2.** Valid UWest ID for current faculty/staff, graduate & continuing education students, alumni. NO ID card = NO entry.
  - 3.2.3.** Photocopies of the UWest ID card are not acceptable. UWest ID cards are for the exclusive use of the person named on the card and nontransferable. UWest ID cards will be confiscated and involved parties subject to disciplinary action if presented by anyone other than the rightful owner.
  - 3.2.4.** Misuse of IDs and/or improper entry is subject to disciplinary action, including immediate removal and suspension from the Fitness Center and further University discipline.
  - 3.2.5.** Participants must possess, and display upon request, appropriate identification.
  - 3.2.6.** Campus Staff reserves the right to request identification at any time. Non-members, suspended members or expired members are not permitted access to the Fitness Center.
- 3.3. Guests**
- 3.3.1.** UWest students may host guests in the Fitness Center.
  - 3.3.2.** Students may host a maximum of 2 guests per day.
  - 3.3.3.** Guests must be at least age 18.
  - 3.3.4.** Picture ID (with name and date of birth) of the guest is required at the time.
  - 3.3.5.** The sponsoring member must accompany the guest while using the Fitness Center and is responsible for the conduct and actions of the guest. Guests are not permitted to use the



Fitness Center if the sponsoring member is not present.

**3.3.6.** A guest cannot host another guest.

**3.3.7.** UWest staff on their work shift are not permitted to sponsor a guest.

**3.3.8.** Individuals age 18+ who are staying at guests of the university are eligible to use the Fitness Center.

**3.3.9.** University of the West reserves the right to deny access to any guest(s).

### **3.4. PATRON CONDUCT**

**3.4.1.** Use of the Fitness Center is a privilege.

Students and guests shall respect the rights of others and display acceptable and appropriate behavior while participating in the Fitness Center.

**3.4.2.** University of the West reserves the right to refuse access or remove any individual(s) whose behavior is inappropriate or in violation of University rules and regulations and/or the Code of Student Conduct. Your cooperation is appreciated.

**3.4.3.** Inappropriate behavior includes, but is not limited to:

**3.4.3.1.** Verbal abuse

**3.4.3.2.** Physical abuse

**3.4.3.3.** Harassment

**3.4.3.4.** Obscene gestures or actions

**3.4.3.5.** Abuse of staff in any form

**3.4.3.6.** Profane or indecent language

**3.4.3.7.** Failure to follow an established policy

**3.4.4.** If a participant, member or guest is directed to leave a facility, program, contest or activity for misconduct:

- 3.4.4.1.** He/she must leave the facility immediately.
- 3.4.4.2.** He/she must meet with the designated conduct officer. He/she shall immediately be ineligible for further access or competition in any program or facility until he/she has met with the designated conduct officer.
- 3.4.4.3.** Once staff has informed a participant, member or guest of the necessity to see the appropriate person over the program/facility for misconduct, inappropriate behavior or ejection, it is that individual's responsibility to schedule an appointment to meet with the designated staff member. If a sanction is imposed, it will begin after the meeting with staff.
- 3.4.4.4.** Any incident that involves a participant, member or guest who strikes, hits, pushes, threatens, spits at/on, kicks, verbally abuses an employee, participant, member, guest, or spectator, or improperly uses his/her UWest identification will result in immediate suspension from the Fitness Center. Further, if deemed appropriate, information regarding the incident may be forwarded to the Dean of Students and/or law enforcement.

### **3.5. General Expectations**

- 3.5.1.** Participants are responsible for reading, understanding and abiding by all rules and regulations of the Fitness Center.
- 3.5.2.** Not all rules are posted in immediate areas. If a staff member requests your cooperation,

please adjust your behavior. If you have questions about a specific policy, please see General Service staff.

- 3.5.3.** Failure to comply with staff instructions and proper facility use may result in loss of facility privileges.
- 3.5.4.** UWest reserves the right to render judgment and decisions on policies not specifically covered.
- 3.5.5.** Participants using the Fitness Center facility and equipment assume the liability of and agree to compensate UWest for any damages other than normal wear and tear.
- 3.5.6.** Contact campus staff in the event of an accident, injury, or related incident.
- 3.5.7.** Report immediately any piece of equipment that is not functioning properly so it can be evaluated and serviced promptly.
- 3.5.8.** Use of informal activity spaces when not scheduled/reserved, including priority scheduling, is first-come, first-served.
- 3.5.9.** No organized activities except those sponsored or approved by UWSG and UWest are permitted.
- 3.5.10.** The Fitness Center may not be used for private or commercial purposes unless such activity has been approved by UWest. Examples of prohibited activity include, but are not limited to:
  - 3.5.10.1.** Organized athletic team/individual practices or workouts
  - 3.5.10.2.** Personal training
  - 3.5.10.3.** Private instruction
  - 3.5.10.4.** Sales
  - 3.5.10.5.** Solicitation

### **3.5.11. Alcohol/Drugs/Smoking/Tobacco Products**

- 3.5.11.1.** University of the West is a dry campus.
- 3.5.11.2.** Alcoholic beverages, illegal drugs, steroids and tobacco products are not permitted in the Fitness Center or courtside seating area.
- 3.5.11.3.** Individuals shall not use the Fitness Center while under the influence of drugs or alcohol.
- 3.5.11.4.** No smoking inside the Fitness center, designated smoking areas are provided around campus.

### **3.5.12. Attire**

- 3.5.12.1.** Exercise attire and footwear are required (exception: locker room areas).
- 3.5.12.2.** Footwear: non-marking, rubber-soled athletic-type/sport shoes are required. Footwear must completely cover the foot, including instep, toes, arch and heel. Footwear not permitted includes, but is not limited to, high-heeled shoes, spikes, open-toed shoes, turf shoes, cleats, boots, flip-flops, sandals and footwear that is muddy or dirty.
  - 3.5.12.2.1.** Exception: Bare feet and/or stockings are acceptable for some group fitness classes and/or group reservations in the yoga room.
- 3.5.12.3.** Shirts: All Fitness Center users must wear shirts covering the torso.
- 3.5.12.4.** Bottoms: Athletic-type apparel is required.

- 3.5.12.5.** Jewelry: UWest strongly recommends no jewelry be worn during participation. This includes, but is not limited to, necklaces, rings, bracelets, wristbands, watches, earrings/studs, piercings, etc.
- 3.5.12.6.** Clothing with visible blood is prohibited.
- 3.5.12.7.** Clothing with offensive or profane language, designs, or pictures is not acceptable.
- 3.5.12.8.** UWest decisions pertaining to appropriate attire are final.

### **3.5.13. Beverages/Food/Gum**

- 3.5.13.1.** Glass containers are prohibited at all times.
- 3.5.13.2.** Containers are subject to substance check at any time by UWest Staff.
- 3.5.13.3.** Food, gum and toothpicks are not permitted at any time.

### **3.5.14. Lockers**

- 3.5.14.1.** Fitness Center requests that the locker rooms be used for storing personal items, changing attire and showering.
- 3.5.14.2.** Personal locks are not permitted on rental lockers.
- 3.5.14.3.** All lockers are designated as 'day-use' available at no cost during hours of operation.
- 3.5.14.4.** Personal locks may be used on the 'day-use' lockers.
- 3.5.14.5.** Belongings in the lockers must be cleared and any lock removed prior to closing.

**3.5.14.6.** Any locks remaining at the end of the day are subject to being cut off at the owner's expense and all items confiscated. Confiscated items will be placed in General Services.

**3.5.14.7.** UWest is not responsible for theft or damage to personal property left in lockers.

**3.5.14.8.** Shower shoes are suggested for use in locker rooms and showers.

### **3.5.15. Lost & Found**

**3.5.15.1.** UWest is not responsible for lost, stolen, damaged or unattended personal belongings.

**3.5.15.2.** Lost items are turned in to the Student Life Office. UWest ID or other photo identification is required to claim lost-and-found items.

**3.5.15.3.** Unclaimed University keys are turned over to General Services.

**3.5.15.4.** Unclaimed towels, clothing and other personal items are donated or discarded.

### **3.5.16. Personal Belongings**

**3.5.16.1.** UWest is not responsible for lost, stolen, damaged or unattended personal belongings and strongly recommends that participants leave personal items at home.

**3.5.16.2.** UWest strongly encourages participants to secure personal items.

**3.5.16.3.** Personal items remaining in the Fitness Center will be submitted to lost & found at the Student Life Office.

**3.5.16.4.** UWest staff shall not hold equipment, valuables, or bags for participants.

**3.5.16.4.1.** Exception: Skateboards and large items that do not fit in lockers or cubbies can be stored temporarily at General Services.

**3.5.16.5.** No items should be placed directly in front of emergency access doors.

**3.5.16.6.** Personal items, such as sweatshirts and additional articles of clothing, should not hang on cardiovascular and weight equipment. Items can fall and become lodged in moving equipment, such as treadmills.

## **3.6. ACTIVITY AREAS/ POLICIES & PROCEDURES**

### **3.6.1. General**

**3.6.1.1.** Equipment should be used properly and for its intended purpose and should remain in its established location.

**3.6.1.2.** Prior to using equipment, read the warning labels and instructions affixed to each machine.

**3.6.1.3.** Follow safe workout procedures by starting with a warm up and/or stretching and ending with a cool down and/or stretching.

**3.6.1.4.** Exercises that cannot be performed in a safe and proper manner or may pose risk to others are prohibited.

**3.6.1.5.** It is strongly recommended that participants not wear jewelry, including during free-play and challenge court games in the gymnasium and while using fitness and weight equipment.

- 3.6.1.6.** Do not touch or lean anything against mirrors and/or glass.
- 3.6.1.7.** Wipe down equipment after use with spray disinfectant and cleaning towels.
- 3.6.1.8.** If you are unsure how to use a machine, seek assistance from UWest Staff. An equipment orientation can also be scheduled with the [Designated Person].
- 3.6.1.9.** Immediately report to staff any piece of equipment that is not functioning properly so it can be evaluated and serviced promptly. Do not attempt to use or fix any piece of equipment that is not functioning properly.
- 3.6.1.10.** Drink plenty of liquids.
- 3.6.1.11.** To avoid falling, make sure shoes are tied tightly and laces do not fall below the bottom of the sole.
- 3.6.1.12.** If you feel pain, faint, discomfort and/or dizziness, discontinue exercising immediately and notify staff member or campus security at [phone number]
- 3.6.1.13.** Personal and/or instructional training other than that scheduled through a UWest sponsored class or program is prohibited.

### **3.6.2. Activity Room**

- 3.6.2.1.** The activity room is intended for group fitness classes and reservations by registered student clubs (UWSG).
- 3.6.2.2.** Group fitness class schedules are posted at the entries to activity room.



- 3.6.2.3.** Fitness equipment should be used only for its intended purpose.
- 3.6.2.4.** Do not remove equipment from activity room.
- 3.6.2.5.** Personal hand weights are not permitted. Facility hand weights are provided for appropriate classes, and may only be used at the direction of the instructor.
- 3.6.2.6.** Clean equipment with disinfectant spray and towels before leaving class.
- 3.6.2.7.** Using a towel during exercises on mats is recommended.
- 3.6.2.8.** Audio and video equipment is for UWest staff or instructor use only.
- 3.6.2.9.** Personal or instructional training other than scheduled fitness classes is prohibited.
- 3.6.2.10.** Multiple failures to adhere to instructor cues may result in dismissal from class and loss of privilege.

### **3.6.3. Weight Equipment Areas**

- 3.6.3.1.** Use control lifting and weight you can handle with good form.
- 3.6.3.2.** For selectorized (weight stack) equipment, plates should not be dropped or allowed to clank together.
- 3.6.3.3.** Dumbbells and free weight equipment should not be slammed together or dropped to the floor.
  - 3.6.3.3.1.** Exception: Platforms are the only areas where weights can be dropped to the floor. Rubber coated 'bumper' plates must be used on platforms.

- 3.6.3.4.** Plates are to be moved from racks to bars only.
- 3.6.3.5.** Plates and bars should not be left on the floor or leaning against or stacked on benches. Place on floor between sets.
- 3.6.3.6.** To prevent tearing, do not place feet or rest bars or weights on upholstered benches.
- 3.6.3.7.** Standing on benches or equipment frames is not permitted.
- 3.6.3.8.** Safety collars and spotters are strongly recommended.
- 3.6.3.9.** Chalk and/or chalk-like substances are not permitted.
- 3.6.3.10.** Re-rack dumbbells, free weights and plates to proper location after use.
- 3.6.3.11.** If performing multiple sets on equipment, allow others to 'work in' while you are resting.
- 3.6.3.12.** During peak hours, limit your use of a select weight station to 10 minutes.

### **3.7. BUILDING OPERATIONS**

#### **3.7.1. Closing Procedures**

- 3.7.1.1.** The Fitness Center shall be vacated by closing time.
- 3.7.1.2.** Activity areas close 15 minutes prior to facility closing time.
- 3.7.1.3.** Announcements are made as closing time nears.
- 3.7.1.4.** A final announcement will be made when activity areas close.
- 3.7.1.5.** Participants are expected to finish their activity (15 minutes prior to closing), re-rack all weight equipment, and exit the facility prior to closing.

#### **3.7.2. Emergency Closing**

**3.7.2.1.** Participants must stop participation within the Fitness Center during a power outage or University emergency.

**3.7.2.2.** For extended power outages, the Fitness Center may be temporarily closed. A notice will be placed on the UWest website and on the door of the Fitness Center.

**3.7.3. Music**

**3.7.3.1.** Please keep music volume to an appropriate level and not overwhelming.

**3.7.3.2.** Music that includes inappropriate content will not be allowed.

**3.7.3.3.** Try to limit your personal music to headphones.

**3.7.3.4.** Portable boom boxes are permitted as long as they don't interfere with another community member's ability to use the Fitness Center.

**3.7.3.5. Photography/Videography**

**3.7.3.5.1.** Unauthorized photography and/or videography is not permitted without prior UWest approval.

**3.7.3.5.2.** Pictures/videos may NOT be taken at any time in the Fitness Center, restrooms, and/or activity room without prior approval.

**3.7.4. Posting Flyers**

Signs, posters or advertisements may NOT be placed in the Fitness Center on any walls, bulletin boards, doors, and other areas without prior Student Life approval.

**3.7.5. Service Animals**

**3.7.5.1.** Only service animals are permitted within the Fitness Center.

**3.7.5.2.** The Americans with Disabilities Act defines service animals as any guide dog, service dog, or other animal individually trained to provide assistance to a person with a disability.

**3.7.6. Video Surveillance**

Activity areas, entries/exits and the main lobby are subject to 24-hour surveillance. Live video is randomly monitored by UWest safety staff

## **IX. Policy for Posting Flyers on Campus**

1. Purpose: To assign responsibility and outline procedures for distributing flyers and other print media posted on campus. The intent is not to censor ideas of students, faculty, staff, or the public, but to insure quality (spelling and grammar) and respect for community standards and values. Additionally, this policy serves to meet the aesthetic needs of our campus by preventing old and unsightly print media from proliferating on our campus.
  
2. Scope: Items such as flyers, posters, collages, and other printed media to be displayed on University of the West's bulletin boards and approved structures on campus are referred to as "print media". All students, student groups, faculty, staff, and off campus public sources are referred to as "media representatives." Media representatives who wish to post announcements for upcoming events, items for sale or trade, etc. are required to come to the Office of Student Life for review and approval of the print media in question. At this time a "Student Services Approved" stamp along with a date stamp will be placed on each piece of media along with instructions regarding where to post the media on campus.
  
3. General Instructions:
  - 3.14. All media representatives shall bring the printed media items for approval and instructions to the Office of Student Life located in the AD-Building office AD-116 Monday through Friday between the hours of 9:30 am and 5:00 pm.
  - 3.15. Media representatives shall provide one extra copy of the media, which will be kept on file at the Student Life Office. If the media item is oversized or cost prohibitive to reproduce, the Student Life Office will take a digital image of the item for filing.

- 3.16. All approved media shall be posted in authorized areas around campus only. Media posted in unauthorized areas will be removed immediately.
  - 3.17. The Office of Student Life will provide special adhesive tape for posting on glass doors, windows, etc. Media representatives must use this tape only. Media posted on glass surfaces with any other kind of tape will be removed immediately.
  - 3.18. Any and all **unapproved** media lacking the "Student Services Approved" and date stamp will be removed immediately.
  - 3.19. Date stamp
    - 3.19.1. The date stamp reflects the date the media expires and is to be taken down.
    - 3.19.2. Date stamps shall expire no later than 4 weeks from the date of approval.
  - 3.20. Media representatives wishing to have their media up for a longer period of time can come to the Office of Student Life (See 1. a) for an extension before the expiration date. At this point media can be modified in content, or replaced if it has become unsightly.
  - 3.21. Media representatives are responsible for taking down their print media items by the expiration date. The Office of Student Life reserves the right to remove and dispose of expired items.
4. Student Life Office staff instructions
    - 4.14. Review all media for spelling, grammar and appropriateness of graphics and images used. (When in doubt ask a supervisor.)
    - 4.15. Request from the media representative an extra copy of the media for the office files.
    - 4.16. Record the media data in the Flyer Log:
      - 4.16.1. Media Representative
      - 4.16.2. Organization
      - 4.16.3. Event/Items
      - 4.16.4. Event Start Date

- 4.16.5. Event End Date
- 4.16.6. Quantity (of media to be posted)
- 4.16.7. Media up and down date
- 4.16.8. Media representative E-mail
- 4.17. Add information and dates and times of UWest events announced on flyers etc. to the Student Life Programming Calendar.
- 4.18. Stamp each media item with the "Student Services Approved" and date stamp
- 4.19. Date stamp ("down" date) is the day after an advertised event or no later than four weeks after the "up" date.
- 4.20. When media representatives request an extension of their original down date:
  - 4.20.1. Ask about changes or updates to the original media.
  - 4.20.2. Original media that have been up for four weeks should be reviewed for weathering and damage. Replacing original or damaged media is the responsibility of the media representative.
  - 4.20.3. Replace original media with new "approved" media to be posted by the media representative, or provide the media representative with a sticker (printed label) that media representatives can place on their original media if not damaged or unsightly.
- 4.21. Provide information on **approved posting locations** around campus to all new media representatives as required.
  - 4.21.1.1. Show on school map, approved locations.
  - 4.21.1.2. If necessary provide handout of locations.

## 5. Classifieds Board

- 5.14. All products or services involving a financial gain by an individual regardless of University of the West status or any other individual or organization not affiliated with the university shall be allowed to post their offerings **only** on the classifieds board located in the hall across from the Student Life Office and on the first floor of Residence Hall A.
- 5.15. Any product or service media, whether approved or unapproved, posted anywhere other than the classifieds boards shall be removed immediately.
- 5.16. Media determined to be a product or service and to be posted on the classifieds board shall **receive a date stamp only** and will **not** receive a "Student Services Approved" stamp. Date stamp policies are the same for all media posted on the classifieds board (see 1.e).
- 5.17. University sanctioned organizations and events such as official clubs, the University of the West Student Government, staff, faculty and other approved organizations who seek to fundraise for their organization are **NOT** restricted to the classifieds board.

## **X. Information Technology Policy**

### **1. PURPOSE**

University of the West recognizes the vital role information technology plays in the university's missions and related administrative activities as well as the importance in an academic environment of protecting information in all forms. As more information is used and shared in a digital format by students, faculty and staff, both within and outside the university, an increased effort must be made to protect the information and the technology resources that support it. Increased protection of our information and information technology resources to assure the usability and availability of those resources is the primary purpose of this policy. The policy also addresses privacy and usage of those who access university information technology resources.

### **2. INTRODUCTION**

#### **2.1. GENERAL PRINCIPLES**

##### **2.1.1. Academic Freedom**



Academic freedom is a fundamental value at University of the West. This policy is drafted with the intention of being administered in support of the principle of academic freedom.

**2.1.2. Supportive Academic Environment**

University of the West intends to provide a supportive academic environment. We seek ways to encourage its members to succeed and grow.

**2.1.3. Accountability for University Resources**

All members of the university community have the responsibility to protect university resources for which they have access or custodianship. Members of the university community are accountable for their access to and use of university resources.

**2.1.4. Personal Use and Privacy**

The university recognizes that students, faculty, and staff have reasonable expectations of privacy in their uses of information technology resources. However, rights to privacy are constrained in the university environment because (1) the university owns and supplies these information technology resources to its faculty, staff, and students fundamentally for the purpose of accomplishing its academic missions, (2) the information technology resources contain many closely shared environments and resources and the rights of other users must be taken into account, and (3) legal and ethical restrictions apply. Individuals may have access to unconstrained use through private or commercial systems located at their residences or elsewhere. Resources or systems owned and maintained by the university for the benefit of the academic community are primarily intended for use for the university, not personal or business communications.

**2.1.5. Relationship to Division or Departmental IT Policies**

Divisions and departments within the university may adopt additional information technology policies that are specific to their operations, provided such requirements are consistent with this policy and the unit provides a copy of more specific unit policies to the university IT Manager. In the event of inconsistency, the provisions of this policy will prevail unless the more specific policies are necessary to meet legal requirements governing certain types of information, in which case the more specific legal requirements and related policy will take precedence.

**3. SCOPE**

**3.1. People to Whom Policy Applies**

This policy applies to everyone who accesses university information technology resources, whether affiliated with the university or not, whether on campus or from remote locations, including but not limited to students, faculty, staff, contractors, consultants, temporary employees, guests, and volunteers. By accessing university information

technology resources, the user agrees to comply with this policy.

### **3.2. Definition of Information Technology Resources**

Information technology resources for purposes of this policy include, but are not limited to, university-owned transmission lines, networks, wireless networks, servers, exchanges, internet connections, terminals, applications, and personal computers. Information technology resources include those owned by the university and those used by the university under license or contract, including but not limited to information recorded on all types of electronic media, computer hardware and software, paper, computer networks, and telephone systems. Information technology resources also include, but are not limited to, personal computers, servers, wireless networks, and other devices not owned by the university but intentionally connected to the university-owned information technology resources (other than temporary legitimate access via the world wide web access) while so connected.

## **4. PRIVACY**

### **4.1. ACCESS RESTRICTIONS FOR PERSONAL COMMUNICATIONS**

**4.1.1.** The university will not, without user permission, monitor, review or otherwise access personal communications (defined below) sent or received (e.g., email), created or stored on information technology resources, except pursuant to the Access Procedures set forth in section II, which permits access when determined reasonable by a senior administrative officer or for information technology management. The reasons for which access to personal communications can be granted include, but not are limited to, the following circumstances:

- 4.1.1.1.** To investigate or prevent a violation of law or university policy;
- 4.1.1.2.** To minimize or stop computer activity that interferes with the university's network or other computer operations;
- 4.1.1.3.** To comply with a subpoena, warrant, court order or similar legal process, including a discovery request or a litigation stay order issued by or investigation undertaken by the Office of Counsel in connection with a potential claim in anticipation of litigation; OR
- 4.1.1.4.** When the user is unwilling, unable or unavailable to consent, to access personal communications needed by another university employee in order to fulfill a teaching, research, or other legitimate university function.

**4.1.2.** The access restrictions and approval process of this policy do not apply to electronic communications and records supporting

university communications when accessed by authorized individuals for the purpose of carrying out university business. The approval process described below applies only if access is sought to personal communications.

- 4.1.3.** "Personal communications" are limited to faculty and student research, teaching, learning or personal (i.e. non-university related) emails, documents, and correspondence. All other emails, documents, and correspondence prepared by a faculty member, student, or employee in connection with his or her job responsibilities are defined as "university communications" and may be accessed as needed for the purpose of carrying out university business without seeking prior approval.
- 4.1.4.** "University business" refers to the university's activities and functions, including, but not limited to, academic and administrative functions in the areas of teaching, student life, and research, as well as supportive administrative services.

## **5. ACCESS PROCEDURES**

### **5.1. University Communications**

- 5.1.1.** University Communications may be accessed for the purpose of carrying out university business by individuals with authority to deal with communications related to their subject matter without prior permission from a university official.
- 5.1.2.** The purpose of the access is critical to the determination that prior permission from a university official is not necessary for access.
- 5.1.3.** It is understood in the environment of information technology resources that there may not always be a physical separation of electronic records between university business and personal communications. If material is found during a legitimate search for university communications that indicates a potential violation in personal communications of university policy, including this policy, or illegal use, the individual(s) involved in the search should halt the search, secure the relevant information technology resources and seek permission to access the personal communications under the procedure set forth under section 2. Users are reminded of the general principle in section I that resources and systems owned and maintained by the university are intended for use for the university and not for personal or business communications. Individuals who want unconstrained

use and privacy should use private or commercial systems located at their residence or elsewhere, not university IT resources. Individuals using university IT resources should recognize that complete privacy is not assured and should refrain from creating or keeping on university IT resources communications that they wish to keep private.

## **5.2. Personal Communications**

**5.2.1.** Anyone seeking access to personal communications (see definition in section I) without user consent must first present to a senior university official reasonable cause for gaining such access. (See section I for examples of reasonable cause.) If the initiator of the request is a senior university official, the request must be approved by another senior university official. An individual cannot initiate a request for access and also be part of the decision-making process. Permission should generally be sought from the official in charge of the school or division relevant to the search if that official is available.

**5.2.2.** In requesting access to personal communications without user consent, the person seeking access should provide to the official relevant information available to support the reasonable cause. The request regarding access should be in writing (email is preferable) to the official with a copy sent to the President's Office. The decision of the official must be in writing (email is preferable) directed to the person requesting access with a copy to the President's Office and, if access is granted, a copy to the Information Technology Manager and team member who will oversee access.

**5.2.3.** If access is granted, the official should designate a manager-level member of the university information technology service or relevant other information technology unit, as appropriate, to conduct the access and review or to directly supervise the review and access if carried out by a technician with the appropriate skills. To the greatest extent practicable, the IT staff should access or review only communications or data necessary to meet the purpose underlying the request. If other information is gathered by necessity or accident, it should be returned to the user or securely discarded at the end of the investigation. The IT reviewer should communicate his or her findings from the access or review to the individual whose request for access or granted or to such other person(s) as the Official designated.

**5.2.4.** Generally, the user will be notified that access has been granted. In some circumstances, however, notice will not be given, such as in those cases when notice would compromise the reviewer's ability to achieve the underlying reason for the request, when a court or law enforcement agency directs the university not to give notice, when notice is impracticable under the circumstances or when the review is not directed at a particular user. The officer who grants access must decide in each case whether notice to the user is appropriate.

## **6. Information Technology Management**

The university may use mechanisms to manage the information technology operations, including (but not limited to) spam and virus detection and elimination; limitation of network volume or blockage of access to specify file types or sites; or restriction of access to sites that present a security risk to the university's systems or experience high volumes of network traffic unrelated to the academic missions of the university. Use of such mechanisms must be approved by manager-level university information technology (IT) staff or any other person designated by the IT manager and must be consistent with legitimate university business needs.

## **7. USAGE**

### **7.1. RESPONSIBILITIES OF USERS**

#### **7.1.1. Responsible, Efficient Use Related to University Purposes**

**7.1.1.1.** Access to university resources is a privilege granted to members of the university community that carries with it the responsibility to use resources for university related activities, responsibly and efficiently. The responsibilities and limitations that are inherent in academic culture and ethics, or are required by law or university policy, apply in the context of technology just as they apply in other contexts in the university.

**7.1.1.2.** Any personal use of university information technology resources, as opposed to use to further the university's business and academic, research, should be incidental, intermittent and minor; should not interfere with the mission of the university; and should be consistent with applicable law and university policy. Legitimate use of a computer, computer system or network does not extend to whatever is technically possible. Users must abide by all applicable restrictions, whether or not built into the

operating system or network and whether or not they can be circumvented by technical means.

**7.1.1.3.** University policies that govern personal conduct and use of university facilities apply to the use of all university resources, including information technology, in addition to the specific rules related to information technology contained in this policy.

**7.1.1.4.** For students living in the dormitories with the university as their sole Internet Service Provider alternative, reasonable personal use is permitted subject to the rest of the provisions of this policy.

**7.1.2.** Integrity of Information Technology Resources

Members of the University of the West community should respect the integrity of information technology resources. The following restrictions apply to all users except as authorized for information technology staff in order to allow them to provide operations support.

**7.1.3.** Unauthorized Modification and Destructive Programs

Except for programs and files that users create, modify and maintain in the normal course of business, users may not attempt to modify without proper authorization university information technology resources, documents or work products of others or attempt to crash or interfere with information technology operations. Users may not tamper with any software protections or restrictions placed on information technology resources.

**7.1.4.** Authorized use

Users may use only their own computer accounts and use them only in the manner and to the extent authorized. Users may not supply false or misleading data nor use another's password in order to gain access to information technology resources. Users may not subvert or attempt to subvert the restrictions associated with any computer account.

**7.1.5.** Accountability

Users are responsible for all use of their computer account(s) and equipment and can be held accountable for misuse even if by others if they have not used reasonable care. They should make appropriate use of the system and network-provided protection features and take precautions against others obtaining access to their information technology resources. Each user is responsible for maintaining individual password security (or other account security.)

**7.1.6.** Encroaching on Others' Access and Use

Users may not encroach on others' use of information technology resources. Such prohibited activities include, but are not limited

to: tying up computer resources; sending harassing messages; sending frivolous or excessive messages, including chain letters, junk mail, and other types of broadcast messages, either locally or over the internet; inappropriate or excessive use of ITS support staff time or inappropriate or excessive use of the system, including network, bandwidth or storage; introducing computer viruses, worms, Trojan Horses, or other rogue programs to university of the West hardware or software or failing to take appropriate steps to prevent the introduction of such; physically damaging systems; and running inefficient programs when efficient ones are available.

**7.1.7. Deceptive Practices**

Users may not use or create links to the university information technology resources that are not authorized or that cloak or hide the identity of the user or the fact that the system used belongs to the university.

**7.1.8. Identity of Users**

All users, including, but not limited to, those standing behind local routers and wireless routers and firewalls, must be identified or identifiable when using the university systems and network.

**7.1.9. Copyrights and Licenses**

Users of university information technology resources must comply with copyright and licensing restrictions and with applicable university policies. University information technology resources may not be used to violate copyright or the terms of any license agreement. Unauthorized downloading and distributing copyrighted material is prohibited. The university recognizes that the purpose of copyright is to protect the rights of the creators of intellectual property and to prevent the unauthorized use or sale of works. No one may use university information technology resources to inspect, modify, distribute, or copy proprietary data, directories, programs, files, disks or other software without proper authorization.

**7.1.10. Publication, Defamation and University Reputation**

Users must remember that information distributed through the university's information technology resources is a form of publishing, and publishing standards apply. Anything originating from the university network or website may be interpreted by others to represent UWest and not just an individual. Even with disclaimers, the students, faculty and staff may appear to represent the university, requiring the use of appropriate language, behavior and style so as not to damage the reputation of the university or incur liability. Users must refrain from stating or implying that they speak on behalf of the university and from using university trademarks and logos without authorization to do so.

**7.1.11. Publicly Available Electronic Communication**

Publicly available electronic communications created and maintained by individual faculty or administrative staff that are housed on or linked from the university servers or use the university domain, including, but not limited to, web pages, chat rooms, and web logs (also known as blogs), must follow all the usage rules as set forth in this policy.

**7.1.12. University, School, or Departmental Electronic Communication Resources**

University, school, or departmental electronic communication resources, such as official faculty or administrator web pages, should contain only material germane to university and/or academic matters.

**7.2. Personal Electronic Communication Resources**

**7.2.1.** Faculty and administrative staff may establish personal web sites, chat rooms, web logs (also known as blogs) and other forms of publicly available electronic communications using university information technology resources on separate pages that are linked to their page on official university, school, or departmental electronic communication provided that the personal electronic communication page carry in a prominent place this statement: "The views, opinions and material expressed here are those of the author and have not been reviewed or approved by the University of the West." Personal electronic communication resources hosted on university information technology resources must follow all the rules set forth in this policy, except that they may contain personal information not germane to university business.

**7.2.2.** Faculty, students and administrative staff in their personal capacities may, of course, establish and use personal electronic communication resources not using university information technology resources that do not comply with this policy, but if such a personal electronic communication resource is linked to official electronic communication resources, the personal electronic communication must comply with all the rules of this policy.

**7.2.3. Prohibited Uses**

Use of university information technology resources (including but not limited to electronic or email, instant messaging and similar systems) for any of the following is prohibited:

**7.2.3.1. Partisan Political Activity**

University resources, including information technology



resources, are prohibited by law from being used for partisan political activities, including giving or receiving endorsements or funds in connection with a campaign for elective governmental office within the United States. Individuals may, of course, express their opinions on and be involved with partisan political activities but they should do so as a personal activity. The name of the university or any of its schools or departments, including its website (except for personal pages with appropriate disclaimer as described above), may not be used in connection with partisan political activity. If the university title of a faculty or staff member is used in connection with any partisan political activity, it must be accompanied by a statement that the person is speaking as an individual and not as a representative of the university.

**7.2.3.2. Illegal Activity**

Use of university information technology resources must comply with all applicable laws, university rules and policies, and all contracts and licenses. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies contracts, and licenses applicable to their particular uses.

**7.2.3.3. Commercial Activity or Personal Gain**

University resources, including information technology resources, may not be used for or to transmit commercial or personal advertisements, solicitations, endorsements or promotions unrelated to the business of the university.

**7.2.3.4. Property or Identity of Others**

University resources, including information technology resources, may not be used to seek, use, transfer, disseminate, or steal the property of others, including personal identity information, student records, or individually identifiable health information, except as permitted by law, which generally only allows use of personal identity information on a legitimate need to know basis to permit the proper conduct of university business. Users should respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected.

**7.2.4. Security Risks and/or Sensitive Data**

Please consult the Office of Information Technology for more specific suggestions concerning safe use of the system. More specific rules also govern the use of some kinds of particularly sensitive data.

**8. INTERNET DAILY DATA TRANSFER LIMIT**

- 8.1.** Network bandwidth at the university is a shared resource for students, faculty, and staff. When an active user performs any of the activities listed below, the bandwidth threshold rises to a higher than usual rate, which will seriously impair the service of other users.
- 8.2.** The following activities will exceed the bandwidth usage thresholds:
  - 8.2.1.** Continuously streaming media content such as Netflix, Hulu, etc.
  - 8.2.2.** Extensive downloading of large applications or files.
  - 8.2.3.** Extensive use of online backup services for home movies, photos, and/or large email attachments, such as Dropbox, Google Drive, iCloud, etc.
  - 8.2.4.** In order to ensure that all users have a fair amount of access to the internet over the network, there is a 10 GB upload/download (combined) data transfer limit per day starting at midnight every day.
  - 8.2.5.** To ensure that all students adhere to the data transfer limit, certain consequences for non-compliance are put into effect:
    - 8.2.5.1.** The first time that a student exceeds the daily bandwidth limit, the student will receive a warning email with a reminder of UWest’s current IT policy.
    - 8.2.5.2.** After this warning, each subsequent time that a student exceeds the university bandwidth limit, the student’s internet service will be temporarily suspended.
    - 8.2.5.3.** The consequences, in summary, are as follows:
 

|                       |  |
|-----------------------|--|
| 1st offense           | Warning email                              |
| 2nd offense           | 1-business day internet access suspension  |
| 3rd offense           | 3-business day internet access suspension  |
| 4th offense and above | 5-business days internet access suspension |

Note: Internet services will be restored on the business day following any suspension.

**9. WARNING ABOUT USING THE SYSTEM AND THE INTERNET**

The university cannot guarantee protection against the existence or receipt of material that may be offensive or guarantee privacy or security. All users of electronic communications are warned that they may come across or be recipients of material they find offensive. Those who use email and/or make information about themselves available on the internet are warned that the university cannot guarantee an individual’s protection from invasions of privacy and other possible dangers that could result from the individual’s distribution of personal information. Users should therefore engage in “safe computing” practices by establishing or agreeing to installation of appropriate access restrictions for their accounts, guarding their passwords,

and changing them regularly.

## **10. ENFORCEMENT**

Violations of this policy will be handled under normal university disciplinary procedures applicable to the relevant persons or departments. The university may suspend, block, or restrict access to information and network resources when it reasonably appears necessary to do so in order to protect the integrity, security, or functionality of university resources or to protect the university from liability. The university routinely monitors the use of information technology resources to assure the integrity and security of university resources. The university may refer suspected violations of applicable law to appropriate law enforcement agencies.

## **11. CALIFORNIA PENAL CODE SECTION 502**

**11.1.** Under California Penal Code Section 502, any person who commits any of the following acts not only violates this policy but will also be guilty of a public offense and may be fined or imprisoned or both:

- 11.1.1.** Knowingly accesses and without permission alters, damages, deletes, destroys, or otherwise uses any data, computer, computer system, or computer network in order to either (A) devise or execute any scheme or artifice to defraud, deceive, or extort, or (B) wrongfully control or obtain money, property, or data.
- 11.1.2.** Knowingly accesses and without permission takes, copies, or makes use of any data from a computer, computer system, or computer network, or takes or copies any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network.
- 11.1.3.** Knowingly and without permission uses or causes to be used computer services.
- 11.1.4.** Knowingly accesses and without permission ads, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a computer, computer system, or computer network.
- 11.1.5.** Knowingly and without permission disrupts or causes the disruption of computer services or denies or causes the denial of computer services to an authorized user of a computer, computer system, or computer network.
- 11.1.6.** Knowingly and without permission provides or assists in providing a means of accessing a computer, computer system, or computer network in violation of this section.

- 11.1.7.** Knowingly and without permission accesses or causes to be accessed any computer, computer system, or computer network.
- 11.1.8.** Knowingly introduces any computer contaminant into any computer, computer system, or computer network.
- 11.1.9.** Knowingly and without permission uses the internet domain name of another individual, corporation, or entity in connection with the sending of one or more electronic mail messages, and thereby damages or causes damage to a computer, computer system, or computer network.

## **12. APPROVAL AND REVIEW**

To continue to support university technology resources, further policy and procedural development is planned. Future policy revision will likely include additional material concerning information security, data classification, and network administration. The policy will be reviewed and may be changed.

## **13. WHERE TO ASK**

For any IT-related question, call or email: [helpdesk@uwest.edu](mailto:helpdesk@uwest.edu).

## **XI. Family Educational Rights and Privacy Act (FERPA)<sup>2</sup>**

1. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

2. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - 2.1. School officials with legitimate educational interest;
  - 2.2. Other schools to which a student is transferring;
  - 2.3. Specified officials for audit or evaluation purposes;
  - 2.4. Appropriate parties in connection with financial aid to a student;
  - 2.5. Organizations conducting certain studies for or on behalf of the school;
  - 2.6. Accrediting organizations;
  - 2.7. To comply with a judicial order or lawfully issued subpoena;
  - 2.8. Appropriate officials in cases of health and safety emergencies; and
  - 2.9. State and local authorities, within a juvenile justice system, pursuant to specific State law.

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<sup>2</sup> Source: U.S. Department of Education

3. Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.
4. **Exceptions to FERPA for International Students (students with an F1 Visa status)**
  - 4.1. "Generally, FERPA restricts the ability of an educational agency or institution that accepts certain Federal funding to disclose personal information contained in a student's educational record. In accordance with section 641(c)(2) of IIRIRA, however, the Commissioner is permitted to waive FERPA to the extent necessary to implement SEVIS."
  - 4.2. For more information on exceptions to FERPA for international students, please visit:  
[http://www.ice.gov/pi/news/factsheets/0212FINALRU\\_FS.htm](http://www.ice.gov/pi/news/factsheets/0212FINALRU_FS.htm)